

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 TUSCAGOBA.....  
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.....  
was.....cattle.....horses.....sheep or.....  
Date  
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

OF NATURAL CHANNEL  
land, it should be stated.

Remarks.....

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Remarks.....  
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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

*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.....



\$10 FILING FEE MUST ACCOMPANY PROOF

06667

ATTACHMENT  
AMENDED  
SERIAL NO. 06667

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

NAME OF CLAIMANT: VAN NORMAN RANCHES, INC.

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

SOURCE: McCAN CREEK AND TRIBUTARIES (BERRY CR.)

POD #1: NE1/4 SW1/4 SECTION 8 T39N R51E, MDM.

USGS 7.5 MINUTE QUAD: MOUNT BLITZEN, 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.

ATTACHMENT

SERIAL NO. \_\_\_\_\_

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NAME OF CLAIMANT: VAN NORMAN RANCHES, INC.

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

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

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

INFORMATION NOT RESEARCHED AS OF THIS DATE

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

INFORMATION NOT YET RESEARCHED, BUT WILL BE PROVIDED UPON REQUEST

06667

**ATTACHMENT  
AMENDED SERIAL NO. 06667**

Item No. 2, Item No. 4 - Source of Water, Point of Diversion

Source:           McCan Creek and Tributaries (Berry Cr.)  
POD #1:         NE¼ SW¼ Section 8, Township 39 North, Range 51 East, MDM.

USGS 7.5 Minute Quad:     Mount Blitzen, Nevada.

Item No. 8 - Recordation of Claimant's Water Right

Not recorded.

Item No. 9 - Livestock Watered by Claimant in First Year

Portions of the property upon which the range livestock are based were first used for such livestock at the time mining started at Tuscarora in the 1870's. As early as 1871 the Elko Independent newspaper makes reference to the ditch and ranch property of the Beard Bros. (November 25, 1871). The same newspaper reports Beard Bros. as furnishing 15 head of horses for work (July 4, 1874). However, it is difficult to locate written information which would indicate the number of livestock first watered. A search of available records shows that a predecessor of the claimant, John Beard, one of the Beard Bros., mortgaged 130 horses which were described as ranging in the area in 1891. A chattel mortgage was recorded in Book 1 of Chattel Mortgages at Page 798. Although historical accounts evidence an earlier date for range livestock watering, the date of 1874 is claimed. The season of use claimed is March 15 to December 31.

Item No. 10 - Livestock Watered by Claimant in Subsequent Years

Prior to 1905, the property presently owned by the claimant was several small er ranch operations, each of which made use of this source. Available records in the office of the Elko County Recorder are used to evidence number of livestock watered by predecessors.

The record of chattel mortgages maintained in the office of the Elko County Recorder evidence the following numbers:

<u>Book and Page</u>	<u>Year</u>	<u>Name</u>	<u>Numbers</u>
Book 1, Page 798	1891	John Beard	130 horses
Book 2, Page 286	1892	H. W. Brown	250 horses 250 cattle
Book 3, Page 169	1895	T. C. Plunkett	175 cattle
Book 3, Page 578	1897	Fred Wilson	<u>100</u> cattle 905 head

Information as to additional predecessors are obtained from the tax roll of Elko

County for the year of 1905, which would evidence numbers for 1904:

<u>Owner</u>	<u>Numbers</u>
W. F. Roseberry	100 cattle
Phillips Bros.	93 cattle
J. N. Phillips	47 cattle
W. P. Young	20 cattle
	<u>40 cattle</u>
	400 cattle

A portion of the claimant's property was owned by Pedro Altube in 1905, who was assessed for 6,000 cattle, 7,000 sheep and 350 horses in that year. Based on production, it is assumed that 200 cattle would have watered at this source and such right was acquired with the purchase of the Altube lands by the claimant's predecessors.

Claimant was also a successor-in-interest to some lands owned by Russell & Bradley Land and Cattle Company who were assessed for 2,000 cattle and 20 horses in 1894. Again, on the basis of production, it is assumed that 200 cattle would be attributed to those lands, which have since been traded for other lands.

All of the above sources of information show a minimum of 1,605 head of water in 1905. This is considered to be a conservative number for the reason that by 1937, J. N. Phillips had consolidated the ownership of the claimant's property. A conveyance recorded in Book 47 of Deeds at Page 477 executed by J. N. Phillips, et ux., inventoried the sale of the following numbers:

551 steers
312 heifers
982 cows
326 calves
53 weaners
<u>32 bulls</u>
2,256 total

A total of 1,600 head priority is claimed.

Prior to decisions and range agreements resulting from Bureau of Land Management administration of unfenced range lands, these livestock used a number of other water sources in the area in common with other owned livestock. The number of livestock has varied from year to year only due to weather and forage conditions and land management agency decisions.

Time of use is year round with 1,200 cattle within a prior use period of March 15 to November 1 and 100 cattle November 1 to December 31.

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Item No. 11 - Amount of Water Diverted

This amount is based on 1,600 head of claimed priority and is 0.05 cubic feet per second.