Serial No. 09681

AMENDED

THE STATE OF NEVADA

PROOF OF SUBSISTING RIGHT OF WATER FOR

STOCK WATERING PURPOSES

Pursuant to N.R.S. 533.492

(1) Name of Claimant Barnes Ranches, Inc., a Nevada Corporation [Street and No. or P. O. Box No.] HC 30, Box 347 **of** [City or town] Spring Creek [State and Zip Code No.] Nevada 89815-9755.

(2) Source of water [Name of natural water source] Unnamed Creek #2 and all springs and tributaries within its drainage.

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

(4) The water is diverted at the following point(s) [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 reach.]

Throughout the reach of the channel beginning at 2 points within the W½SW¼ of Section 2, T28N,R57E, MDB&M from which the West one-quarter corner of Section 28 bears N44°56'39"W a distance of 16,704.48 feet as to the first point, N41°51'19" West a distance of 17,288.20 as to the second point, thence down the channel to a point in Section 10, T28NR57E, MDB&M from which the west one-quarter of Section 28, T29N, R57E, MDB&M bears N28°02'28"W a distance of 17,911.90 feet.

(5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] Natural Channel

(6) The construction of the ditch or other works was begun [Date] DNA **and completed** [Date] DNA.

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is [Patented, deeded, public domain with grazing permit, etc.] Forest Reserve Lands upon which claimant holds a grazing permit described as follows: Township 28 North, Range 57 East, MDB&M

Section 2: W½SW¼

Section 3: SE¼SE¼

Section 10: NE¼; SE¼NW¼; NE¼SW¼

(8) The claimant's water right *was not* recorded in the office of the County Recorder of _____ County, at Page _____ of Book _____ of _____.

(9) The items of evidence for the numbers of livestock and date of priority are Affidavit of Walter I. Leberski, Affidavit of Paula Bergeron, Affidavit of James L. Gregory and Chain of Title.

(10) The approximate number of animals watered by the claimant during the first year [Date] 1882 **was** 100 **cattle,** _____ **horses** _____ **sheep or** [Other] _____. **The watering was conducted during each of the following months** May 1 - November 1.

(11) 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] 160 Cattle - see remarks.

. **(12) The amount of water which has been necessary to be diverted for this purpose has been** [448.83 gal. per min. equals 1 cubic foot per second] 0.005 **cubic feet per second.**

(13) The works are located at [Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

NONE

Remarks (Improvements, title, etc.)

The area of use of the source of water of this proof is within the Harrison Pass allotment of the Ruby Mountain Ranger District, Toiyabe-Humboldt National Forest. In order to hold a grazing permit within the Forest Reserve, it is necessary the permitter be a successor in interest to a party who grazed livestock within the area prior to the creation of the Forest Reserve in 1905. The claimant is a successor of Albert Hankins grazed livestock in the area of the source as shown on the Zunino Chain of Title attached. Affidavits of Walter I. Leberski, Paula Bergeron and James L. Gregory.

The priority claimed is 1882 based upon priorities for irrigation water as recognized in the Humboldt River Adjudication and tax assessment records of Elko County, Nevada. The Humboldt River Adjudication shows irrigation of the ranch property which was associated with grazing use within the area of the source began in 1871 with the development of the majority of the irrigated lands having various other years of priority up until 1881.

In 1882, the Elko County Tax Records assessed the Henry Bros. (Gilbert and Joseph Henry) for 60 horses, 20 cows and 250 stock cattle and for the property known as the Charles Adams Ranch and a ranch upon Smith Creek. By 1897, predecessors to the claimant were assessed for the following livestock numbers:

Joseph Henry	125 horses & 150 cattle
Thomas Moody	40 horses & 40 cattle
Charles Adams	350 cattle

By 1903, Hankins Bros. had consolidated the ownership of private owned property in Ruby Valley (T29N, R58E, MDM) and Mound Valley (T29N, R56E, MDM) for which they were assessed along with 950 head of cattle.

The vicinity of the ranch property to the present Forest lands the fact that the livestock were grazed upon the open range in the area of the source and the recognition of the Forest Service of such use by a later grazing permit evidences use upon the source prior to 1905. The priority year of 1882 is considered to be conservative. The number of livestock on the source coincides with the number of livestock permitted at the present time.

The allotment is in a grazing rotation management plan. Therefore the livestock do not use the source during the entire period of May 1 to November 1, but during the portion of the grazing season allowed under the plan.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Barnes Ranches, Inc. are full and

correct to the best of his knowledge and belief

_____

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

_____

BARNES RANCHES, INC.
CLAIMANT:

Telephone No.:_____

By: Harvey Barnes
_____

_____

Telephone No.:_____

Subscribed and sworn to before me this 26th day of Nov, 2007.

Walter I. Leberski
NOTARY PUBLIC

Notary Public in and for the County of _____

My Commission expires_____

WALTER I. LEBERSKI
NOTARY PUBLIC • STATE of NEVADA
Elko County • Nevada
CERTIFICATE # 92-0851-6
APPT. EXP. NOV. 1, 2008

$50 FILING FEE MUST ACCOMPANY PROOF

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_____

Barnes Ranches, Inc.
CLAIMANT:

Telephone No.:_____

By: Harvey Barnes
Harvey Barnes, President

_____

Telephone No.:_____

Subscribed and sworn to before me this 13th day of Sept, 2007.

Walter I. Leberski
NOTARY PUBLIC

Notary Public in and for the County of _____

My Commission expires_____

WALTER I. LEBERSKI
NOTARY PUBLIC • STATE of NEVADA
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STATE ENGINEER'S OFFICE