Serial No. 09690

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.] HC30, Box 347 **of** [City or town] Spring Creek

[State and Zip Code No.] NV 89815-9755 .

(2) Source of water [Name of natural water source] Green Mountain Creek & All springs and tributaries in its drainage area

(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 the head of the stream composed of 5 branches located as follows:

Branch 1: A point within the SE¼SW¼ of Section 22, T29N, R57E, MDB&M, from which the west quarter corner of Section 28, T29N, R57E, MDB&M, bears S 69°49'21"W, a distance of 7,872.67 feet.

Branch 2: A point within the NW¼NE¼ of Section 27, T 29N, R57E, MDB&M from which the west quarter corner of Section 28, T29N, R57E, MDB&M, bears S 76°59'44" W, a distance of 9680.70 feet.

Branch 3: A point within the NW¼SW¼ of Section 26, T29N, R57E, MDB&M, from which the west quarter corner of Section 28, T29N, R57E, MDB&M bears N 84°50'04"W, a distance of 12,387.46 feet.

Branch 4: A point within the SE¼SW¼ of Section 35, T29N, R57E, MDB&M, from which the west quarter corner of Section 28, T29N, R57E, MDB&M bears N 62° 05'36" W a distance of 14,809.04 feet.

Branch 5: A point within the NE¼NE¼ of Section 2, T28N, R57E, MDB&M, from which the west quarter corner of Section 28, T29N, R57E, MDB&M bears N 61°50'49" W a distance of 18,452.87 feet.

Thence from the head of each tributary down the channel to the end of the reach at a point within the SE¼SW¼ of Section 31, T29N, R57E, MDB&M, from which the southwest corner of said Section 31 bears S 89°08'10" W, a distance of 2234.63 feet.

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

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

(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 land upon which claimant holds a grazing permit described as follows:

Township 29 North, Range 57 East, MDB&M

Section 22: SE¼SW¼

Section 26: W½SW¼

Section 27: W½NE¼; E½NW¼; SW¼NW¼; N½SW¼; SE¼SW¼; S½SE¼

Section 28: N½S½

Section 29: N½SE¼; E½SW¼; SW¼SW¼

Section 31: E½NE¼; E½SE¼; SW¼SE¼; SE¼SW¼

Section 32: S½NE¼; S½NW¼; N½SW¼; N½SE¼

Section 33: S½N½; NE¼SE¼

Section 34: NW¼SW¼; S½S½; NW¼SE¼

Section 35: S½SW¼

Township 28 North, Range 57 East, MDB&M

Section 2: N½N½

Section 3: NE¼NE¼

(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 claim .

(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]

245 head of 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] 0.0077 cfs **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 channels

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.

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

_____

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

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

Notary Public in and for the County of _____

My Commission expires_____

$50 FILING FEE MUST ACCOMPANY PROOF

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Section 35: S½SW¼

Township 28 North, Range 57 East, MDB&M

Section 2: N½N½

Section 3: NE¼NE¼

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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, by Harvey Barnes, President.

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
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APPT. EXP. NOV. 1, 2008

$50 FILING FEE MUST ACCOMPANY PROOF

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