

STATE OF NEVADA

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

(1) Name of Claimant Tabor Creek Cattle Company

502 North Division Street of Carson City  
Street and No. or P.O. Box No. City or town  
Nevada 89703  
State and Zip code No.

(2) Source of water Unnamed Creek #3, Two Unnamed Springs #15 and #16 and tributaries  
Name of natural water source.

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

(4) The water is diverted at the following point(s) (Map 3) SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 32, T. 43 N., R. 58 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 east quarter corner of Section 5, T. 42 N., R. 58 E., MDM, 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.

S. 28°22' E., 3,674 feet and also the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 33, T. 43 N., R. 58 E., MDM, at a point from  
which the west quarter corner of Section 4, T. 42 N., R. 58 E., MDM, bears S. 49°21' W., 5,604 feet

and also the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 4, T. 42 N., R. 58 E., MDM, at a point from which the west quarter  
corner of said Section 4 bears N. 77°50' W., 4,909 feet, which follows the natural channel to a point

in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 8, T. 42 N., R. 58 E., MDM, from which the NE corner of said Section  
8 bears N. 51°58' E., 4,526 feet and also a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 8, T. 42 N., R. 58 E.,

MDM, from which the SE corner of said Section 8, bears S. 59°48' E., 4,303 feet.

Unnamed Spring #15 NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 8, T. 42 N., R. 58 E., MDM, at a point from which the  
SE corner of said Section 8 bears S. 55°50' E., 4,565 feet.

Unnamed Spring #16 SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 8, T. 42 N., R. 58 E., MDM, at a point from which the NE corner of said Section 8 bears N. 50°49' E., 3,906 feet.

(5) The water is impounded in natural channel (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  
Patented, deeded, public domain with grazing permit, etc.

(Map 3) The place of use is within SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 33, both within T. 43 N., R. 58 E., MDM. Lots 2, 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  and the N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 4; Lots 1, 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$  and the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 5; W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, all within T. 42 N., R. 58 E., MDM.

Unnamed Spring #15, the place of use is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 8, T. 42 N., R. 58 E., MDM.  
Unnamed Spring #16, the place of use is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 8, T. 42 N., R. 58 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 1904,  
Date  
was 3000 cattle 240 horses 4800 sheep or wildlife (describe) \_\_\_\_\_ .  
Other  
The watering was conducted during each of the following months April 1st thru October 31st

The State Water Engineer, under the Stock Watering Act (Chapter 201, statues of 1925), accepted range claim maps upon which livestockmen depicted the area of range customarily used in their operation. John M. Marble and Robert E. Marble, predecessors, filed map 659-34, which included this area. They were, in turn, successors to the Union Land and Cattle Company, which were successors to the Nevada Land and Cattle Company, which were successors to the Marys River Land and Cattle Company, which was owned by N.H.A. Mason and Lewis L. Bradley. The Marys River Land and Cattle Company owned much of the private land in the drainage and for that reason, made grazing use of this area. In 1903, tax rolls of Elko County, Nevada, indicated this company owned 3,500 stock cattle and 240 horses; and in 1904, 3,000 stock cattle, 240 horses and 4,800 sheep. Therefore, it is on these basic facts that a 1904 vested water right is claimed within this drainage area.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 4,000 head for one month or 2,000 head for two months or 800 head for five months.  
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.

(11) The amount of water which has been necessary to be diverted for this purpose has been 0.0247 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 #3

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Tabor Creek Cattle Company 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.

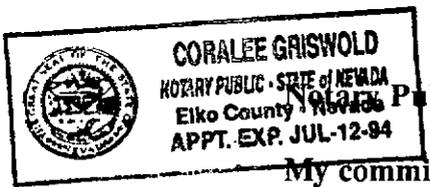
Tabor Creek Cattle Company  
Claimant

Telephone No. ( 702 ) 883-3200

By William C. Fishel 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 12 day of October, 1993.



Coralee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994