

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 Spring and Channel

(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 commencing at a point in the SW¹/₄NW¹/₄ of Section 30, T28N, R56E, MDB&M from which the northeast corner of said Section 30 bears N62°25'45"E a distance of 4,922.36 feet, thence northwesterly down the channel to a point in the SE¹/₄NW¹/₄ of Section 14, T28N, R55E, MDB&M from which the northeast corner of said Section 14 bears N62°30'32"E a distance of 3,075.31 feet.

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

(6) The construction of the ditch or other works was begun [Date] N/A and completed [Date] N/A

(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.] Public domain upon which claimant holds a grazing permit described as follows:

T28N, R55E, MDB&M

Section 13: SW ¹/₄SW¹/₄;

Section 14: SE¹/₄NW¹/₄; SW¹/₄NE¹/₄; N¹/₂SE¹/₄; SE¹/₄SE¹/₄;

Section 24: W¹/₂NW¹/₄; SE¹/₄NW¹/₄; NE¹/₄SW¹/₄; W¹/₂SE¹/₄;

Section 25: N¹/₂NE¹/₄; SE¹/₄NE¹/₄.

T28N, R56E, MDB&M

Section 30: Lots 8

(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

1. Affidavit of Anita O. Mitchell;

2. Affidavit of Floyd C. Slagowski;

3. Affidavit of Walter I. Leberski;

4. Chain of title which evidences predecessors in interest to claimant.

(10) The approximate number of animals watered by the claimant during the first year [Date] 1878 was unknown cattle, _____ horses _____ sheep or [Other] _____. The watering was conducted during each of the following months April 1 to 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] _____ See remarks. The number claimed is 175 cattle.

(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] 0.0055 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 - natural channel

Remarks [Improvements, title, etc.]

This claim is based upon use of the water by livestock prior to 1905 by Edward Carville, a predecessor to the claimant. The Humboldt River Adjudication provides accepted evidence of irrigation of lands presently owned by the claimant of irrigation use with priorities from 1870 to 1903. As it was necessary to graze livestock upon the open range during the growing season, Edward Carville probably started use of the open range and the water immediately after 1870 with limited numbers. In 1878 he acquired the major portion of the cultivated lands which would have provided a means to increase the livestock and their use of the claimed water. The numbers of livestock and season of use is from the Hillery Barnes Analysis by Harold E. Isaacson for 300 cattle utilizing stockwater in the area from April 1st to November 1st and 150 cattle from November 1st to November 15th.

Through the allotment program of the Bureau of Land Management, the claimant's area of use has been limited to the Twin Creeks Seeding with stockwater available from an unnamed spring and portions of a fork of Pearl Creek and the Pearl Creek Seeding with stockwater in Pearl Creek.

In effect this resulted in a consolidation of the use of stockwater with 175 cattle now in the unnamed spring and channel and 150 cattle on Pearl Creek.

As stated in the Hillery Barnes Analysis by Harold E. Isaacson, the Carville Ranch also made use on the Forest Reserve with 245 head of cattle. This would be the number of livestock licensed by the Forest Service. A permit upon the Humboldt National required use prior to 1905 and a priority of 1878 is claimed as the livestock were not fenced from the present Forest Reserve.

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

09688

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
Harvey Barnes, President

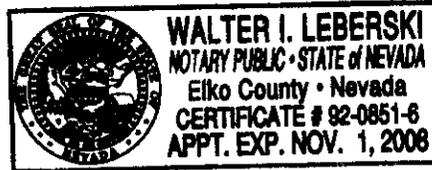
Telephone No.: _____

Subscribed and sworn to before me this 13th day of Sept, 2007 by Harvey Barnes, President.

Walter I. Leberski
NOTARY PUBLIC

Notary Public in and for the County of _____

My Commission expires _____



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