

AMENDED  
STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING  
OR WILDLIFE PURPOSES

(1) Name of Claimant Elias Fernando Goicoechea Family Trust Agreement

HC 31, Box 90 of Elko  
Street and No. or P.O. Box No. City or town  
Nevada 89801  
State and Zip code No.

(2) Source of water North Wild Horse Creek, Two Unnamed Springs and tributaries  
Name of natural water source.

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

(4) The water is diverted at the following point(s) (Map 2) NW¼NE¼ Section 4, T. 44 N., R. 54 E.,  
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.  
MDM (unsurveyed), at a point from which the NW corner of Section 6, T. 44 N., R. 54 E., MDM,  
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.  
bears N. 86°43' W., 13,768 feet and also the NE¼SE¼ Section 33, T. 45 N., R. 54 E., MDM  
(unsurveyed), at a point from which the SW corner of Section 31, T. 45 N., R. 54 E., MDM, bears  
S. 80°11' W., 15,162 feet and also the NE¼SW¼ Section 34, T. 45 N., R. 54 E., MDM  
(unsurveyed), at a point from which the SW corner of Section 31, T. 45 N., R. 54 E., MDM, bears  
S. 84°43' W., 17,937 feet and also the (Map 3) SW¼NE¼ Section 4, T. 44 N., R. 54 E., MDM  
(unsurveyed), at a point from which the NW corner of Section 6, T. 44 N., R. 54 E., MDM, bears  
N. 79°50' W., 13,806 feet and also the NW¼SE¼ Section 3, T. 44 N., R. 54 E., MDM (unsurveyed),  
at a point from which the NW corner of Section 6, T. 44 N., R. 54 E., MDM, bears N. 81°47' W.,  
19,617 feet and also the NW¼SW¼ Section 3, T. 44 N., R. 54 E., MDM (unsurveyed), at a point  
from which the NW corner of Section 6, T. 44 N., R. 54 E., MDM, bears N. 79°14' W., 17,417 feet  
and also the NE¼SW¼ Section 3, T. 44 N., R. 54 E., MDM (unsurveyed), at a point from which

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the NW corner of Section 6, T. 44 N., R. 54 E., MDM, bears N. 78°23' W., 18,920 feet, which all

the above listed points follow the natural channels to a point in the SW¼NE¼ Section 9,

T. 44 N., R. 54 E., MDM (unsurveyed), at a point from which the NW corner of Section 6,

T. 44 N., R. 54 E., MDM, bears N. 63°16' W., 16,173 feet

Unnamed Spring #13 (Map 3) NW¼SW¼ Section 3, T. 44 N., R. 54 E., MDM (unsurveyed), at

a point from which the NW corner of Section 6, T. 44 N., R. 54 E., MDM, bears N. 78°42' W.,

16,517 feet.

Unnamed Spring #14 (Map 3) SE¼SE¼ Section 4, T. 44 N., R. 54 E., MDM (unsurveyed), at a

point from which the NW corner of Section 6, T. 44 N., R. 54 E., MDM, bears N. 73°13' W., 16,056

feet.

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

(6) The construction of the ditch or other works was begun none  
and completed \_\_\_\_\_  
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 Public domain with grazing permit  
Patented, deeded, public domain with grazing permit, etc.

(Map 2) E½SE¼ of Section 33; E½SW¼ of Section 34; all within T. 45 N., R. 54 E., MDM

(unsurveyed), N½NW¼, SW¼NW¼, NW¼NE¼ and the S½NE¼ of Section 3; NE¼ of Section 4;

all within T. 44 N., R. 54 E., MDM (unsurveyed), (Map 3) NW¼SE¼ and the SW¼ of Section 3;

SE¼ of Section 4; NW¼NE¼ and a portion of the SW¼NE¼ of Section 9; all within T. 44 N.,

R. 54 E., MDM (unsurveyed).

Unnamed Spring #13 (Map 3) - NW¼SW¼ of Section 3, T. 44 N., R. 54 E., MDM (unsurveyed).

Unnamed Spring #14 (Map 3) - SE¼SE¼ of Section 4, T. 44 N., R. 54 E., MDM (unsurveyed).

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



The variations in numbers illustrate the fluctuations that occurred in this operation, primarily due to economic and weather conditions. History of Nevada by Thomas Wren, published in 1904, Page 564, states that W.T. Jenkins Company owned 22,000 sheep in Elko, Lander and Humboldt Counties.

As the Elias Fernando Goicoechea Family Trust operation is only a part of the pre-1905 W.T. Jenkins operation, it is difficult to establish a priority number. It is suggested that this be done by reviewing the present licensed numbers and increasing those on the proportion that 10,000 sheep (the claimed operation prior to sale) is to 32,400 sheep as set out in the water protest. Year of priority is basically unrecorded. W.T. Jenkins, by documents of record, is a predecessor of J.A. Blossom in the Battle Mountain area, for which evidence of extensive grazing use is found prior to 1876. The publication entitled Nevada's Northeast Frontier by Patterson, Ulph & Goodwin, Page 339, states that W.T. Jenkins entered the sheep raising business in 1877. From the above, the priority is based upon the dates of the early Chattel Mortgages at 1894.

Within the U.S. Forest, the applicant is claiming a right prior to January 1, 1905, based on the premise that any present permittee upon the U.S. Forest must be successor in interest to persons making use upon forest lands at the time of withdrawal of said lands, which was in 1905; claimant is that successor in interest.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 500 Cow/Calf 1000  
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.  
(See Remarks)

(11) The amount of water which has been necessary to be diverted for this purpose has been 0.0309 cubic feet per second.  
448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at None  
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks Use Maps 2 and 3  
The 1,000 cows and calves listed in this proof are the same as listed in the proofs filed under Owyhee River, Allegheny, Lost Meadows, Machado, and Hendricks Creeks.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Elias Fernando Goicoechea Family Trust Agreement are full and correct to the best of his knowledge and belief.

**the undersigned deponent is acting as Agent for the claimant**

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

**Elias Fernando Goicoechea Family Trust Agreement**

Claimant

Telephone No. ( 702 ) 758-6443

By William A. Fiebit Agent

421 Court Street

Street and No., or P.O. Box No.

Elko, NV 89801

City, State, Zip Code No.

Telephone No. ( 702 ) 738-2121

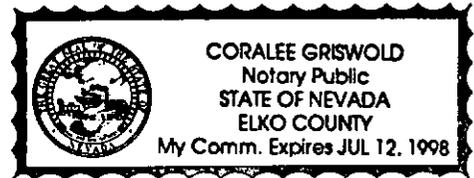
Subscribed and sworn to before me this 2 day of August, 19 94.

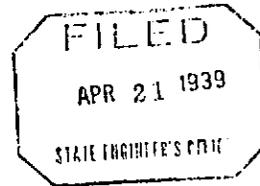
Coralie Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1998

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





TO MR. ALFRED MERRITT SMITH  
STATE ENGINEER

United States Department of :  
Agriculture, Forest Service :  
vs. :  
Afterthought Mines Corporation :  
of Rio Tinto, Elko County, :  
Nevada :

PROTEST AGAINST WATER  
FILING, STATE ENGINEER'S  
OFFICE, APPLICATION  
NO'S. 10318 and 10319

The United States Department of Agriculture, Forest Service, protests the allowance and approval of application for .25 of a second foot of water to be diverted from an unnamed spring located in the Northeast Quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 12, Township 45 North, Range 54 East, N.D.B. & M., application No. 10318, unsurveyed, and the allowance and approval of application for .25 of a second foot of water to be diverted from an unnamed spring located in unsurveyed Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 7, Township 45 North, Range 55 East, N.D. B. & M., Application No. 10319, both applications filed by the Afterthought Mines Corporation of Rio Tinto, Elko County, Nevada.

The United States Department of Agriculture, Forest Service, alleges as follows:

I.

That said springs are entirely on lands belonging to the United States and reserved for national forest purposes in the year 1905.

II.

That prior to and since said reservation the range dependent on said springs for stock watering have been and are now used for that purpose by the W. T. Jenkins Company of Battle Mountain, Nevada, and other users. That in 1911 the W. T. Jenkins Company was issued a permit by the Forest Service to graze on the area dependent on said springs for stock watering and domestic water supply, 32,400 head of sheep, and said company since that time has each year from July 1 to October 1, the grazing season, grazed large numbers of sheep on said area. That the present permitted sheep within said grazing area amounts to 18,084 head.

III.

That the waters of said springs are wholly and entirely within the national forest, and within the grazing area aforesaid and do not flow off said area.

IV.

That the use of the waters of said springs is necessary and appurtenant to the use of the surrounding grazing area.

*Handwritten signature*

V.

That the appropriation and use of said waters for other purposes would make valueless and impossible the use of the large surrounding area for grazing.

VI.

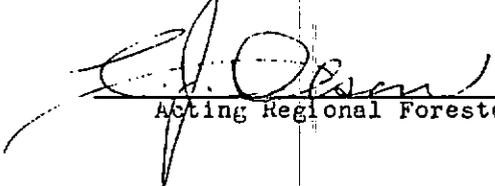
That the appropriation of the said water by said mining company would disrupt the established rights and make large reductions in stock necessary.

VII.

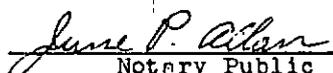
That the continued use of said springs for stock watering purposes is the most beneficial use to which said waters can be put. That the right to said use had been established by long and continuous use prior to the creation of the national forest, and has been continued since that time under Forest Service permit.

The Forest Service, therefore, requests that the State Engineer reject said applications in conformity with Section 2, of Stock Watering Act, Nevada, of April 1, 1925, and other laws.

I, \_\_\_\_\_ Acting Regional Forester, do certify that the statements herein are true to the best of my knowledge and belief.

  
Acting Regional Forester.

Subscribed and sworn to before me this 29 day of March, 1939.

My Commission Expires March 12-1940  
  
Notary Public

\_\_\_\_\_  
Regional Law Officer.

STATE ENGINEER

94 AUG-8 A9:47

ORIGINAL

Serial No. 06775

STATE OF NEVADA

**PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING  
OR WILDLIFE PURPOSES**

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HC 31, Box 90 of Elko  
Street and No. or P.O. Box No. City or town  
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State and Zip code No.

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Name of natural water source.

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Dam, ditch, pipe line, natural channel, spring area, etc.

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Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun none Date \_\_\_\_\_  
and completed \_\_\_\_\_ 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 Public domain with grazing permit  
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(8) The claimant's water right was not recorded in the office of the County Recorder of \_\_\_\_\_ 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).

(9) The approximate number of animals watered by the claimant during the first year Prior to 1905,  
was 500 cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep or wildlife (describe) \_\_\_\_\_ Date \_\_\_\_\_  
Other \_\_\_\_\_

The watering was conducted during each of the following months \_\_\_\_\_  
June 15th thru October 15th

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: \_\_\_\_\_  
500 Cow/Calf 1000

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.

(See Remarks)

(11) The amount of water which has been necessary to be diverted for this purpose has been \_\_\_\_\_  
0.0309 cubic feet per second.

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

the undersigned deponent is acting as Agent for the claimant

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

Elias Fernando Goicoechea, Family Trust Agreement

Claimant

Telephone No. ( 702 ) 758-6443

By William A. Russett Agent

421 Court Street

Street and No., or P.O. Box No.

Elko, NV 89801

City, State, Zip Code No.

Telephone No. ( 702 ) 738-2121

Subscribed and sworn to before me this 22 day of June, 19 94.

Carolee Griswold

Notary Public in and for the County of Elko

My commission expires July 12, 1994

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

