

**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] Pearl Creek

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

(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.]

There are four segments the channel of Pearl Creek in this claim. The segments are within separate fenced Bureau of Land Management allotment pastures and described as follows:

Segment 1.

Beginning at a point on the east line of Section 24, T28N, R56E, MDB&M from which the southeast corner of said Section 24 bears S00°00'00"E a distance of 963.27 feet, thence down the channel to a point in the NE¼SW¼ of said Section 24 from which the southeast corner of Section 24 bears S56°05'57"E a distance of 2,689.22 feet.

Segment 2.

Beginning at a point in the SW¼SW¼ of Section 24, T28N, R56E, MDB&M from which the southwest corner of said Section 24 bears S39°56'48"W a distance of 1455.81 feet, thence down the channel to a point within the NW¼SW¼ of Section 23, T28N, R56E, MDB&M from which the southwest corner of said Section 23 bears S20°40'51"W a distance of 1,712.10.

Segment 3.

Beginning at a point in NE¼SW¼ of Section 19, T28N, R56E, MDB&M from which the southeast corner of said Section 19 bears S52°43'00"E a distance of 4485.62, thence down the channel to a point in the NE¼SE¼ of Section 13, T28N, R55E, MDB&M from which the northeast corner of said Section 13 bears N 01° 12'03" E., a distance of 3535.73 feet.

Segment 4.

Beginning at a point in the SE¼NE¼ of Section 11, T28N, R55E, MDB&M from which the southeast corner of said Section 11 bears S03°00'42"E a distance of 3828.05 thence down the channel to a point in the NE¼NE¼ of said Section 11 from which the southeast corner of Section 11 bears S11°58'04"E a distance of 4,114.87feet.

- (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, R56E, MDB&M**

Section 23: N $\frac{1}{2}$ SE $\frac{1}{4}$ ; SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; N $\frac{1}{2}$ SW $\frac{1}{4}$

Section 24: Lots 5, 6 & 8; NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; SW $\frac{1}{4}$ SW $\frac{1}{4}$

**Unfenced Private Land:**

**T28N, R55E, MDB&M**

Section 11: E $\frac{1}{2}$  NE $\frac{1}{4}$

Section 13: E $\frac{1}{2}$  SE $\frac{1}{4}$

**T28N, R56E, MDB&M**

Section 18: SW $\frac{1}{4}$  SW $\frac{1}{4}$

Section 19: Lots 1 & 2; SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  SW $\frac{1}{4}$

- (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 150 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] 0.0047 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 1<sup>st</sup> to November 1<sup>st</sup> and 150 cattle from November 1<sup>st</sup> to November 15<sup>th</sup>.

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 knowledge and belief

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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:

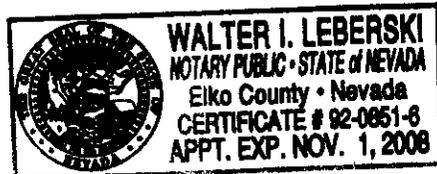
Telephone No.: \_\_\_\_\_

By: Harvey Barnes  
Harvey Barnes, President

Telephone No.: \_\_\_\_\_

Subscribed and sworn to before me this 26th day of Nov., 2007 by Harvey Barnes, President.

Walter I. Leberski  
NOTARY PUBLIC



Notary Public in and for the County of \_\_\_\_\_

My Commission expires \_\_\_\_\_

**\$50 FILING FEE MUST ACCOMPANY PROOF**

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\_\_\_\_\_  
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

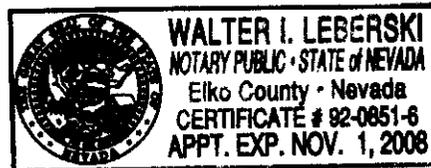
Telephone No.: \_\_\_\_\_

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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**\$50 FILING FEE MUST ACCOMPANY PROOF**