

AMENDED
STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES

- (1) Name of Claimant Petan Company of Nevada, Inc.
of Tuscarora
Street and No. or P.O. Box No. Nevada 89834 City or town
State and Zip code No.
- Source of water Indian Creek, Five Unnamed Springs #4, #91, #92, #93, #94, and tributaries
Name of natural water source.
- (3) The water is diverted by natural channels and springs (water is used along natural channels)
Dam, ditch, pipe line, natural channel, spring area, etc.
- (4) The water is diverted at the following point(s) (Map #34) Lot 1 Section 5, T. 45 N., R. 52 E.,
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.
MDM, at a point from which the SW cor. of Sec. 8, T. 45 N., R. 52 E., MDM bears S. 22° 27' 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.
11,450 feet and also in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 45 N., R. 52 E., MDM at a point from which the SE corner of Section 3, T. 45 N., R. 52 E., MDM bears S. 67° 33' E., 6,837 feet and also in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 45 N., R. 52 E., MDM at a point from which the SE corner of said Section 3 bears S. 62° 38' E., 2,737 feet and also in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T. 45 N., R. 52 E., MDM at a point from which the NE corner of said Section 10 bears N. 71° 12' E., 3,056 feet and also in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 45 N., R. 52 E., MDM at a point from which the NE corner of said Section 10 bears N. 20° 26' E., 3,485 feet and also in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 45 N., R. 52 E., MDM at a point from which the NE corner of Section 10, T. 45 N., R. 52 E., MDM bears N. 02° 43' E., 5,346 feet and also in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, T. 45 N., R. 52 E., MDM from which the East quarter corner of Section 22, T. 45 N., R. 52 E., MDM bears S. 16° 44' E., 5,914 feet and also in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T. 45 N., R. 52 E., MDM from which the SW corner of Section 8, T. 45 N., R. 52 E., MDM bears S. 88° 27' W., 8,657 feet and also the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T. 45 N., R. 52 E., MDM from which the SW corner of Section 8, T. 45 N., R. 52 E., MDM bears S. 86° 48' W., 6,477 feet and also in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, T. 45 N., R. 52 E., MDM from which the SW corner of said Section 8, bears S. 11° 22' W., 1,951 feet which all of the above points follow the natural channels to a point in the Lot 2, Section 7, T. 45 N., R. 52 E., MDM from which the SE corner of said Section 7 bears S. 53° 56' E., 6,403 feet. (Map #9) At this point a ditch is taken out from Indian Creek, then the channel continues the natural course to a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20, T. 45 N., R. 51 E., MDM from which the SW corner of Section 18, T. 45 N., R. 52 E., MDM bears N. 76° 49' E., 21,487 feet.

Unnamed Spring #4 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 45 N., R. 52 E., MDM, at a point from which the SW corner of said Section 8 bears S. 55° 59' W., 5,209 feet.

Unnamed Spring #91 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 45 N., R. 52 E., MDM, at a point from which the SE corner of Section 3, T. 45 N., R. 52 E., MDM, bears S. 64° 07' E., 6,875 feet.

Unnamed Spring #92 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T. 45 N., R. 52 E., MDM, at a point from which the SE corner of Section 3, T. 45 N., R. 52 E., MDM, bears S. 65° 16' E., 6,697 feet.

Unnamed Spring #93 in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, T. 45 N., R. 52 E., MDM, at a point from which the SE corner of Section 3, T. 45 N., R. 52 E., MDM, bears S. 83° 07' E., 9,290 feet.

Unnamed Spring #94 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, T. 45 N., R. 52 E., MDM, at a point from which the SW corner of said Section 8, bears S. 55° 09' W., 5,220 feet.

The water is impounded in natural channels and spring area (no impoundment)
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun None _____ Date _____
and completed _____ 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 deeded and public domain with grazing permit. The place of use is within the
Patented, deeded, public domain with grazing permit, etc.

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4; Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 6; N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8; W $\frac{1}{2}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10; N $\frac{1}{2}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, all of the above are in T. 45 N., R. 52 E., MDM. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, all within T. 45 N., R. 51 E., MDM.

Unnamed Springs #4 and #94, the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 45 N., R. 52 E., MDM.

Unnamed Springs #91 and #92, the place of use is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T. 45 N., R. 52 E., MDM.

Unnamed Spring #93, the place of use is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T. 45 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 August 3, 1872, was 1500 cattle 300 horses 8,000 sheep or wildlife (describe) _____ Date _____ Other _____

The watering was conducted during each of the following months _____

July 9 thru October 9 United States Government Property (Forest Service)

January 1st to December 31st Private Property

The following quotations are taken from the Elko Independent and from "Nevada's Northeast Frontier", by Patterson, Ulph and Goodwin, 1969, Western Printing and Publishing Co.

"Bull Run District-The range in which the district is situated is high and snow-crowned, water cold and invigorating. Pleasant valleys surround it on the east and west, unexcelled by any country for grazing purposes. Altogether, the prospects of Bull Run are unsurpassed by any district in the state".¹ "Bull Run Valley has already proven to be one of the best grazing and farming sections in the state. Mr. Hughes, who has just returned from his ranch at the Junction of Bull Run and Independence Creeks, "says the valley is rapidly settling up with good and substantial men, and early in the spring a company will, at the mouth of Silver Creek, erect a flour mill."² "Bull Run Valley-stock in this valley is looking finely, and much stock consisting of cattle and sheep, of the latter, about 8,000 in number. Salmon have commenced their run up the Owyhee, now is the time to salt them down for winter use. R.P. Riddle, Deputy County Surveyor, from Bull Run, called on us this week. From him, we learn the above facts relating to Bull Run."³ By the end of 1873, Elko County Rangers were fully stocked and pastures deteriorated from over grazing. With sections crowded in the winter, the situation became alarming. Settlement by small ranchers under the Pre-emption and Homestead Acts took lands that could be irrigated, thus curtailing range use. In the process of settlement, large areas of meadow grass were withdrawn from public domain and appropriated by homesteaders."⁴ "Bull Run Valley-the past winter has been fatal to stock in this vicinity, sheep being the greatest sufferers. In Bull Run Valley out of one band of 5,000 head, only about 1,200 are left, and from another band, 3,300 strong only 200 have lasted through the winter. This is true of all bands. Cattle too are dying rapidly."⁵

We are claiming a August 3, 1872 as a date of priority.

1 Elko Independent-1870, August 20, Page 3, Column 1.
2 Elko Independent-1871, August 19, Page 2, Column 2.
3 Elko Independent-1872, August 3, Page 3, Column 1.
4 Nevada's Northeast Frontier, page 214.
5 Elko Independent-1874, April 11, Page 2, Column 1.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 3110 Cattle
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.

Approximately the same number of animals have been watered throughout the years, ever since 1872

(11) The amount of water which has been necessary to be diverted for this purpose has been 0.096 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 Use both Maps #9 and #34.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Petan Company of Nevada, Inc.

are full and correct to the best of his knowledge and belief.

The undersigned deponent is acting as agent for the claimant.
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

Petan Company of Nevada, Inc.
Claimant

Telephone No. (702) 756-6512

By William A. Fiebert Agent

421 Court Street
Street and No., or P.O. Box No.
Elko, Nevada 89801
City, State, Zip Code No.

Telephone No. (702) 738-2121

Subscribed and sworn to before me this 1st day of March, 1994.

Bonnie Kordonowy

Notary Public in and for the County of ~~Elko~~ Ayon

My commission expires ~~July 12, 1994~~ July 16, 1994

\$50 FILING FEE MUST ACCOMPANY PROOF



ORIGINAL

Serial No.

STATE OF NEVADA

**PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES**

(1) Name of Claimant Petan Company of Nevada, Inc.

of

Tuscarora

Street and No. or P.O. Box No.

City or town

Nevada 89834

State and Zip code No.

Source of water Indian Creek, Five Unnamed Springs #4, #91, #92, #93, #94, and tributaries

Name of natural water source.

(3) The water is diverted by natural channels and springs (water is used along natural channels)

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

(4) The water is diverted at the following point(s) (Map #34) Lot 1 Section 5, T. 45 N., R. 52 E.,

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.

MDM, at a point from which the SW corner of Sec. 8, T. 45 N., R. 52 E., MDM bears S. 22°27' 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.

11,450 feet/and also in the SE¼NE¼ Section 4, T. 45 N., R. 52 E., MDM at a point from which the

SE corner of Section 3, T. 45 N., R. 52 E., MDM bears S. 67°33' E., 6,837 feet/and also in the

SW¼SE¼ Section 3, T. 45 N., R. 52 E., MDM at a point from which the SE corner of said Section

3 bears S. 62°38' E., 2,737 feet/and also in the NE¼NW¼ Section 10, T. 45 N., R. 52 E., MDM

at a point from which the NE corner of said Section 10 bears N. 71°12' E., 3,056 feet and also in

the NE¼SE¼ Section 10, T. 45 N., R. 52 E., MDM at a point from which the NE corner of said

Section 10 bears N. 20°26' E., 3,485 feet/and also in the NE¼NE¼ Section 15, T. 45 N., R. 52 E.,

MDM at a point from which the NE corner of Section 10, T. 45 N., R. 52 E., MDM bears N. 02°43'

E., 5,346 feet and also in the SW¼NE¼ Section 15, T. 45 N., R. 52 E., MDM from which the East

quarter corner of Section 22, T. 45 N., R. 52 E., MDM bears S. 16°44' E., 5,914 feet and also in the

SW¼SE¼ Section 9, T. 45 N., R. 52 E., MDM from which the SW corner of Section 8, T. 45 N., R.

52 E., MDM bears S. 88°27' W., 8,657 feet and also the SW¼SW¼ Section 9, T. 45 N., R. 52 E.,

MDM from which the SW corner of Section 8, T. 45 N., R. 52 E., MDM bears S. 86°48' W., 6,477

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said Section 8, bears S. 11°22' W., 1,951 feet which all of the above points follow the natural

channels to a point in the Lot 2, Section 7, T. 45 N., R. 52 E., MDM from which the SE corner of

said Section 7 bears S. 53°56' E., 6,403 feet. (Map #9) At this point a ditch is taken out from

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1644 12/17/93

35
21

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Troughs, tanks, pools, reservoir, natural channel, etc.

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Patented, deeded, public domain with grazing permit, etc.

SW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4; Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5; S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 6; N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8; W $\frac{1}{2}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10; N $\frac{1}{2}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, all of the above are in T. 45 N., R. 52 E., MDM. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, all within T. 45 N., R. 51 E., MDM.

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ORIGINAL

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

Petan Company of Nevada, Inc.

Claimant

Telephone No. (702) 756-6512

By William A. Fisher Agent

421 Court Street

Street and No., or P.O. Box No.

Elko, Nevada 89801

City, State, Zip Code No.

Telephone No. (702) 738-2121

ORIGINAL

Subscribed and sworn to before me this 6 day of April, 19 93.

Coralee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994

\$50 FILING FEE MUST ACCOMPANY PROOF

