

Serial No.

05774

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

- (1) **Name of Claimant** PETER E. MARBLE [Street and No. or P. O. Box No.] \_\_\_\_\_  
71 Ranch of [City or town] Deeth [State and Zip Code No.] Nevada, 89823
- (2) **Source of water** [Name of natural water source] MARBLE FIELD DRAW
- (3) **The water is diverted by** [Dam, ditch, pipe line, natural channel, spring area, etc.]  
springs and 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 a spring within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, Township 34 North, Range 59 East, MDM, from which the NW $\frac{1}{4}$  corner of Section 34, Township 34 North, Range 59 East bears North 36°21'00" West a distance of 2,925.00 feet, thence along the channel to a point within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 28, Township 34 North, Range 59 East, MDM, from which the SE $\frac{1}{4}$  corner of Section 28, Township 34 North, Range 59 East, MDM bears South 44°30'00" East a distance of 1,400.00 feet.
- (5) **The water is impounded in** [Troughs, tanks, pools, reservoir, natural channel, etc.]  
natural channel and pools.
- (6) **The construction of the ditch or other works was begun** [Date] no works  
**and completed** [Date] no works.
- (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.] Public Domain administered by the United States Forest Service, used by Claimant and his predecessors for that portion of the channel within Section 34, Township 34 North, Range 59 East, MDM, and owned lands within Section 28, Township 34 North, Range 59 East, 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 [Date] 1874 was 200 cattle, \_\_\_\_\_ horses, \_\_\_\_\_ sheep or [Other] \_\_\_\_\_. The watering was conducted during each of the following months April through November being the customary grazing for native range upon private lands.
- (10) 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] A maximum of 200 cattle during any one period. The numbers and period of use have varied based upon weather conditions, forage conditions, and various management practices used during the subsequent years.
- (11) 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] 0.00625 cubic feet per second.
- (12) 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] as a natural channel is used, there are no works of improvement.

**Remarks:**

This claim is made upon waters produced from two small springs, one being located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  and the other in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, Township 34 North, Range 59 East, MDM, which produce sufficient water to cause a natural channel flow from the point of origin to within Lots 4 and 8 of Section 28, Township 34 North, Range 59 East, MDM, during the normal period of flow. During spring runoff, the channel will reach the irrigation ditches of the Claimant established under Proof 00510 of the Humboldt River Adjudication by the State of Nevada. This proof of vested rights for irrigation purposes evidences harvesting of crops in the vicinity of the source of stockwater as early as 1874, increasing over the years to a total harvested acreage of 1,076 acres by the year 1900. As it was customary to graze livestock upon adjoining unoccupied lands in the summer months during crop production, livestock were upon

that area adjacent to the channel which is the basis of this claim and used this source for water.

A review of the chain of title of the irrigated parcels in 1900 reveals that the major owners were:

- Halleck Cattle Company
- Peter Scott
- Antone Hansen
- Archibald Wilson

A review of the records of the Elko County Assessor reveals that in the years of 1900 and 1905, these owners were assessed for the following numbers of cattle:

	<u>1900</u>	<u>1905</u>
Halleck Cattle Company	1,600	2,000
Peter Scott	4	35
Antone Hansen	---	---
Archibald Wilson	---	Sold

As these livestock were grazed outside of fenced lands, some numbers made use of the source, and this becomes the basis for this claim.

A further basis for this claim is the culture map submitted by Union Land and Livestock Company in support of Proof 00510 of the Humboldt River Adjudication. It reveals that the year of preparation of the map, a fence had been constructed through the NW $\frac{1}{4}$  of Section 34, Township 34 North, Range 59 East, MDB&M, which placed that portion of the channel claimed within the fenced fields of Claimant and his predecessors. From that time on, said waters have been used for stockwater purposes.

In addition, Claimant is a predecessor of Jack H. Walther and Irene B. Walther as to lands and a Forest Service Permit. Jack A. Walther states that one of his areas of use within the Humboldt National Forest was in the vicinity of the springs and channel described. As it is necessary for a predecessor in interest to have made use within the National Forest prior to 1905, this existing permit further substantiates this claim.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by PETER E. MARBLE 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.) Proof to be made by ROBERT O. VAUGHAN as attorney for Claimant.

PETER E. MARBLE, CLAIMANT

By *Robert O. Vaughan*  
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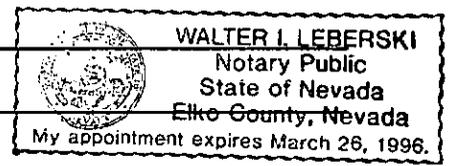
Subscribed and sworn to before me this

21st day of AUGUST, 191992.

*Walter J. Leberski*

Notary Public in and for the County of \_\_\_\_\_

My commission expires \_\_\_\_\_



\$50 FILING FEE MUST ACCOMPANY PROOF