

04775
Serial No.

05775

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] WALTHER SPRING
- (3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.]
spring.
- (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.] Spring being located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 34 North, Range 59 East, MDM from which the W $\frac{1}{4}$ corner of Section 34, Township 34 North, Range 59 East, MDM bears North 64°07'00" East, a distance of 350.00 feet.
- (5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.]
pipe and trough.
- (6) The construction of the ditch or other works was begun [Date] unknown and completed [Date] unknown.
- (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.] The source of water is upon public domain administered by the U.S. Forest Service and the place of use is on patented lands owned by the claimant.
- (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] prior to 1905 was unknown cattle _____ horses _____ sheep or [Other] _____ . The watering was conducted during each of the following months, April through October.
- (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] 150 cattle.
- (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] 0.0046 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] a portion of SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 34 North, Range 56 East, MDM after a short pipe line from the source to within said parcel.

Remarks: This claim is made upon waters produced from a small spring lying immediately adjacent to private lands owned by the claimant.

Use of these waters was initiated prior to 1900, at which time a predecessor in interest to the Claimant received a patent from the United States for property located within Section 28. As was customary, livestock were grazed outside of fenced owned lands during the grazing season, and as this source was near the property, use of that source was made. By June 15, 1905, a predecessor in interest had obtained additional lands in the vicinity of the source, being located within the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 33, Township 34 North, Range 59 East. Based upon this historical use, the priority of 1900 is claimed.

In addition, the Claimant holds a permit upon the Humboldt National Forest to graze livestock, in which this spring is located. As it is necessary that either the Claimant or a predecessor in interest made grazing use of national forest lands prior to their establishment in 1905, this further substantiates the proof of vested stockwater rights upon this spring.

The spring is located as described in Paragraph 4 of this Proof. However, there has been a short pipeline, together with a trough, which divert a portion of the water to the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 34 North, Range 56 East, being upon private lands of the Claimant.

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, attorney for PETER E. MARBLE.

PETER E. MARBLE, CLAIMANT

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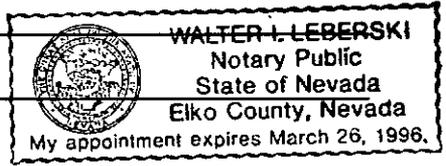
Subscribed and sworn to before me this

21st day of AUGUST, 1992.

Walter J. Leberski

Notary Public in and for the County of _____

My commission expires _____



\$50 FILING FEE MUST ACCOMPANY PROOF