Serial No. 09648

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claiment Julian Tomera Ranches, Inc., Battle Mountain Division

PO Box 276 (Street and No. or P. O. Box No.) of Battle Mountain (City and Town)

Nevada 89820-0276 (State and Zip Code No.)

(2) Source of water Unnamed Creek No. 3 (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) headwaters of Unnamed Creek No. 3 arising in SE¼SE¼ Section 24, and the NE¼NE¼ Section 25, T.32N., R.46E., M.D.M., then following the natural stream channel to a point in the NE¼SE¼ Section 27, T.32N., R.46E., M.D.M., from which the SE corner of Section 35, in said township, bears S.42°33'E., 8,663 feet distant

(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. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such)

(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 souce of water and place of use are located is a mixture of private lands and public lands with grazing permit. (Patented, deeded, public domain with grazing permit, etc.)

(8) The claimant's water right 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 1889
Date

was 150 cattle 10 horses 1000 sheep or wildlife (describe) _____
Other

the watering was conducted during each of the following month January 1 through December 31

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

150 cattle, 10 horses and 1000 sheep.

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 feet per second.

(12) The works are located at SE¼SE¼ Section 24; NE¼, S½NW¼, NW¼SW¼ Section 25; SE¼NE¼, N½S½
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

Section 26, and NE¼SE¼ Section 27, all in T.32N., R.46E., M.D.M.

land, it should be stated.

Remarks _____

Remarks

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

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

The undersigned deponent is acting as agent for claimant.

If proof is not made by claimant, deponent should state on this line by firtue of what authority he represts the claimant

Julian Tomera Ranches, Inc. Battle Mountain Division

Claimant

Telephone No. (775) 635-5610

By William A. Nisbet Agent

Signature, applicant or agent

421 Court Street

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

Elko, NV 89801

City, State, Zip Code No.

Telephone No. (775) 738-2121

CORALEE GRISWOLD
Notary Public, State of Nevada
Appointment No. 94-1860-6
My Appt. Expires May 29, 2010

Subscribed and sworn before me this 25th day of April, 2007

by William A. Nisbet

Notary Public in and for the County of Elko, State of Nevada

My commission expires May 29, 2010

$50 FILING FEE MUST ACCOMPANY PROOF