

**PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES**

- (1) Name of claimant Colvin & Son, LLC (successor in interest to John J. Casey)
37650 Ritter Road of Ritter,
Street and No. or P.O. Box No. City or town
Oregon 97856
State and Zip Code No.
- (2) Source of water Cactus Flat Well #3
Name of natural water source.
- (3) The water is diverted by well and windmill
Dam, ditch, pipe line, natural channel, spring area, etc.
- (4) The water is diverted at the following point(s) SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.1N., R.46E., M.D.M., at a
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.
point from which the SE corner of said section bears S.36°16'E., 3,890 ft. dist.
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 stock troughs
Troughs, tanks, pools, reservoir, natural channel, etc.
- (6) The construction of the ditch or other works was begun before 1915
Date
and completed Date unknown to claimant and affiant.
Date
- (7) The nature of the claimant's title to the land upon which the source of water and place of use are located is public domain: authorized range lessee
Patented, deeded, public domain with grazing permit, etc.
- (8) The claimant's water right was (was not) recorded in the office of the County Recorder of Nye County, at Page 382 of Book 46 of Deeds

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 est. 1915
Date
was 1,000 cattle 100 horses _____ sheep or wildlife (describe) _____
Other
The watering was conducted during each of the following months all year

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:
Same numbers as described above.
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
to water 1,000 cattle + 100 horses.
0.04 cfs, or sufficient cubic feet per second.
448.83 gallons per minute equals 1 cubic feet per second.

(12) The works are located at SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 9, T.1N., R.46E., M.D.M., now surveyed
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed
land, it should be stated.

Remarks The sole purpose in submitting this amended proof of appropriation
is to correct the legal description of the point of diversion and
place of use of this long-used well. New public land survey information
became available upon publication of a dependent resurvey of the township,
accepted June 10, 1970. Please refer to map filed in support of change
application #70076 to now support this amended proof of appropriation.
It is the intent of the claimant to withdraw application #70076.

Remarks _____

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Colvin & Son, LLC are full and correct to the best of his knowledge and belief.

Deponent is acting in capacity as agent of claimant

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

Colvin & Son, LLC

Claimant

Telephone No. (541) 421-3696

By William A. Nisbet

William A. Nisbet, agent

421 Court Street

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

Elko, Nevada 89801

City, State, Zip Code No.

Telephone No. (775) 738-2121



Subscribed and sworn to before me this 16th day of December, 2004

Coralee Griswold

Notary Public in and for the County of Elko

My commission expires May 29, 2006

STATE OF NEVADA

DEC 20 2004

RECEIVED

\$50 FILING FEE MUST ACCOMPANY PROOF

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR
STOCK WATERING PURPOSES

From Underground Source
Name of natural water course

Through Well No. 3 in Cactus Flat
Name of ditch, pipe line, etc.

William J. Johnstone, the undersigned, being first
duly sworn, deposes and says that the statements herein contained relative to the appropriation of water by
John J. Casey are full and correct to the
best of his knowledge and belief.

Engineer and Agent

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

(1) Name of claimant John J. Casey
Address Tenopah, County of Nye
State of Nevada

(2) The means of diversion employed is Well and windmill
Dam and ditch, pipe line, flume, etc.

(3) The water is impounded in redwood tank, earth reservoir, two metal troughs with automatic controls.
Troughs, reservoirs, tanks, etc.

(4) The construction of the ditch or other works was begun
and completed before 1915

(5) The nature of the claimant's title to the land upon which the works are located is public domain

(6) The claimant's water right was (was not) recorded in the office of the County Recorder of
Nye County, at Page 382 of Book 46 of Deeds

(7) The approximate number of animals watered by the claimant during the first year was 1000 CATTLE W.J.J.
100 HORSES
and said watering was conducted for an approximate period of ALL YEAR W.J.J. days during
~~each of the following months~~ NINE (9) ~~Eight (8) months each year~~ SEPT. TO MAY
MARCH TO MAY

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

Same

(9) The amount of water which it has been necessary to divert for the said purpose has been

~~.025~~ *.04 C.F.S. OR SUFFICIENT TO WATER 1000 CATTLE 100 HORSES.*
cubic feet per second. *W.J.J.*
40 miners inches equals 1 cubic foot per second

(10) The water is diverted from its source at *N. 73° 19' E., 86,140* feet from
True bearing to nearest 5 minutes distance

the *S. W.* corner of Section *36*, T. *1 N.*, R. *43 E.*

Mount Diablo Base and Meridian.

Note—Information under (10) must invariably be given when a public corner is within 6 miles, unless the State Engineer consents to some other form of description.

(11) The works are located at *NW 1/4 NE 1/4 Sec. 9, T. 1 N., R. 46 E., M.D.B.&M.*
Describe as within a 40-acre subdivision of public survey or by a tie in same manner as under (10)

Remarks *or at a point which bears N. 73° 19' E., 86,140 feet, from*
the S. W. Cor. Sec. 36, T. 1 N., R. 43 E., M.D.B.&M.

19' W.J. Johnstone

Remarks:

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William J. Johnston

Engineer and Agent

Subscribed and sworn to before me this *25th* day of *August*, 19*30*

C. F. Tracy

Notary Public in and for the County of *Cherokee*

My commission expires ~~My~~ Commission Expires July 6, 1953, 19.....

This part of form to be left blank by claimant.

Filing Serial No. 02366

STATE OF NEVADA

Proof of Appropriation of
Water for Stock Purposes

Water Source.....

Through.....

Claimant.....

Filed in the office of the State Engineer on

....., 19.....

..... State Engineer.

Certificate No. issued hereunder

....., 19.....

OFFICE
STATE ENGINEER
AUG 25 50
RECEIVED
AND