

08959

Serial No. _____

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

- (1) Name of Claimant VAN NORMAN RANCHES, INC., 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] Brown Field Channel and tributaries.
- (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.] NW¹/₄ of Section 26, Township 40 North, Range 51 East, 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.] Public domain upon which claimant holds a grazing permit
- (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] See Attachment was _____ cattle _____ horses _____ sheep or wildlife (describe) [Other] _____
_____. The watering was conducted during each of the following months April 1 to October 15.
- (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] 200 cattle unless water and forage conditions dictate a shorter season or lower numbers. 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] .00625 cubic feet per second. See Attachment

(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

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. [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:

VAN NORMAN RANCHES, INC.

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) 777-8550

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

Rhonda L. Cain
NOTARY PUBLIC



RHONDA L. CAIN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 95-00922-2 - EXPIRES OCT 19, 1999

\$50 FILING FEE MUST ACCOMPANY PROOF

ATTACHMENT

Item 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 in 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 10 - Livestock Watered by Claimant in Subsequent Years

Prior to 1905, the property presently owned by the claimant was several smaller ranch operations, each of which made use of this source. Available records in the Office of the Elko County Recorder are used to evidence numbers 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</u> cattle |
| | 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</u> bulls |
| 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. Of the total number, 200 cattle make use of this source.

Item No. 11 - Amount of Water Diverted

This amount is based on 200 head of claimed priority and is 0.00625 cubic feet per second.