

STATE OF NEVADA AMENDED

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant William J. Gandolfo
HC 61 Box 6165 of Austin
Street Address or PO Box City or Town
Nevada 89310
State and ZIP Code

(2) Source of water Pony Canyon
Name of natural water source

(3) The water is diverted by:
A natural channel.

Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s):
The natural stream, along its entire length in Pony Canyon, from its beginnings as described on the attached sheet, all in T19N, R44E, MDM., thence northwesterly to its terminus at its confluence with the Reese River in the SW1/4 of the NW1/4 of Section 9, T19N, R43E, MDM, including all intervening tributaries and springs.

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.

(5) The water is impounded in N/A
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun N/A
and completed N/A
Date 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:
Predecessors of Gandolfo's USDI-BLM Grazing Permit for the Mount Airy Allotment.

(8) The claimant's water right was not recorded in the office of the County Recorder of County, at Page of Book of
Patented, deeded, public domain with grazing permit, etc.

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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 1855 to 1859 (see Remark 1, below)
was 1,250 cattle 50 horses sheep or wildlife (describe)
Date

The watering was conducted during each of the following months:
January 1st through December 31st

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: Russell Majors & Waddell, who established the Pony Express and the Pony Canyon shortcut, took over 1,000 cattle through the area in 1859. Wagon trains, each with between 75 and 300 animals, began heavy use at this same time. The Overland Mail, together with immigrants and settlers, began using this area in 1859. In 1860, more immigrants and settlers, the Pony Express and the Transcontinental Telegraph brought additional livestock. Several thousand horses and cattle used this source annually before 1862.

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

0.2 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second

(12) The works are located at:

The natural stream, along its entire length in Pony Canyon, from its beginnings as described on the attached sheet, all in T19N, R44E, MDM., thence northwesterly to its terminus at its confluence with the Reese River in the SW1/4 of the NW1/4 of Section 9, T19N, R43E, MDM, including all intervening tributaries and springs.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks

- 1) There is evidence of use as early as 1855 when Howard Egan and John Reese developed a cattle trail through this area. Exact numbers and locations from this activity are difficult to determine. By the late summer of 1859, Captain J. H. Simpson, U.S. Army Corps of Topographical Engineers, directed 3 large wagon trains and one herd of "over 1000 cattle" belonging to Russell Majors & Waddell (aka Russell & Co.) specifically through this area. The wagons would have been confined to the main road just north of Pony Canyon, but stock herds would have been directed through Pony Canyon proper, as the route was shorter and not depleted by the prior activities. In 1859, this central Nevada route became the primary route through Nevada for wagon traffic, herds, the telegraph, and the Pony Express.
- 2) Claimant, as successor to these previous users by virtue of U.S. Department of the Interior Grazing Permits (the current Grazing Permit is attached as Exhibit A), has watered up to 790 cattle, 100 horses, and 300 sheep.
- 3) Claimant incorporates the information filed in support of his original vested claim filing.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by William J. Gandolfo are full and correct to the best of his/her knowledge and belief.

William F. Price, Agent for William J. Gandolfo

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

William J. Gandolfo
Name of Claimant

By

William F. Price

Telephone No. (775) 964-2211

William F. Price, Agent

State of ~~Nevada~~ CALIFORNIA

Post Office Box 1865

County of MODOC

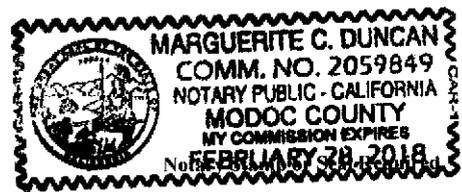
Elko, NV 89803

Subscribed and sworn to before me on APRIL 3, 2014

Telephone No. (530) 640-1451

by WILLIAM F. PRICE

Marguerite C. Duncan
Signature of Notary Public Required



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Questions 2 and 12 – extra sheet

The natural streams, along their entire lengths in Pony Canyon and Marshall Canyon, from their beginnings in the following quarter-quarter Sections (from North to South):

Pony Canyon:

- 1) The NE1/4 of the SE1/4 of Section 20, T19N, R44E, MDM
- 2) The SE1/4 of the NE 1/4 of Section 29, T19N, R44E, MDM

Marshall Canyon (southern tributary to Pony Canyon):

- 1) The SE1/4 of the SE1/4 of Section 30, T19N, R44E, MDM
- 2) The NE1/4 of the NE1/4 of Section 31, T19N, R44E, MDM

thence northwesterly to its terminus at its confluence with the Reese River in the SW1/4 of the NW1/4 of Section 9, T19N, R43E, MDM, including all intervening tributaries and springs.

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