ORIGINAL

Serial No. 06609

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant RJD CATTLE COMPANY

2991 B GOLD CANAL DRIVE (Street and No. or P.O. Box No.) of RANCHO CORDOVA (City or town)

CALIFORNIA 95670 (State and Zip Code No.)

(2) Source of water SEE ATTACHED (Name of natural water source.)

(3) The water is diverted by THE NATURAL CHANNEL, AND SPRING AREAS (Dam, ditch, pipe line, natural channel, spring area, etc.)

(4) The water is diverted at the following point(s) SEE ATTACHED
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.

(5) The water is impounded in THE NATURAL CHANNEL (Troughs, tanks, pools, reservoir, natural channel, etc.)

(6) The construction of the ditch or other works was begun UNKNOWN (Date)

and completed UNKNOWN (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.)

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of

SEE ATTACHED 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).

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(9) The approximate number of animals watered by the claimant during the first year..... (Date)

was.....cattle.....horses.....sheep or..... (Other) The watering

was conducted during each of the following months.....

SEE ATTACHED

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

SEE ATTACHED

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.....

SEE ATTACHED cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at REFER TO ATTACHED SUPPORTING MAP FOR LEGAL DESCRIPTION

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

OF NATURAL CHANNEL

Remarks.....

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Remarks.....

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by RJD CATTLE COMPANY

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

DEPONENT IS ACTING AS AUTHORIZED AGENT FOR CLAIMANT

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

RJD CATTLE COMPANY
Claimant

Michael D Buschelman

By MICHAEL D. BUSCHELMAN, P.L.S.

5405 MAE ANNE AVENUE
Street and No., or P.O. Box No.

RENO, NEVADA 89523
City, State, Zip Code No.

Subscribed and sworn to before me this 14th day of JUNE, 19 94.

Lynn E. Walters

Notary Public in and for the County of WASHOE, NEVADA

My commission expires Jan. 12, 1997

LYNN E. WALTERS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES JAN 12, 1997

$10 FILING FEE MUST ACCOMPANY PROOF

Form Aa Rev. 9-72)

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SUPPLEMENT
TO
PROOF OF APPLICATION NO. 06609

Item 9. The approximate number of animals watered by the claimant prior to 1877 was at least 100 cattle. The watering was conducted during the months of March through November.

Item 10. The approximate number of animals watered by the claimant in subsequent years was as follows: Varying numbers depending upon the time of year but not exceeding 775 head of cattle.

Item 11. The amount of water which has been necessary to be diverted for this purpose has been .02421 cubic feet per second.

Remarks

The numbers of livestock set forth in Items 9 and 10 is based upon the early livestock operation of Daniel Murphy in the area.

The Decree of Distribution in the Estate of Daniel Murphy which is recorded in Book 12 of Miscellaneous Records at Page 342, Elko County, Nevada, distributes to Daniel M. Murphy and Diana M. Hill, among other lands, portions of Sections 7 and 8, T 43N, R 55E, MDB&M. The claimant is the present owner of those lands distributed in said sections and other lands. In addition approximately 2,000 head of JP cattle were distributed along with 2,600 head of Diamond A cattle and a half interest of 1,000 Murphy and Cleaveland cattle. It is assumed the Murphy and Cleaveland cattle were resident in present White Pine County which is where a portion of the land was described. The date of death of Daniel Murphy stated in the Decree of Distribution is June 1, 1884.

Daniel Murphy owned other lands throughout the North Fork, Diamond A Desert and Gold Creek area. This is substantiated by the Water Claim of Murphy and Hill recorded in Book 1 of Water Rights at Page 677, Elko County, Nevada which claims diversions of Foreman Creek, Barkley Creek and Johnson's Creek (North Fork area), Penrod Creek (Gold Creek area) and Mary's River ranging from 1872 to 1884. This also evidences open range cattle grazing in the area of this proof.

Bernard Murphy conveyed to Daniel Murphy, et ux, all cattle owned in Nevada by conveyance dated February 19, 1877, and recorded in Book 2 of Misc. Records at Page 719, Elko County, Nevada.

Based upon the above, a conservative priority claim of 1877 is made.

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ATTACHMENT
AMENDED
SERIAL NO. 06609

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

NAME OF CLAIMANT: **RJD CATTLE COMPANY**

ITEM NO. 2, ITEM NO. 4 - SOURCE OF WATER, POINT OF DIVERSION

SOURCE: CHICKEN CREEK AND TRIBUTARIES
CHICKEN CREEK IS A TRIBUTARY TO EAST FORK OF THE OWYHEE RIVER
POD #1: SE1/4 SE1/4 SECTION 36 T43N, R54E, MDM.
POD #2: NW1/4 NW1/4 SECTION 28 T43N, R55E, MDM (E. FORK OF OWYHEE)

USGS 7.5 MINUTE QUAD: DELAWARE CREEK, NEVADA

ITEM NO. 8 - RECORDATION OF CLAIMANT'S WATER RIGHT

UNKNOWN

ITEM NO. 9 - LIVESTOCK WATERED BY CLAIMANT IN FIRST YEAR

UNKNOWN

ITEM NO. 10 - LIVESTOCK WATERED BY CLAIMANT IN SUBSEQUENT YEARS

REFER TO ITEM NO. 11

ITEM NO. 11 - AMOUNT OF WATER DIVERTED

THE TOTAL VOLUME OF WATER REQUIRED TO SATISFY THE NEED OF XXX HEAD OF CATTLE, XXX HEAD OF HORSES, XXX HEAD OF SHEEP IS CALCULATED AS FOLLOWS:

20 GALLONS PER DAY X # OF CATTLE X # OF DAYS =

20 GALLONS PER DAY X # OF HORSES X # OF DAYS =

4 GALLONS PER DAY X # OF SHEEP X # OF DAYS =

THE RATE OF FLOW WILL BE CONSIDERABLY SMALLER THAN IS NEEDED TO PROVIDE WATER FOR STOCKWATERING PURPOSES, THEREFORE A VOLUME OF WATER IS MORE REPRESENTATIVE OF THE NEEDS OF THE ANIMALS.

INFORMATION IS NOT AVAILABLE AT THIS TIME BUT WILL BE PROVIDED IN THE NEAR FUTURE.

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