

THE STATE OF NEVADA  
PROOF OF APPROPRIATION OF WATER FOR  
STOCK WATERING PURPOSES

- (1) Name of Claimant TONY SESTANOVICH and LORRAINE SESTANOVICH, husband and wife [Street and No. or P. O. Box No.] HC 65, Box 41 of [City or town] Carlin [State and Zip Code No.] Nevada 89822
- (2) Source of water [Name of natural water source] Flynn Springs
- (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.] At a point within the NW1/4 NW1/4 of Section 11, Township 26 North, Range 52 East, MDB&M, from which the Northwest Corner of Section 2, Township 26 North, Range 52 East, MDB&M bears North 6°47'00" West a distance of 5,640.00 feet.
- (5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] 1-1/4" pipeline to five troughs, 10 feet in diameter and 30 inches high.
- (6) The construction of the ditch or other works was begun [Date] Unknown and completed [Date] Unknown. See Remarks.
- (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.] public domain upon which claimant holds a grazing permit within the following described parcels:

TOWNSHIP 27 NORTH, RANGE 52 EAST, MDB&M

Section 19: NE1/4NW1/4; NW1/4NE1/4; S1/2NE1/4;  
NE1/4SE1/4  
Section 20: NW1/4SW1/4; S1/2S1/2  
Section 21: SW1/4SW1/4  
Section 28: NW1/4; W1/2SW1/4  
Section 33: NE1/4NW1/4; NW1/4NE1/4; S1/2NE1/4;  
N1/2SE1/4; SE1/4SE1/4

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TOWNSHIP 26 NORTH, RANGE 52 EAST, MDB&M

Section 3: W1/2NW1/4; NW1/4SE1/4  
Section 4: NE1/4NE1/4  
Section 10: N1/2; SE1/4NE1/4  
Section 11: NE1/4NE1/4

Additional place of use on lands owned by claimant is within the NE1/4SW1/4 of Section 3, Township 26 North, Range 52 East, MDB&M.

- (8) The claimant's water right was not recorded in the office of the County Recorder of \_\_\_\_\_ County, at Page \_\_\_\_\_ of Book \_\_\_\_\_ of \_\_\_\_\_ NOTE - Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).
- (9) The approximate number of animals watered by the claimant during the first year [Date] 1876 was 75 cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep or [Other] \_\_\_\_\_. The watering was conducted during each of the following months March through November.
- (10) 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] 75 cattle except in drought years during which periods use is reduced to the forage available.
- (11) 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] .0023 cubic feet per second.
- (12) 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] Throughout the place of use described. See Remarks.

**Remarks:**

A priority of 1876 is claimed upon this source, based upon information of the chain of title evidencing ownership of portions of the lands now involved in the ranch operation by Emery T. Edwards by conveyance to him in 1870, a patent from the State of Nevada in 1885, and registration of a brand in 1876, as stated in the Affidavit of Floyd Slagowski, attached. The Affidavit of Mr. Slagowski indicates a priority as early as 1864 through Lewis Rice Bradley. The chain of title from Bradley to the claimant is not complete, and therefore the earlier priority is not used.

The season of use upon this source is based upon applications and decisions of the Bureau of Land Management for the years 1953 and 1954 (attached hereto), and the Affidavit of Floyd Slagowski, at March 16 to November 1. The later licenses and decisions of the BLM are considered as evidence of early use as such licenses and decisions reflect early customary use.

The Affidavit of Mr. Slagowski and the licenses of the BLM evidence customary total herd numbers upon the ranch property shown on the chain of title of from 300 to 400 head of cattle. The source of this proof is in the grazing area but is only a portion of the entire grazing area and other sources of livestock water. The numbers of livestock using this source will vary during the season of use and livestock management practices. The number of 75 cattle using the source represents an average number which have in the past made use of the source.

Prior to 1982, there was a very short pipeline and a trough located at the point of diversion. In that year, the Bureau of Land Management constructed a pipeline to serve the place of use described in No. 7 above, together with five troughs. The cost of the improvement was by the Bureau of Land Management with all maintenance performed by claimant.

**The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by TONY SESTANOVICH and LORRAINE SESTANOVICH 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.]

*Tony Sestanovich*  
\_\_\_\_\_  
TONY SESTANOVICH, CLAIMANT

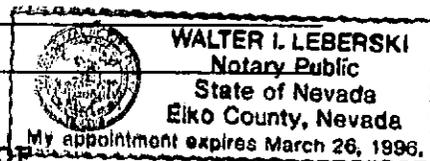
HC 65, Box 41  
Carlin, NV 89822

Telephone No. (702) 754-6691

Subscribed and sworn to before me this  
13th day of May, 1994.

*Walter I. Leberski*  
\_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_  
My commission expires \_\_\_\_\_



**\$50 FILING FEE MUST ACCOMPANY PROOF**