

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 S & D Company, a partnership composed of R. Sim Duval and Don W. Duval [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 channel.

(3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] natural channel, 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, together with the channel associated with the described springs with the point of beginning being that of House Spring #2 and the point of ending being House Spring #1.

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

(6) The construction of the ditch or other works was begun [Date] (None in conjunction with this proof.) 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.] Forest Service reserved lands with grazing permit within the N1/2 NE1/4 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 Affidavit of Walter I. Leberski as to stock grazing use on Forest lands.

(10) The approximate number of animals watered by the claimant during the first year [Date] prior to 1904 was 50 cattle -0- horses -0- sheep or [Other] -0-. The watering was conducted during each of the following months May 8 to October 15.

(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 has remained constant at 50 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] .00156 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.]

This source is used jointly with Duval Ranching Company, who uses the water at this source for domestic and irrigation in conjunction with its proof upon Duval Springs and stockwater on Forest and private lands.

In order to obtain a permit to graze upon the National Forest lands, it was required that a livestock and property owner make use upon those lands prior to their reservation in 1905. Any transfer of that permit to the present-day owner or claimant herein required the purchase of hay-producing land and/or livestock associated with

that original permit. Based upon this regulatory requirement, a priority of 1904 is claimed. The early season of use was May 8 to October 15 of each year. However, since the inception of deferred rotation grazing, the numbers and seasons of use vary from year to year.

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 S & D Company 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 a partner.

CLAIMANT

Telephone No. (____) _____

S & D COMPANY, a Partnership

By *R. L. Smith*

Telephone No. (702) 779 2261

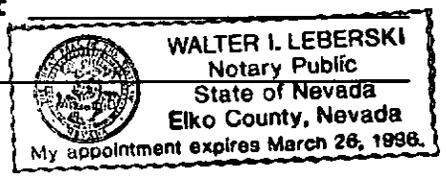
Subscribed and sworn to before me this

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



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

Capitol Complex
123 W. Nye Lane
Carson City, Nevada 89710
(702) 687-4380

RE: 06165, 06166, 06167

April 12, 1996

Duval Ranching Co.
HC 60 Box 480
Ruby Valley, NV 89833

Dear Ladies and Gentlemen:

Please be advised that Proof Numbers 06165, 06166, 06167 have been assigned to show Duval Ranching Co. as current owner of record.

This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Squatrito".

Andrea Squatrito
Engineering Technician III

AS/jk

cc: Walter I. Leberski
Elko Branch Office