Serial No. 06164

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

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(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] Ray Spring and Unnamed 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.] Beginning at Ray Spring situated within Lot 4 of Section 5, Township 33 North, Range 61 East, MDM from which the northwest corner of Section 5, Township 33 North, Rage 61 East, MDM bears North 23°27' West a distance of 1,019 feet; thence following down the unnamed creek channel to a point within Lot 1 of Section 6, Township 33 North, Range 61 East, MDM from which the northwest corner of Section 5, Township 33 North, Range 61 East bears North 53°29' East a distance of 1,253 feet.

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

(6) The construction of the ditch or other works was begun [Date] (None) **and completed** [Date] (None - spring area fenced by U.S. Forest Service).

(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 reserve lands as to Lot 4 of Section 5 and owned lands as to Lot 1, Section 6, Township 33 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 stockwater use upon 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** upon the private lands within Lot 1, Section 6, Township 33 North, Range 61 East, and prior to 1904 was 35 cattle within Lot 4 of Section 5, Township 33 North, Range 61 East upon the Forest lands; -0- **horses** -0- **sheep or** -0- [Other]. **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 35 cattle on the Forest lands, for a total of 110 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] .0034 **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)

Remarks [Improvements, title, etc.]:

The Miller lands, which include the place of use of this source within Lot 1 of Section 6, Township 33 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 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, **19**93.

Walter I. Leberski

Notary Public in and for the County of _____

My commission expires _____

WALTER I. LEBERSKI
Notary Public
State of Nevada
Elko County, Nevada
My appointment expires March 26, 1996.

$50 FILING FEE MUST ACCOMPANY PROOF