**ORIGINAL**

Serial No. 06660

THE STATE OF NEVADA

# PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant VAN NORMAN RANCHES, INC.

VAN NORMAN RANCHES of TUSCARORA
Street and No. or P.O. Box No. City or town

NEVADA 89834
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 NATUPAL CHANNEL

Remarks.....

06660

Remarks.....

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by...VAN. NORMAN RANCHES, INC. .....

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.

VAN NORMAN RANCHES, INC.
Claimant

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

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**

405

Form AA Rev. 9-72)

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1-28-97

**ATTACHMENT**
**SERIAL NO. 06660**

Item 9

The range livestock use of this source originated from two ranch operations which existed in 1905. This was the Byrnes operation which had fenced property in Sections 24 and 25, Township 40 North, Range 52 East, and Sections 18 and 19, Township 40 North, Range 53 East, and the Schmidt property located in Sections 25, 35 and 36, Township 40 North, Range 52 East, and Sections 19, 30 and 31, Township 40 North, Range 53 East.

Historical accounts state that the Byrnes property was one of the early ranches in the area, but reliable written records of the numbers operated are not found for either operation.

Records of the Elko County Assessor reveal the following numbers as being assessed in 1896:

| | |
|---|---|
| J. P. Byrnes | 70 cattle |
| H. W. Schmidt | 66 cattle and horses |
| | 136 livestock. |

Based upon this information, 136 head of livestock are claimed. Early patents issued show ownership of the presently owned lands in 1884, and even though historical records indicate a much earlier date of use, this is the first year of use claimed.

Due to the location of this source and the private property now owned, it is assumed that both operations used this source.

Both the Byrnes property and Schmidt property were combined into one operation under Van Norman Ranches, Inc. The claimant subsequently conveyed the Schmidt property to other owners but retained the use from the source. Therefore, the claimant has all of the priority for livestock. A priority of 1884, with an approximate number of 50 livestock used the source during the period of May 1 to October 31 as evidenced from the above.

Item 10

This source is located upon National Forest lands. No information on the number of livestock associated with the Schmidt property is available at this time. However, a successor to the Byrnes property, D. B. Williams, wrote a letter to the Taylor Grazing Board dated February 9, 1950, wherein he stated that he placed 187 head of cattle upon the "Forest Reserve." This letter was found in available files of the Bureau of Land Management.

In order to have a permit upon the Forest in 1950, it was necessary to be the successor of a party who grazed those lands prior to the withdrawal of the National Forest. A search of the records reveals that D. B. Williams was the successor of J. P. Byrnes. As a number of grazing

reductions had been made upon the Forest between 1905 and 1950, it is not unreasonable to assume that by 1905, a minimum of 250 cattle were grazed upon those lands in 1905.

Through administrative decisions of the land management agency, some deferred or rotation grazing is required. Therefore, the numbers of livestock on this source may vary from year to year. The maximum number which use this source and is the number for years subsequent to 1905 is 150 cattle and 5 horses for the period of June 1 to October 15.

Item 11

The amount of water necessary to be diverted is .00484 cubic feet per second.