

08958

Serial No. _____

STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES

- (1) Name of Claimant DELLA VAN NORMAN, Trustee of the Van Norman Family Decedent's Trust, and DELLA VAN NORMAN, Trustee of the Van Norman Family Survivor's Trust, HC 32, Box 60 [Street and No. or P. O. Box No.] Tuscarora [City or town] Nevada 89834 [State and Zip Code No.]
- (2) Source of water [Name of natural water source] Middle Creek
- (3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] Natural channel
- (4) The water is diverted at the following point(s) [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.] Within NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, Township 40 North, Range 52 East, upstream to the point where the channel intersects the south boundary line of SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, Township 40 North, Range 52 East, MDB&M. Also commence on West boundary of Section 3, Township 40 North, Range 52 East, MDB&M, and proceed upstream to head of channel.
- (5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] Natural channel
- (6) The construction of the ditch or other works was begun [Date] None and completed [Date] None
- (7) The nature of the claimant's title to the land upon which the source of water and place of use are located is [Patented, deeded, public domain with grazing permit, etc.] Deeded land
- (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 [Date] 1884 was 50 cattle _____ horses _____ sheep or wildlife (describe) [Other] _____.
- The watering was conducted during each of the following months April 15 to October 15 (see Attachment).
- (10) The approximate number of animals watered by the claimant in subsequent years was as follows: [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] 150 cattle and 30 horses unless low water or forage conditions required a shorter period of use or lower numbers for any one year. See attachment.

(11) The amount of water which has been necessary to be diverted for this purpose has been [448.83 gal. per min. equals 1 cubic foot per second] .0056 cubic feet per second.

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

Remarks: _____

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by DELLA VAN NORMAN, Trustee of the Van Norman Family Decedent's Trust, and DELLA VAN NORMAN, Trustee of the Van Norman Family Survivor's Trust are full and correct to the best of his knowledge and belief.

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

Deponent is acting as authorized agent for claimant.

CLAIMANT:

DELLA VAN NORMAN, Trustee of the
VAN NORMAN FAMILY DECEDENT'S TRUST,
and DELLA VAN NORMAN, Trustee of the
VAN NORMAN FAMILY SURVIVOR'S TRUST

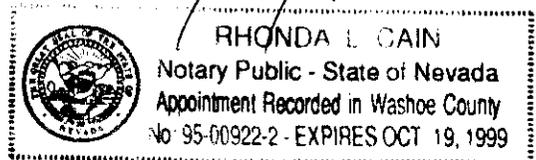
Telephone No. (702) 756-6564

By: Michael D. Buschelman
MICHAEL D. BUSCHELMAN, P.L.S.
5405 Mae Anne Avenue
Reno, NV 89523

Telephone No. (702) 747-8550

Subscribed and sworn to before me this
5th day of January, 1997.

Rhonda L. Cain
NOTARY PUBLIC



\$50 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT

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	<u>66</u> cattle and horses
	136 livestock

Based upon this information, 136 head of livestock. 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 acquired primarily only the Schmidt property, but through purchases also acquired all of the land now associated with this source. Therefore, the claimant has all of priority for livestock.

Item 10

Approximate number of livestock water in subsequent years is also difficult. The 1905 Elko County Assessor records show J. P. Byrnes being assessed for 90 stock cattle. H. W. Schmidt sold to Harvey Sewell his entire operation in 1921. The bill of sale dated July 6, 1921, recorded in Book 2 of Bills of Sale at Page 121, Elko County, Nevada, inventory livestock sold as follows:

507 ewes
507 lambs
125 yearling ewes
42 cattle
60 horses.

This equates to 329 livestock when converting sheep on a basis of 5 to 1. Therefore, as high as 419 head of livestock used the various sources in subsequent years with the number shown in Item 10 being that estimated for this source.

Maps filed in the Office of State Water Engineer pursuant to the 1925 range livestock water legislation evidence that D. B. Williams (Map 144-30) claimed the area of this source as a customary area of use. He is in the chain of title of the property owned by the claimant.