

Serial No. 06241

**THE STATE OF NEVADA**  
**PROOF OF APPROPRIATION OF WATER FOR**  
**STOCK WATERING PURPOSES**

(1) **Name of Claimant** 26 RANCH, INC., a Colorado corporation [Street and No. or P. O. Box No.] 4975 Van Gordon Street of [City or town] Wheat Ridge [State and Zip Code No.] Colorado 80033.

(2) **Source of water** [Name of natural water source] 26 RANCH SPRING #8A.

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

(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.] Within the NE1/4 NE1/4 of Section 18, Township 37 North, Range 51 East, MDM from which the Southwest corner of Section 7, Township 37 North, Range 50 East, MDM bears South 79°29' West a distance of 26,660 feet.

(5) **The water is impounded in** [Troughs, tanks, pools, reservoir, natural channel, etc.] Natural pools and spring area.

(6) **The construction of the ditch or other works was begun** [Date] None and completed [Date] None.

(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.] Public land upon which claimant holds a grazing permit. The place of use is within the NE1/4 NE1/4 of Section 18, Township 37 North, Range 51 East, MDM.

(8) **The claimant's water right was not recorded in the office of the County Recorder of** \_\_\_\_\_ County, at Page \_\_\_\_\_ of Book \_\_\_\_\_ of \_\_\_\_\_.

(9) **The approximate number of animals watered by the claimant during the first year** [Date] 1896 was Unknown cattle Unknown horses Unknown sheep or [Other] Unknown. **The watering was conducted during each of the following months** The first year of use was prior to 1896 with use by sheep and cattle as evidenced by records referred

to under "Remarks" (Exhibit "A"). These records also indicate that from the first year of use to 1896 there were fluctuations of numbers, and by 1896 the numbers had become established at 200 animal units. Use was made during the period of March 15 to October 15..

**(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] Use of this source was made by sheep and cattle for an equivalent of 200 animal units, with all use by sheep being gradually converted to cattle use. The number of animals watered subsequent to 1896 has remained at the equivalent of 200 animal units, except during period of drought or herd reduction for economic reasons..

**(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] 0.00625 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] None. Use is made from spring area and pools.

**Remarks -** Remarks concerning evidence of priority are attached hereto as Exhibit "A".

The source of water for this proof is located within the Humboldt River basin. However, the waters produced do not reach a channel which is a tributary to the Humboldt River except for a short period of time during the Spring runoff. During that period of time, livestock are normally not in the area and there is no use made of the source during such runoff.

The source and place of use of the water lie within an allotment composed of private land owned by the claimant and public domain, with the season of use and numbers of livestock at the present time being established pursuant to Bureau of Land Management regulations and administration. Conditions contained in the grazing permit, together with variations in annual weather conditions and growth, will cause variations in the numbers of livestock and period of use from this source. The period of use and number of livestock shown in this proof are considered to represent the average with consideration for the factors set forth above.

**The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by 26 RANCH, INC., a**

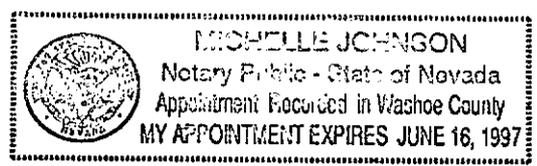
Colorado corporation, are full and correct to the best of his knowledge and belief. [If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant].

**CLAIMANT**

Telephone No. ( ) \_\_\_\_\_

**26 RANCH, INC.**  
**A Colorado Corporation**

By Arden B. Morrow  
**ARDEN B. MORROW** *President*  
**4975 Van Gordon Street**  
**Wheat Ridge, CO 80033**



Telephone No. ( 303 ) 425-7042

Subscribed and sworn to before me this  
21 day of December, 1993.

Michelle Johnson

Notary Public in and for the County of Washoe

My commission expires June 16, 97

**\$50 FILING FEE MUST ACCOMPANY PROOF**

EXHIBIT "A"  
PROOF OF VESTED RIGHT

Predecessors of Claimant

Claimant is the successor in interest to several livestock operators who made use of the water claimed prior to 1905. The major users were GEORGE W. GRAYSON, RUSSELL & BRADLEY LAND AND CATTLE COMPANY, W.T. JENKINS, WARREN W. WILLIAMS, KAISER LIVESTOCK COMPANY, AND J.A. BLOSSOM, all of whom owned improved land together with unfenced range lands upon or near the source and made extensive use of the forage and waters within the area, including this source.

The land of each predecessor now owned by claimant is generally described as follows:

- George W. Grayson - Stampede Ranch - Located in Sections 25, 26, 35 and 36, Township 38 North, Range 52 East, MDM, with extensive range lands in Townships 37, 38, and 39 North, Ranges 51, 52 and 53 East, MDM.
- Russell & Bradley Land and Cattle Company - Twenty-Five Ranch - Located in Sections 4, 5, 6, 8, 9, 10, 14, 15, 16, 21, 22, 23, 24, 25, 26, and 36, Township 33 North, Range 44 East, MDM and St Johns Field located in Township 38 North, Range 50 East, MDM.
- W.T. Jenkins Company - Range lands located in Townships 36, 37, 38, 39 North, Ranges 48, 49, 50, 51 and 52 East, MDM which was acquired prior to 1904 and assessed to that company as evidenced by the records of the Elko County Assessor for the year of 1904.
- Warren W. Williams - Extensive range lands located in Townships 36, 37, 38, 39, 40 North, Ranges 45, 46, 47, 48, 49, 50, 51 East, MDM.
- Mrs. E. B. Kaiser and Charles E. Kaiser - Extensive range lands located in Townships 36 and 37 North, Ranges 49, 50 and 51 East, MDM.
- J.A. Blossom - Blossom Ranch - Located in Sections 1 and 2, Township 32 North, Range 45 East, MDM.

Chain of Title

The chain of title of the claimant to those basic lands described above is as follows:

GEORGE W. GRAYSON (STAMPEDE RANCH):

<u>Grantor</u>	<u>Grantee</u>	<u>Date</u>	<u>Deed Recorded</u>		
			<u>Book</u>	<u>Page</u>	<u>County</u>
G.W. Grayson	Humboldt Land & Cattle Company	04-25-90	20	393	Elko
Humboldt Land & Cattle Company	Henry Anderson C.H. Duborg	07-15-01	27	36	Elko
Christian H. Duborg Henry Anderson	W.T. Jenkins Company, Inc.	11-12-10	32	497	Elko

See balance of chain of title under W.T. Jenkins Company.

RUSSELL & BRADLEY LAND AND CATTLE COMPANY (TWENTY-FIVE RANCH):

<u>Grantor</u>	<u>Grantee</u>	<u>Date</u>	<u>Deed Recorded</u>		
			<u>Book</u>	<u>Page</u>	<u>County</u>
Russell & Bradley Land and Cattle Company	Russell Land and Cattle Company				No recorded conveyance found in Elko County. The title of Russell & Bradley Land and Cattle Company removed by quiet title action dated 11/18/48 with order of Court recorded in Book 14 of Misc. Records at Page 352, Elko County. Russell & Bradley acquired lands beginning in 1886 as reflected in records of the Elko County Recorder.
Russell Land and Cattle Company	Howard S. Doyle Myron T. Doyle Thomas O. Craven	03-12-45	53	228	Elko
Howard S. Doyle, et ux, et al.	Carter Gennett	11-04-47	56	467	Elko
Carter Gennett, et ux.	Richard T. Thomas, Jr. & John W. Marvel	11-29-48	56	479	Elko
Richard T. Thomas, Jr. & John W. Marvel, et ux.	W.T. Jenkins Company	11-29-48	56	543	Elko

See balance of chain of title under W.T. Jenkins Company.