

05936

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 Nevada 89834

(2) Source of water North Fork of Warm Spring Creek and two Unnamed Springs #43 and #44

(3) The water is diverted by Natural channel and spring area

(4) The water is diverted at the following point(s) NW 1/4 NW 1/4 Section 25, T. 43 N., R. 51 E., MDM at a point from which the NW corner of Section 6, T. 43 N., R. 51 E., MDM bears N. 50°05' W., 34,958 feet and also the SE 1/4 NE 1/4 Section 26, T. 43 N., R. 51 E., MDM at a point from which the NW corner of Section 14, T. 42 N., R. 51 E., MDM bears S. 12°56' W., 18,946 feet and the above points follow the natural channels to a point in the NW 1/4 NW 1/4 Section 28, T. 43 N., R. 51 E., MDM from which the NE corner of Section 15, T. 42 N., R. 51 E., MDM bears S. 26°35' E., 22,535 feet.

Unnamed Spring #43 is within the NW 1/4 SW 1/4 Section 27, T. 43 N., R. 51 E., MDM at a point from which the NW corner of Section 6, T. 43 N., R. 51 E., MDM bears N. 33°39' W., 28,612 feet.

Unnamed Spring #44 is within the NW 1/4 SW 1/4 Section 27, T. 43 N., R. 51 E., MDM at a point from which the NW corner of Section 6, T. 43 N., R. 51 E., MDM bears N. 33°33' W., 28,716 feet.

(5) The water is impounded in natural channel (no impoundment)

35 (6) The construction of the ditch or other works was begun None 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 Patented, deeded, public domain with grazing permit, etc.

the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25; S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 26; S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 27; NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, all within T. 43 N., R. 51 E., MDM.

Unnamed Spring #43 and 44 is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T. 43 N., R. 51 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,
Date
was _____ cattle _____ horses 8000 sheep or wildlife (describe) _____ .
Other _____

The watering was conducted during each of the following months _____

_____ March 15 thru November 15 U.S. Property (BLM) _____

_____ 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: 1000 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

0.03 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 Map #38

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. Nisbet 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 6 day of April, 1993.

Coralee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994

\$50 FILING FEE MUST ACCOMPANY PROOF

