

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

(1) Name of claimant DEAN AND SHARON RHOADS

RHOADS RANCH 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).

036
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Sheet 2/2

17

17



(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

OF NATURAL CHANNEL.....
land, it should be stated.

Remarks.....

11



11

Remarks.....
.....
.....
.....
.....

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by.....DEAN AND SHARON RHOADS
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.

DEAN AND SHARON RHOADS.....
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.

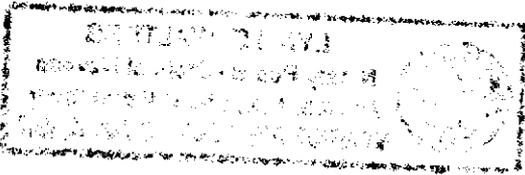
Subscribed and sworn to before me this *14th* day of JUNE 19 *84*.

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



STATE ENGINEERS OFFICE
RECEIVED

94 JUN 15 P4:19

ATTACHMENT
AMENDED
SERIAL NO. 06671

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

NAME OF CLAIMANT: DEAN AND SHARON RHOADS

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

SOURCE: BIG COTTONWOOD CANYON CREEK AND TRIBUTARIES

POD #1: 116°17'34" LONGITUDE, 41°22'26" LATITUDE

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

STATE ENGINEERS OFFICE

94 JUN 24 P 3:20

ATTACHMENT

SERIAL NO. _____

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

NAME OF CLAIMANT: DEAN AND SHARON RHOADS

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

SOURCE: BIG COTTONWOOD CANYON CREEK AND TRIBUTARIES

POD #1: XXX·XX'X" LONGITUDE, XX·XX'X" LATITUDE

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:

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SERIAL NO. _____

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NAME OF CLAIMANT: DEAN AND SHARON RHOADS

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

STATE ENGINEERS OFFICE
RECEIVED

94 JUN 15 P4:19

SECOND AMENDED
ATTACHMENT TO
PROOFS OF APPROPRIATION
FOR STOCK WATERING PURPOSES

- PROOF 06668 - PACKER CANYON CREEK
- PROOF 06669 - PLEASANT VALLEY CREEK
- PROOF 06670 - SUTTLE SPRING
- PROOF 06671 - BIG COTTONWOOD CREEK
- PROOF 06672 - INDIAN CREEK
- PROOF 06673 - BRONCO CREEK
- PROOF 06674 - HAM CREEK
- PROOF 06675 - ADAMS CREEK
- PROOF 06676 - McCANN CREEK

Item 8

The claimant's water right was not recorded.

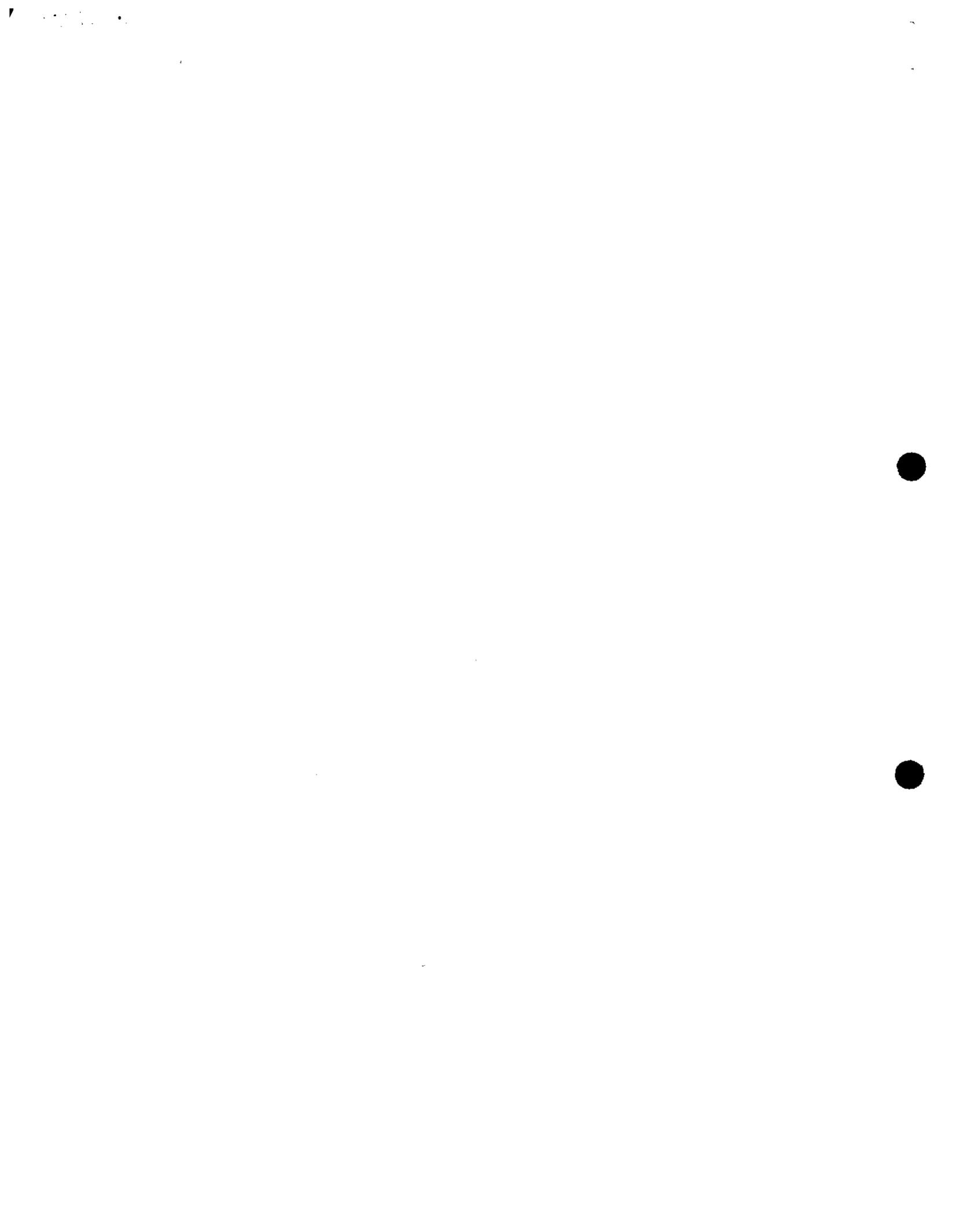
Items 9 and 10

The numbers of livestock watered by claimant's predecessors in the first year of use is very difficult to obtain. In Proofs of Appropriation of Irrigation Nos. 06558, 06559, 06560, 06561, 06562 and 06563, priority for irrigation is from 1876 to 1895. As the lands covered in those irrigation proofs were used in conjunction with open range grazing, it appears that stockwater use off the lands used for hay and pasture production would closely coincide to the original diversion of water for irrigation. A search of available records does not provide documentation for this proof. The source which provides the greatest amount of information as to livestock numbers are the records maintained by the Elko County Assessor. Up until 1885, there is limited information as to range livestock numbers. The claimant's existing ranch property was assembled by acquisition of a number of smaller ranch properties by predecessors of claimant. In reviewing tax records of these predecessors, it is apparent that the smaller ranch properties had minimal numbers of livestock in years prior to 1886. However, by 1888, numbers had increased.

In 1885, the Elko County Assessor made an assessment for "stock cattle" for predecessors of interest as follows:

James Byrnes	5 cattle
Dan Coll	11 cattle
Haws Bros.	100 cattle
Warren Shoecraft	30 horses
Adaline Postlethwaite	<u>120 cattle</u>
	266 cattle

As these livestock would have used the open waters prior to the year of assessment, a priority of 1883 is claimed.



By 1888, the numbers and owners who are predecessors had increased to the following:

<u>Owner</u>	<u>No. of Livestock</u>
H. W. Brown	250 cattle and horses
James Byrnes	30 cattle
Dan Coll	33 cattle
O. L. C. Fairchild	40 cattle
Haws Bros.	230 cattle
Humboldt Land & Cattle Co.	650 cattle and horses
John Jack	20 horses
Homer Warren	75 horses
Adaline Postlethwait	<u>160 cattle and horses</u>
	1,488 total

In addition to those numbers, Warren W. Williams owned portions of the lands presently vested in the claimant and ran as high as 60,000 head of sheep through the area for a short period of time by 1891. (See publication entitled "Nevada's Northeast Frontier" by Edna Patterson, et al., pages 415, 416 and 417.) (See chain of title submitted with Proofs 06558 through 06563, inclusive, for the period of time the above-named predecessors were in title.)

T. T. Fairchild was a predecessor of the claimant for a major portion of the meadow and pasture lands of the claimant. James Powers, an employee of the Taylor Grazing Service, prepared a summary of that operation dated December 7, 1936 (copy attached). In this, he stated the normal year-round operation included 2,000 cattle and that Fairchild had used the range referred to as "the head of Owyhee River" for 50 years. This corroborates the priority date set forth above of 1883, as Fairchild did not acquire lands of the claimant until past 1883. The total use prior to 1905 is considered to be conservative at 2,000 head.

In summary, a priority for each of the sources is claimed as 1883. To the best information and belief of the claimant, the numbers using the source during the first year and subsequent years were as follows:

<u>Proof No.</u>	<u>Source</u>	<u>First Year of Use</u>	<u>Subsequent Years</u>
06668	Packer Canyon	50	300
06669	Pleasant Valley Co.	50	300
06670	Suttle Spring	10	200
06671	Big Cottonwood Creek	20	275
06672	Indian Creek	100	400
06673	Bronco Creek	75	400
06674	Ham Creek	75	400
06675	Adams Creek	75	300
06676	McCann Creek	100	350



The season of use claimed is March 15 to December 1, which was customary use prior to 1905.

The numbers and season of use will vary dependent upon management requirements of the federal land-administering agency, Bureau of Land Management, natural movement of livestock, annual forage and water fluctuations and management decisions. However, the numbers as shown for subsequent years is an average number for a grazing season.



STATE Monte
NAMES: T. J. Schmitt
ADDRESS: Successor, Nevada

Examiner: James Powell
Date: Nov 7, 1926

Total Owned Land 412 Acres: Total Leased Land _____ Acres:

I. FORAGE CROP LAND USE

KIND OF CROP	OWNED LAND		LEASED LAND		FORAGE DISPOSITION					ANNUAL YIELDS		
	Acres	Yield tons	Acres	Yield (tons)	Tons Range	Feed L.S.	Other L.S.	Feed Sold	Tons Reg.	Actual	Yield	Exam. Est.
Wet mead.	3000	2000	0	0	5000*	0	0	0	0	6000	12000	
										6000	12000	

* This may that is not used in feed in this C.

II. PASTURE AND RANGE LAND USE

KIND or TYPE	OWNED				LEASED				ANNUAL YIELDS		
	Acres Prot.	Acres Unprot.	Mos. Grazed	No. & Kind L.S.	Acres Prot.	Acres Unprot.	Mos. & Kind Grazed L.S.	Actual	Yield	Exam. Est.	
Wet mead	2000	0	2	9000c 90%	0	0	0	2000	1000	2000	
Pasture	5462	1200	?	3000c 90%	0	0	0	4840	3731	4840	
								4840	3731	4840	

DUPLICATE COPY

* There is in this state 488,440 acres of pasture that could have been used for hay, so it has been given a higher rating by Examiner.

Area unused for grazing (farmstead, nonforage crops, etc) _____
Area leased or rented to others: _____ Type of land _____ Yrs. _____
Supplemental Remarks:

This is the leased land and the applicant claims no...
...than the water that are...
...in the...
...



IV. LIVESTOCK OPERATION

(a) Normal Year Round Operation

LAND CONTROL	PERIOD OF USE		NO. MO.	NO. LIVESTOCK, KIND	ANIMAL MONTHS		
	From	to			Actual	Yd. Stk.	Est.
Public Domain	Apr. 1	Nov. 1	7	1200 C 40 h			
	Sept. 1	Sept. 1	3	260 C			
Nat'l Forests or Reserves	Sept. 1	Apr. 1	12	254 C			
	Apr. 1	Sept. 1	2.5	316 C	12,240		
Leased Lands (Priv)							
" " (State)							
Private Lands: Pasturage	Nov. 1	Jan. 1	2	2000 C 90 h	6840	3731	6840
FEEDING Range L.S.	Jan. 1	Apr. 1	3	2000 C 90 h			
Other L.S.	Apr. 1	Nov. 1	9	50 h	6000	12000	12000

(b) Supplemental Feeds (Normal)

25,080.

KIND	AMT. PURCHASED	AMT. FED	NO. & KIND LIVESTOCK	WHERE FED	ANIMAL MONTHS (Average)

(c) Dependency of Operation Base to Public Domain

LIVESTOCK CLASS	PRESENT NUMBERS		PRIOR USE HISTORY				
	Total Owned	1936 License	1935	1934	1933	1932	1931
Cattle	2000	See form VII A	2000	2000	2000	2000	2000
Horses	90	40	90	90	90	90	90
Number of Months Used	7	7	7	7	7	7	7

(i) Area description of (customary) Public Domain: Trail distance from base _____ mi (Available)

This area is described as being in T3. 39 N.R. 50. and 51 E And is located on the head of the Stove River

(e) Other Joint Users of Available Public Domain

NAME	NO. & KIND LIVESTOCK	SEASON MO.	PRIOR USE YRS.	TRAIL DIST. TO BASE
Russell Land Co.	5000 sheep	7	50 yrs	75 miles.
Edwin Panching	10000 sheep	7	"	Adjacent



**ATTACHMENT
2nd AMENDED
SERIAL NO. 06671**

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USGS 7.5 MINUTE QUAD: MOUNT BLITZEN, NEVADA**

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REFER TO ATTACHMENT

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REFER TO ATTACHMENT

ITEM NO. 11 - AMOUNT OF WATER DIVERTED

THE TOTAL VOLUME OF WATER REQUIRED TO SATISFY THE NEED OF 275 HEAD OF CATTLE/HORSES IS CALCULATED AS FOLLOWS:

**20 GALLONS PER DAY X 275 CATTLE/HORSES FOR 261 DAYS = 1,435,500
GALLONS PER YEAR**

20 GALLONS PER DAY X 275 = 5,500 GALLONS PER DAY

5,500 GALLONS PER DAY/646,315 = 0.009 C.F.S.

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1



SECOND AMENDED
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PROOFS OF APPROPRIATION
FOR STOCK WATERING PURPOSES

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STATE DEPARTMENT OF REE

GOVERNOR 10 AM 10-17

DEPT. OF REE