Serial No. 06167

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 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] Ray Spring

(3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] 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.] A point within Lot 4 of Section 5, Township 33 North, Range 61 East, MDM from which the northwest corner of Section 5, Township 33 North, Range 61 East, MDM bears North 23°27' West a distance of 1,019 feet.

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

(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.] Forest Service reserve lands with grazing permit within Lot 4 of Section 5, Township 33 North, Range 61 East, MDM.

177
81

(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 on Forest lands.

(10) The approximate number of animals watered by the claimant during the first year [Date] prior to 1904 **was** 65 **cattle** -0- **horses** -0- **sheep or** [Other] -0-. **The watering was conducted during each of the following months** May 18 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 65 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] .002 **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.

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**

06167

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.

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CLAIMANT

Telephone No. (_____) _____

S & D COMPANY, A Partnership

By R. Lani Duval

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