

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES

(1) Name of Claimant Julian Tomera Ranches, Battle Mountain Division

P.O. Box 276 of Battle Mountain
Street and No. or P.O. Box No. City or town
Nevada 89820
State and Zip code No.

(2) Source of water Harry Canyon Creek and springs, branches and tributaries
Name of natural water source.

(3) The water is diverted by natural channel
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) Portions of Harry Canyon Creek
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated.

beginning at the Grazing Area Boundary in the NW¹/₄SE¹/₄ Section 18, T.28 N., R.45., MDM,
Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

at a point from which the NW corner Section 6, T.28 N., R.45 E., MDM, bears N 12°57' W, 13,939

feet, and following the natural channel to its confluence with Unnamed Spring No. 1 in the

NW¹/₄SE¹/₄ Section 12, T.28 N., R.44 E., MDM, and thence following the natural channel to the

Grazing Area Boundary in the NE¹/₄NW¹/₄ Section 3, T.28 N., R.44 E., MDM, at a point from
^{Lot 3} (Lot 3) ~~was~~

which the NW corner of Section 34, T.29 N., R.44 E., MDM bears N 24° 18' W, 6,264 feet; and a

portion of Unnamed Branch No. 1 beginning at the Grazing Area Boundary in the NW¹/₄SW¹/₄

Section 17, T.28 N., R.45 E., MDM, at a point from which the NW corner of Section 6, T.28 N.,

R.45 E., MDM, bears N 22° 38' W, 15,024 feet, and following the natural channel to its confluence

with Harry Canyon Creek in the NE¹/₄SW¹/₄ Section 18, T.28 N., R.45 E., MDM; and Unnamed

Branch No. 2 rising in the NW¹/₄SE¹/₄ Section 17, T.28 N., R.45 E., MDM, and following the

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natural channel to its confluence with Unnamed Branch No. 1 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T. 28 N., R. 45 E., MDM; and Unnamed Tributary No. 1 rising in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17, T.28 N., R. 45 E., MDM, and following the natural channel to it's confluence with Unnamed Branch No. 2 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ said section 17; Unnamed Branch No. 3 rising in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 17 and following the natural channel to its confluence with Unnamed Branch No. 1 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T.28 N., R.45 E., MDM; and Unnamed Branch No. 4 rising in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T.28 N., R.45 E., MDM, and following the natural channel to its confluence with Unnamed Branch No. 1 in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, T.28 N., R.45 E., MDM; and Unnamed Branch No. 5 rising in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T.28 N., R.45 E., MDM, and following the natural channel to its confluence with Harry Canyon Creek in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.28 N., R.44 E., MDM; and a portion of Unnamed Branch No. 6 beginning at the Grazing Area Boundary in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, T.28 N., R.44 E., MDM, at a point from which the NW Corner of Section 6, T.28 N., R.45 E., MDM, bears N 25° 14' E, 9, 455 feet, and following the natural channel to its confluence with Harry Canyon Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ said Section 12; and Unnamed Branch No. 7 rising in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7. T.28 N., R.45 E., MDM, and following the natural channel to its confluence with Harry Canyon Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, T.28 N., R.44 E., MDM; and Unnamed Branch No. 8 rising in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T.28 N., R.44 E., MDM and following the natural channel to its confluence with Unnamed Branch No. 7 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.28 N., R.44 E., MDM; and Unnamed Tributary No. 2 rising in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 6, T.28 N., R.45 E., MDM, and following the natural channel to its confluence with Unnamed Branch No. 8 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12 T.28 N., R.44 E., MDM; and Unnamed Branch No. 9 rising in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, T.28 N., R.44 E., MDM, and following the natural channel to its confluence with Unnamed Branch No. 7 in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T.28 N., R.44

E., MDM; and Unnamed Branch No. 10 rising in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T.28 N., R.44 E., MDM
and following the natural channel to the Grazing Area Boundary in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T.29
N., R.44 E., MDM, at a point from which the NW corner said Section 34 bears N 35° 32' W, 4,519
feet; and Unnamed Tributary No. 3 rising in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T.28 N., R.44 E., MDM, and
following the natural channel to its confluence with Unnamed Branch No. 10 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ said
Section 3; and Unnamed Tributary No. 4 rising in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T.29 N., R.44 E.,
MDM, and following the natural channel to its confluence with Unnamed Branch No. 10 in the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 34; and Unnamed Tributary No. 5 rising in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 3, T.28
N., R.44 E., MDM, and following the natural channel to the Grazing Area Boundary in the
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T.29 N., R.44 E., MDM, at a point from which the NW corner of said
Section 34 bears N 28° 20' W, 5,467 feet.

- (5) The water is impounded in natural channel
Troughs, tanks, pools, reservoir, natural channel, etc.
- (6) The construction of the ditch or other works was begun none
Date
 and completed _____
Date
- (7) The nature of the claimant's title to the land upon which the source of water and place of use
 are located is A combination of private lands and public domain with grazing permits
Patented, deeded, public domain with grazing permit, etc.
- (8) The claimant's water right was (was not) recorded in the office of the County Recorder of

 _____ County, at Page _____ of Book _____ of _____
NOTE-Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).
- (9) The approximate number of animals watered by the claimant during the first year _____
Date
 was _____ cattle _____ horses _____ sheep or wildlife (describe) _____
Other

The watering was conducted during each of the following months _____

This portion of Harry Canyon Creek lies entirely within the area previously operated by W.T. Jenkins Ranch. Stock operations for the Jenkins operation date back to 1889; therefore, water usage and accompanying rights also date back to that period. This portion of the ranch is now a part of the Julian Tomera Ranches, Battle Mountain Division, whose Argenta Unit Grazing Allotment now encompasses these same grazing areas previously operated by W.T. Jenkins. In addition, the Rufli ranch operated cattle in this area beginning in the late 1880's and according to a deposition by Leroy Horn (see accompanying letter), who sold AUM'S and railroad land leases to the Tomera Ranches, the livestock would have been watered in Harry Canyon Creek.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: _____
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given.

(11) The amount of water which has been necessary to be diverted for this purpose has been _____ cubic feet per second.
448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at The Place of Use is as Follows: W¹/₂SE¹/₄, SE¹/₄SE¹/₄, E¹/₂SW¹/₄ Section 34, T.29 N., R.44 E., MDM; SW¹/₄SW¹/₄ Section 6 and N¹/₂NW¹/₄, W¹/₂NE¹/₄, SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, SW¹/₄SE¹/₄ Section 7 and NW¹/₄SE¹/₄, SW¹/₄NE¹/₄, N¹/₂SW¹/₄, SW¹/₄NW¹/₄, N¹/₂NW¹/₄ Section 17 and N¹/₂SE¹/₄, N¹/₂, NE¹/₄SW¹/₄ Section 18 all located in T.28 N., R.45 E., MDM; E¹/₂NE¹/₄ Section 13 and SE¹/₄SE¹/₄, W¹/₂SE¹/₄, N¹/₂SW¹/₄, NW¹/₄, N¹/₂NE¹/₄, SE¹/₄NE¹/₄ Section 12 and NE¹/₄NE¹/₄ Section 11 and S¹/₂SE¹/₄, N¹/₂SW¹/₄, SW¹/₄SW¹/₄, SE¹/₄NW¹/₄ Section 1 and S¹/₂SE¹/₄, NW¹/₄SE¹/₄, N¹/₂SW¹/₄ Section 2 and N¹/₂SE¹/₄, NE¹/₄, NE¹/₄NW¹/₄ Section 3 all located in T.28 N., R.44 E., MDM.

Remarks _____

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Julian Tomera Ranches, Battle Mountain Division

are full and correct to the best of his knowledge and belief.

The undersigned deponent is acting as Agent for the claimant

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

Julian Tomera Ranches, Battle Mountain Division
Claimant

Telephone No. (702) 635-5610

By William A. Nesbet Agent

421 Court Street

Street and No., or P.O. Box No.

Elko, NV 89801

City, State, Zip Code No.

Telephone No. (702) 738-2121

Subscribed and sworn to before me this 20 day of February, 1996.
by William A. Nesbet
Coralee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1998

\$50 FILING FEE MUST ACCOMPANY PROOF

