

FILED
JUNE 7, 1957
COUNTY CLERK

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

From Indian or McNett Creek, Esmeralda County, Nevada

Through See Exhibit "H" Attached

Frank Seminario, the undersigned, duly sworn, deposes and says that the statements herein contained relative to the appropriation of water by Frank Seminario and his predecessors in interest are true and correct to the best of his knowledge and belief.

Claimant is Deponent

If proof is not made by claimant, deponent should state on this line the name of the party to be recorded the claimant

(1) Name of claimant Frank Seminario

Address Fish Lake Valley via Tonopah County of Esmeralda

State of Nevada

(2) The means of diversion employed is Livestock drinking from natural streams and other ditches described above.

(3) The water is impounded in not

(4) The construction of the ditch or other works was begun prior to 1876 and completed prior to 1876.

(5) The nature of the claimant's title to the land upon which the works are located is correct. The points of diversion and places of use as disclosed by map filed in support of the proof are on patented lands wherein claimant has title and certain others are situate on Public Domain under claimant's own long-term Section 15 U.S.A.M. grazing leases.

(6) The claimant's water right was (was not) recorded in the office of the County Recorder of Esmeralda County, at Page 262 of Book A of Proceedings and Jurors

(7) The approximate number of animals watered by the claimant during the first year was more than 200 cattle and said watering was conducted for an approximate period of 30 days

of the following months January through December of each year, (20th year here is intended to mean 1876--livestock were probably watered prior to that time in the stream in accordance with open range ranch)

SEE ADJUDICATION FILE

(8) The approximate number of animals watered by claimant in subsequent years was as follows: Various numbers of cattle and sheep have been watered through the years since 1876 and to the present date in the subject stream. Not less than 200 cattle have been watered in any year to date. Those cattle, and, at times, as many as 1,000 sheep, (depending upon the supply of water available) used this stream throughout its entire course of each year from January 1 to December 31.

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

two ^{**} cubic feet per second.

40 miners inches equals 1 cubic foot per second

(10) The water is diverted from its source at See (11) below feet from

True bearing to nearest 5 minutes distance

the corner of Section , T. , R. 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 ~~_____~~
Describe as within a 40-acre subdivision of public survey or by a tie in same manner as under (10)

Remarks: Cattle water along entire course of Indian or McNett Creek in its natural channel commencing in the White Mountains, State of California and extending into the State of Nevada in Section 9, T. 2 S., R. 34 E., and thence easterly through Sections 10, 3 and 2, T. 2 S., R. 34 E., Cattle water in High Line Ditch from point of diversion in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 3, T. 2 S., R. 34 E., at a point from which NE $\frac{1}{4}$ corner of said Section bears N. 42 $^{\circ}$ E. 4950 feet through extent of ditch as described on map filed in support of this proof, i.e. through the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 3, NE $\frac{1}{4}$ Sec. 3, NW $\frac{1}{4}$ Sec. 2, T. 2 S., R. 34 E.; as $\frac{1}{2}$, NE $\frac{1}{4}$ of Sec. 35, T. 1 S., R. 34 E., as described in stated map. Also cattle are watered in McNett Ditch easterly from latter mentioned point of diversion through SE $\frac{1}{4}$ of Sec. 2, SW $\frac{1}{4}$ and N $\frac{1}{4}$ of Sec. 1, T. 2 S., R. 34 E. Also cattle watered in High Line Ditch in portion of Sec. 36 T. 1 S. R. 34 E. Northeast Ditch used to water cattle through NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 2 and NW $\frac{1}{4}$ Sec. 1 T. 2 S. R. 34 E. and SW $\frac{1}{4}$ Sec. 36 T. 1 S. R. 34 E.

** Use of water by cattle in High Line Ditch, as well as in the other above described ditches requires that the water be conveyed through ditches and the natural channel of the stream several miles in each instance, with subsequent water loss due to the nature of ground and evaporation. This practice has been carried on for not less than sixty years. There is no waste of water but in order to carry the water required distances, a head of water is required considerably in excess of what usually allowed in such cases. Particularly, use of the amount of water required out of the High Line Ditch is considerably in excess of the usual amounts allowed per animal because the water must be conveyed distances of 5 to 7 miles. This use of water has been consistently followed and cattle have been watered by the aforesaid method for not less than 60 years.

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Remarks: See Exhibit "a" attached.

Frank Seminars

Subscribed and sworn to before me this 7th day of June, 1937

Harley L. ...

Notary Public in and for the County of Wood

My commission expires April 1, 1937

This part of form to be left blank by claimant

Filing Serial No. 02425

STATE OF NEVADA

Proof of Appropriation of
Water for Stock Purposes

Water Source

Through

Claimant

Filed in State Engineer's Office on

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State Engineer

Certificate No. issued hereunder

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