

THE STATE OF NEVADA
PROOF OF SUBSISTING RIGHT OF WATER FOR
STOCK WATERING PURPOSES

Pursuant to N.R.S. 533
As Amended by Chapter 473, 1993 Statutes, Sections 2, 3 and 4
Effective October 1, 1993

(1) Name of Claimant Duval Ranching Company, a Nevada corporation
[Street and No. or P. O. Box No.] HC 60, Box 480 of [City or town] Wells [State and Zip Code
No.] Nevada 89835.

(2) Source of water [Name of natural water source] House Springs 1 and 2 and
Branch of Woolverton Creek.

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

(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.] Diversion of House Spring #1 is at
a point within the NW1/4 NE1/4 of Section 32, Township 34 North,
Range 61 East, MDM from which the SW corner of said Section 32
bears South 31°46' West a distance of 5,726 feet, and diversion of
House Spring #2 is at a point within the NE1/4 NE1/4 of Section 32,
Township 34 North, Range 61 East, MDM from which the SW corner of
said Section 32 bears South 40°15' West a distance of 6,339 feet.
The reach of the channel associated with these springs begins at
a point within the NW1/4 NE1/4 of Section 32, Township 34 North,
Range 61 East, MDM from which the SW corner of said Section 32
bears South 38°24' West a distance of 6,000 feet, thence westerly
down the channel to a point within Lot 5, Section 31, Township 34
North, Range 61 East, MDM from which the SW corner of Section 32,
Township 34 North, Range 61 East, MDM bears South 69°57' East a
distance of 5,499 feet, excluding from the reach described any
portion lying within H.E.S. 45, being the NW1/4 of said Section 32. 31

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

(6) **The construction of the ditch or other works was begun** [Date] (None in conjunction with this Proof) 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** [Patented, deeded, public domain with grazing permit, etc.] Forest Service reserved lands with grazing permit in the N1/2 NE1/4 of Section 32, Township 34 North, Range 61 East, MDM and owned lands within the E1/2 NE1/4, Lots 2, 4 and 5 of Section 31, and the N1/2 NW1/4 of Section 32, Township 34 North, Range 61 East, MDM.

(8) **The claimant's water right was not recorded in the office of the County Recorder of** _____ **County, at Page** _____ **of Book** _____ **of** _____.

(9) **The items of evidence for the numbers of livestock and date of priority are:**

1. Affidavit of Merle Guldager as to stockwater use upon private fenced lands.
2. Affidavit of Walter I. Leberski as to stock grazing use on Forest lands.
3. Chain of title as to "Miller Lands".

(10) **The approximate number of animals watered by the claimant during the first year** [Date] prior to 1904 was 25 cattle and horses within the E1/2 NE1/4, Lots 2, 4 and 5 of Section 31, and the N1/2 NW1/4 of Section 32, Township 34 North, Range 61 East, MDM (private lands); -0- sheep or [other] and prior to 1904 was 25 cattle within N1/2 NE1/4 of Section 32, Township 34 North, Range 61 East, MDM (Forest lands). **The watering was conducted during each of the following months** January 1 to December 31 on private lands and May 15 to October 15 on Forest lands.

(11) **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] The number of livestock on the private lands increased to 75 cattle by 1940 and has remained constant at 25 cattle on the Forest lands, for a total of 100 cattle.

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(12) 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] .00312 cubic feet per second.

(13) 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 in conjunction with this proof)

Remarks [Improvements, title, etc.):

The Miller lands, which include the place of use of this source within Sections 31 and 32, Township 34 North, Range 61 East, MDM were unpatented public lands until at least 1922. Prior to 1904, predecessors of the claimant owned property in the vicinity, grazed the place of use with livestock, and 1904 is the claimed priority. As to the Forest lands, a requirement to obtain a permit, after Forest Service establishment in 1905, was use prior to 1905, and each subsequent permittee was a successor by purchase of land and/or livestock to the present claimant. Therefore, a priority of 1904 is claimed on both the Forest lands and the private lands. As to numbers using the source, they are based upon total numbers of livestock upon the private lands and the Forest Service with use from this source being a portion of the total use.

The season of use upon the Forest lands varied from May 8 to October 15 in earlier years to June 1 to September 30 in later years. After the inception of deferred rotation grazing on the Forest lands, the numbers and season of use have varied from year to year, but the total season is within the claimed period of May 15 to October 15.

The stockwatering conducted from this source is in addition to the uses of irrigation, domestic and livestock use from the channel of Duval Springs in the proof of appropriation previously submitted.

The undersigned, being first duly sworn, deposes and says that he owns or controls the livestock presently watered by the Claimant, and that the facts relative to the proof of subsisting right by Duval Ranching Company, a Nevada corporation 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 executing this Proof in his capacity as Vice-President of the claimant corporation.

CLAIMANT

Telephone No. (____) _____

DUVAL RANCHING COMPANY,
A Nevada Corporation

By Don W. Duval
Don W. Duval, Vice-President

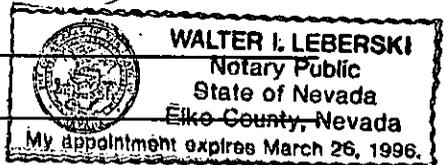
Telephone No. (702) 779-2261

Subscribed and sworn to before me this
1st day of November, 1993.

Walter I. Leberski

Notary Public in and for the County of _____

My commission expires _____



\$50 FILING FEE MUST ACCOMPANY PROOF