

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] Kelly Spring, Unnamed
Spring and Channel.

(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.] At two (2) points within the
SW1/4 NE1/4 of Section 32, Township 34 North, Range 61 East, MDM,
one being an unnamed spring from which the SW corner of Section 32,
Township 34 North, Range 61 East, MDM bears South 47°17' West a
distance of 4,839 feet, and the second being Kelly Spring from
which the SW corner of said ^{22 573} section bears South 46°06' West a
distance of 4,010 feet, thence westerly down the channel from said
springs to a point within the SE1/4 NW1/4 of Section 32, Township
34 North, Range 61 East, MDM from which the SW corner of said
Section 32 bears South 34°51' West a distance of 3,664 feet.

(5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.]
natural channel, pools and improvements on the private lands
consisting of approximately 450 feet of 1-1/4 inch pipe to a 500-
gallon trough.

(6) The construction of the ditch or other works was begun [Date] (See Remarks) 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 as to the SW1/4 NE1/4 of Section 32 and owned lands as to the SE1/4 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 numbers of livestock on Forest lands.
- 3. Chain of title as to private fenced lands (Miller Lands).

(10) The approximate number of animals watered by the claimant during the first year [Date] prior to 1904 was 25 cattle within the SE1/4 NW1/4 of Section 32, Township 34 North, Range 61 East, MDM (private lands); -0- horses -0- sheep or [Other] and prior to 1904 was 10 cattle within the SW1/4 NE1/4 of Section 32, Township 34 North, Range 61 East (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 10 cattle on the Forest lands, for a total of 85 cattle.

(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] .00265 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. SW1/4 NE1/4 and SE1/4 NW1/4 of Section 32, Township 34 North, Range 61 East, MDM. (See Remarks.)

Remarks (Improvements, title, etc.):

The Miller lands, which include the place of use of this source within the SE1/4 NW1/4 of Section 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.

In 1992, drought conditions were severe, and in order to acquire livestock water on the Miller lands, a pipeline 1-1/4 inch in diameter and 450 feet in length was placed from the source to the private lands to a 500-gallon trough.

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

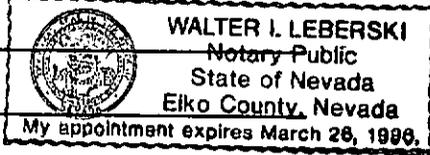
Telephone No. (702) 779-2261

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