Serial No. 05623

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of Claimant Western States Minerals Corporation

4975 Van Gordon Ave. of Wheatridge
Street and No. or P.O. Box No. City or town

Colorado 80003
State and Zip code No.

(2) Source of water Road Canyon, Springs, and Tributaries
Name of natural water source.

(3) The water is diverted by Natural channel (water is used along natural channel)
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) NE¼NW¼ Section 17, T. 38 N., R. 52 E., MDM
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.

at a point from which the NW corner of Section 6, T. 38 N., R. 52 E., MDM bears N. 29°33' W.,
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.

14,931 feet and also the SW¼SW¼ Section 18, T. 38 N., R. 52 E., MDM at a point from which the NW corner of Section 6, T. 38 N., R. 52 E., MDM bears N. 24°28' W., 12,655 feet which follows the natural channel to a point in Lot 6, Section 6, T. 38 N., R. 52 E., MDM at a point from which the NW corner of said Section 6 bears N. 01°29' E., 4,081 feet.

(5) The water is impounded in a long natural channel (no impoundment)
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun 1896
Date

and completed 1896.
Date

36
E1

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded and public domain (see map for land ownership).
Patented, deeded, public domain with grazing permit, etc.

05623

Place of use is within portions of the (NW SW) Lot 6, NE¼SW¼, NW¼SE¼, and the S½SE¼ of Section 6; portions of NE¼NE¼ and SE¼NE¼ of Section 7; portions of SW¼NW¼ and the SW¼ of Section 8 and the NE¼NW¼ of Section 17, all within T. 38 N., R. 52 E., MDM.

(8) The claimant's water right (was not) recorded in the office of the County Recorder of

_____ County, at Page _____ of Book _____ of _____ .

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 1896 (Date),

was 500 cattle ____ horses ____ sheep or wildlife (describe) _____ (Other).

The watering was conducted during each of the following months April 15 to October 15

(10) The approximate number of animals watered by the claimant in subsequent years was as

follows: 500

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

0.0155 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at None

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

Remarks: Newspaper articles provide some evidence of early use. The Elko Independent of April 29, 1875, Page 3, reports that GEORGE BRADLEY drove 500 head of cattle to an area west of Tuscarora. The Tuscarora Daily Mining Review of November 27, 1877 reports a shipment of 392 head of cattle from the area by BRADLEY, RUSSELL and SCOTT. BRADLEY and RUSSELL are predecessors to the present owners. Therefore, there is an indicated priority of 1877 for a portion. Other predecessors were GEORGE W. GRAYSON and WARREN W. WILLIAMS with priority of use of 1896 and earlier, based on ownership of livestock as evidenced by records of the Elko County Assessor.

As to numbers of livestock, this is particularly difficult as the majority of the operation is in the Humboldt River Basin and Lander County. The area of the Owyhee River Basin is high elevation and is normally used in the summer season for grazing, with numbers increasing as the season progresses. One indication of numbers is from those recorded in assessment records of the Treasurer of Elko County, Nevada. For the year 1894, RUSSELL & BRADLEY LAND AND CATTLE CO. was assessed for 2,000 cattle and 200 horses. As the operation was in Lander County and Elko County, this number would be a proportion of the entire herd estimated to be in Elko for the entire year. This was used for tax purposes and to account for the fact that during winter months, a very small proportion of the livestock were in Elko County, and during the late summer, almost all of the herd was in the County. The high

numbers would normally occur after July 15, but depending upon weather conditions, they could be as early as April 15.

Additional evidence of livestock use is found. The records of the Elko County Treasurer show GEORGE W. GRAYSON being assessed for 800 cattle and 200 horses in 1896. WARREN W. WILLIAMS acquired range in and near the area in 1889 from J.D. SMELSER (see Nevada's Northeast Frontier, Page 415, authored by PATTERSON, ULPH and GOODWIN). As one of the GRAYSON base ranches was near the Owyhee River Drainage, being the Stampede Ranch, located in Township 39 North, Range 52 East, it is assumed that the entire grazing season was upon the open range and a majority within the drainage. Additional livestock use through the area was made by W.T. JENKINS and WARREN W. WILLIAMS by sheep, as reported in the publication entitled Nevada's Northeast Frontier. This would have been high numbers in the Spring and Fall. WILLIAMS was reported to have in excess of 40,000 sheep (see Nevada's Northeast Frontier, Page 417), and W.T. JENKINS in excess of 18,000 sheep as evidenced by chattel mortgages of record. All of said sheep use has been changed to cattle since 1905.

These major users of the area, GEORGE W. GRAYSON, RUSSELL & BRADLEY LAND AND CATTLE COMPANY, W.T. JENKINS, and WARREN W. WILLIAMS are the basis of vested stock water rights.

From the above evidence, a priority of use is claimed as of not later than 1896, with a season of use of April 15 to October 15.

The area of use of RUSSELL LAND AND CATTLE COMPANY (successor to RUSSELL & BRADLEY LAND AND CATTLE COMPANY) is further documented by the range claim map filed in the State Water Engineer's office subsequent to the passage of the "Three Mile Limit" statute in 1925 (Map 89-30).

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Western States Minerals Corporation 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.

Western States Minerals Corporation

By: Arden B. Morrow

Claimant Arden B. Morrow, President

Telephone No. (303) 425-7042

Contact: Walter I. Leberski
Vaughn, Hull & Copenhaver, Ltd.
P.O. Box 1420
Street and No., or P.O. Box No.
Elko, NV 89801
City, State, Zip Code No.
Telephone No. (702) 738-4031

05623

Subscribed and sworn to before me this 22 day of November, 19 92.

Bea J. Venita

Notary Public in and for the County of Jefferson

My commission expires 1/25/92

$50 FILING FEE MUST ACCOMPANY PROOF