05978

Serial No. [redacted]

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.

(2) Source of water Unnamed Creek #55B and tributaries
Name of natural water source.

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

(4) The water is diverted at the following point(s) SW¼SE¼ Section 25, T. 47 N., R. 49 E., MDM, at
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.
a point from which the SW corner of Section 26, T. 16 S., R. 1 W., B.M., bears
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.
N. 02°40' W., 21,341 feet; and also the SW¼SW¼ (Lot 4) Section 30, T. 47 N., R. 50 E., MDM, at a point from which the SW corner of Section 26, T. 16 S., R. 1 W., B.M., bears N. 09°26' W., 21,681 feet; and also NW¼NW¼ Section 29, T. 47 N., R. 50 E., MDM, at a point from which the SW corner of Section 26, T. 16 S., R. 1 W., B.M., bears N. 30°14' W., 18,795 feet; and also the SW¼SE¼ Section 20, T. 47 N., R. 50 E., MDM, at a point from which the SW corner of Section 26, T. 16 S., R. 1 W., B.M., bears N. 37°17' W., 19,474 feet; and also the NW¼SW¼ (Lot 7) Section 16, T. 47 N., R. 50 E., MDM, at a point from which the SW corner of Section 30, T. 16 S., R. 1 E., B.M., bears N. 22°52' W., 10,319 feet; and also the SE¼NE¼ Section 18, T. 47 N., R. 50 E., MDM, at a point from which the SE corner of Section 25, T. 16 S., R. 1 W., B.M., bears N. 22°45' E., 7,920 feet; and also the SE¼NE¼ Section 12, T. 47 N., R. 49 E., MDM, at a point from which the SW corner of Section 26, T. 16 S., R. 1 W., B.M., bears N. 47°43' W., 3,213 feet; and also the NE¼NE¼ Section 23, T. 47 N., R. 49 E., MDM, at a point from which the SE corner of Section 27, T. 16 S., R. 1 W., B.M., bears N. 16°26' E., 11,982 feet, which all the above listed points follow the natural channels to a point in Lot 4, Section 1, T. 47 N., R. 49 E., MDM from which the SE corner of Section 27, T. 16 S., R. 1 W., B.M., bears N. 86°57' E., 2,236 feet.

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E1.

(5) The water is impounded in Natural channel (no impoundments) except one small reservoir
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun construction date of reservoir unknown
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 Public domain with grazing permit. The Place of Use is within NW¼SW¼ (Lot
Patented, deeded, public domain with grazing permit, etc.

7) Section 16; SW¼SW¼ and the N½S½ Section 17; SE¼NW¼, S½NE¼, NW¼SE¼, SE¼SE¼ and the N½SW¼ of Section 18; NE¼NE¼, S½NE¼, S½SE¼, SW¼, and the S½NW¼ of Section 19; S½NW¼, NE¼SW¼ and the W½SE¼ of Section 20; NW¼NW¼ Section 29; NE¼NE¼ and the W½W½ of Section 30, all with T. 47 N., R. 50 E., MDM. Lot 4, Section 1; NW¼, SE¼NE¼, N½SE¼, N½SW¼ and the SE¼SW¼ of Section 12; NE¼NW¼, W½NE¼, S½SW¼ and the SE¼ of Section 13; NE¼NE¼ of Section 23; NW¼NW¼ and the E½E½ of Section 24; NE¼NE¼, N½SE¼ and the SW¼SE¼ of Section 25, all within T. 47 N., R. 49 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 June 1, 1880,
Date

was 2800 cattle 200 horses _____ sheep or wildlife (describe) _____.
Other

The watering was conducted during each of the following months _____

January 1st to December 31st

The following quotations are taken from "Report on the Productions of Agriculture, as returned at the Tenth Census (June 1, 1880)", U.S. Dept. of Interior, U.S. Govt. Printing Office, 1883 and from "Nevada's Northeast Frontier", by Patterson, Ulph and Goodwin, 1969, Western Printing and publishing Co.

"The highland between the Little Humboldt and the Owyhee River slopes toward the later stream into vast sagebrush plain, known as the Owyhee desert. Many of the valley herds resort to this so-called desert and pass the winter well, provided they can find snow in place of water. There was little snow in the long, cold winter of 1879-80, and large tracts of the browse-feed, both in that (Owyhee Desert) region and in the valley slopes, could not be occupied; herds were compelled to remain in the neighborhood of permanent water, where the feed was already eaten off. Cattle owners stated that 20 percent of their herds perished from combined cold and starvation, although all the hay and straw in the two valleys was used."[1] "The choicest tracts of river lands have in many instances been fenced with barbed wire for the production of hay and as pastures for stock peculiarly susceptible to exposure."[2] "The original capacity for supporting livestock seems to have been greatest in Northern Nevada at all seasons of the year. No other part of Nevada possesses such extensive tracts of elevated and well watered summer pasture as those adjacent to the Valley of Quinn River, The Owyhee and the northern tributaries of The Humboldt."[3] "The Owyhee River flows through a vast sage country, containing many stretches of browse accessible to cattle, where they can find drifted snow in ravines and pockets. Along the stream are frequent canyons until

after the Oregon line is reached, which permit only an occasional opportunity for cattle to reach water. The prongs of the South Fork of the Owyhee, however, have several cattle ranches located on them, with good summer grazing, but during the other half of the year, they must depend on overgrazed lowlands."[4] "With the progress, however, of settlement by small ranchers, under the pre-emption or the homestead acts, wherever there is opportunity for irrigation the free range opportunities have been curtailed. The advantageous conditions already gained by actual title to river borders enabled a dozen cattle raisers each to handle herds aggregating from 10,000 to 15,000 head."[5] [6] "Roundups took place on the Owyhee Desert in the vast 60 mile long and 30 mile wide expanse of land lying between the Little Humboldt and the Owyhee River. Rodeos lasted for two months or more depending on weather, men, and cattle. Nomenclature described the country. Tent Creek, Tent Corrals, Coyote Hole, Rye Grass, Tophan Creek, Devil's Corral, Whiskey Springs, Hardsgrabble, Starr Valley, Calico Mountain, Calico Corrals, and Juniper Basin. Deeply gouged river gorges divided the desert into grazing pastures and livestock of adjacent outfits ranged defined areas of the plateau. In 1880, cattle and horses grazed the country year-round and wandered for miles without striking a fence. Stock running in common on the Owyhee Desert included the following irons:

> The YP of Garat and Co.; P-Bench of Altube Brothers; SL of Sales and Mitchum of Elko County; 96 of William Stock; the UT of J.P. "Pick" Anderson; the Double Square of R.T. Evans of Paradise Valley; the 2-Stripe of Joe Sewell; the U-D of Riddle Brothers; and the Circle 2 of Allie Harris of Idaho."[7]

"In the 1880's, cattle remained on the range year round and cows weaned their own calves. The Juniper Basin rodeo, one of the larger gathering places, averaged 10,000 head of cattle."[8] "The YP Iron, believed to be the third oldest iron in active and continuous use in the United States, probably the only livestock brand registered in the U.S. Patent office, originated with Juan and Grace Garat in 1852 in the San Joaquin Valley, in California. 1871 they drove 1000 head of cattle to Nevada and in 1874 they settled on the South Fork of the Owyhee River."[9] While the Garat's more than likely started running cattle within the described area in about 1875, other cattlemen were running in the area before that, we are claiming a 1880 year for this area.

1 Report by Clarence Gordon, U.S. Tenth Census June 1, 1880, report on Cattle, Sheep and Swine, Page 108.
2 Report by Clarence Gordon, U.S. Tenth Census June 1, 1880, report on Cattle, Sheep and Swine, Page 106
3 Report by Clarence Gordon, U.S. Tenth Census June 1, 1880, report on Cattle, Sheep and Swine, Page 105
4 Report by Clarence Gordon, U.S. Tenth Census June 1, 1880, report on Cattle, Sheep and Swine, Page 109
5 Report by Clarence Gordon, U.S. Tenth Census June 1, 1880, report on Cattle, Sheep and Swine, Page 109
6 Nevada's Northeast Frontier, Page 214
7 Nevada's Northeast Frontier, Page 230
8 Nevada's Northeast Frontier, Page 321, and Haws, Alelaide- Valley of Tall Grass
9 Nevada's Northeast Frontier, Page 418-19

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 3000 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 1880.

(11) The amount of water which has been necessary to be diverted for this purpose has been

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0.09 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at SE¼NE¼ Section 24, T. 47 N., R. 49 E., MDM.

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

Remarks Reservoir is less than 10 feet high and impounds less than 10 acre feet.

Use Map #55

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

CORALEE GRISWOLD
NOTARY PUBLIC - STATE of NEVADA
Elko County - Nevada
APPT. EXP. JUL-12-94