

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

- (1) **Name of Claimant** Duval Ranching Company, a Nevada corporation, assignee of S&D COMPANY, a partnership composed of R. SIM DUVAL and DON W. DUVAL, of [Street and No. or P.O. Box No.] HC 60 Box 465, [City or town] Ruby Valley, [State and Zip Code No.] Nevada 89833.
- (2) **Source of water** [Name of natural water source] Woolverton Creek, including its Source of Woolverton Spring, and other springs tributary thereto.
- (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 the beginning of the reach being Woolverton Spring, at a point in the SE1/4SE1/4 of Section 20, T. 34 N., R. 61 E., MDB&M, from which the Southwest corner of said Section 20 bears S 77° 54" W a distance of 4,651 feet, thence southwesterly in the channel of Woolverton Creek and a branch of Woolverton to the end of the reach at ponds located within the SE1/4NW1/4 of Section 29, T. 34 N., R. 61 E., MDB&M, from which the Southwest corner of Section 20, T. 34 N., R. 61 E., MDB&M bears N 43° 58" W a distance of 3,612 and N 40° 43' W a distance of 3,425 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] Does not apply and completed [Date] Does not apply.
- (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.] National Forest lands upon which claimant holds a grazing permit.
- (8) **The claimant's water right was was not recorded in the office of the County Recorder of** \_\_\_\_\_ **County, at Page** \_\_\_\_ **of Book** \_\_\_\_ **of** \_\_\_\_\_.

- (9) The approximate number of animals watered by the claimant during the first year [Date] prior to 1896 was 90 cattle, \_\_\_ horses, \_\_\_ sheep or [Other] \_\_\_\_\_. The watering was conducted during each of the following months: April 15 to November 15.
- (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] From the indicated numbers of cattle which were run by predecessors in interest (see Remarks), the approximate number of animals has remained at 90 cattle.
- (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] .00218 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] See attached Exhibit "A".

**Remarks** The year of priority and number of animals waterd is based upon the livestock assessed to predecessors in interest to the claimant. A review of the records of the Elko County Treasurer for the year 1896 reveals that the major owners of the lands owned by the claimant were assessed for the following livestock numbers:

<u>Jeremiah B. Moore</u>	<u>100 cattle</u>
	<u>20 stock horses</u>
<u>Mrs. Jane Wright</u>	<u>200 cattle</u>
	<u>25 stock horses</u>
<u>Jubal J. Wright</u>	<u>100 cattle</u>
<u>TOTAL</u>	<u>445 Animals</u>

By 1940, their predecessors, Jube Wright Estate, James H. Wright and Earl Wright were licesed by the Forest Service wtiin the area of the source for 579 animals (see copy of Affidavit of Walter I. Leberski attached, the original of said affidavit being filed with Proof 06162, a copy being attached hereto). In order to obtain a permit to graze livestock within the Forest Reserve, it was necessary to evidence grazing use in that area prior to the time of the withdrawal of the Forest. Therefore, the issuance of the permits evidences grazing use and livestock water consumption in the area of the source. There are other sources of water which were used in conjunction with the permitted livestock, but the 90 head claimed is judged to be a reasonable estimate for use upon this source. Under the present rotation grazing system, the livestock make use of the source for a much

shorter period than shown in item 9. However, the period shown in item 9 represents the season of use prior to the allotments, change of the grazing season and rotation grazing, but livestock are making use of the source within the period claimed. The chain of title attached evidences that S&D Company is the successor to the above-named parties who established the priority and those parties licensed to graze in the area in 1940.

**The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water 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

HC 60, Box 465  
[Street and No., or P. O. Box No.]

Ruby Valley, NV 89833  
[City, State, Zip Code No.]

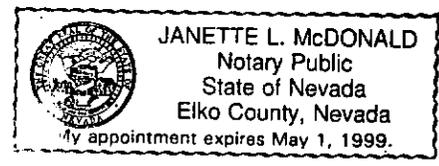
**Telephone No. (702)779-2261**

Subscribed and sworn to before me this 10<sup>th</sup> day of January, 1997.

Janette L. McDonald

Notary Public in and for the County of Elko

My commission expires May 1, 1999



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

**EXHIBIT "A"**

**PROOF 07484**

**Item 12:**

There are no works as the material channel is used. The place of use is as follows:

Township 34 North, Range 61 East, MDB&M

- Section 20: SW1/4SE1/4  
SE1/4SE1/4
- Section 21: SW1/4SW1/4  
SE1/4SW1/4
- Section 28: NW1/4NW1/4
- Section 29: NE1/4NE1/4  
NW1/4NE1/4  
SE1/4NW1/4  
SW1/4NE1/4

07484

Serial No. 07484

**THE STATE OF NEVADA  
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STOCK WATERING PURPOSES**

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- (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] Does not apply and **completed** [Date] Does not apply.
- (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.] National Forest lands upon which claimant holds a grazing permit.
- (8) **The claimant's water right was was not recorded in the office of the County Recorder of** \_\_\_\_\_ **County, at Page** \_\_\_ **of Book** \_\_\_ **of** \_\_\_\_\_.

176-26

- (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] From the indicated numbers of cattle which were run by predecessors in interest (see Remarks), the approximate number of animals has remained at 145 cattle.
- (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] .00453 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] None.

**Remarks** The year of priority and number of animals watered is based upon the livestock assessed to predecessors in interest to the claimant. A review of the records of the Elko County Treasurer for the year 1896 reveals that the major owners of the lands owned by the claimant were assessed for the following livestock numbers:

<u>Jeremiah B. Moore</u>	<u>100 cattle</u>
	<u>20 stock horses</u>
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By 1940, their predecessors, Jube Wright Estate, James H. Wright and Earl Wright were licensed by the Forest Service within the area of the source for 579 animals (see copy of Affidavit of Walter I. Leberski attached, the original of said affidavit being filed with Proof 06162, a copy being attached hereto). In order to obtain a permit to graze livestock within the Forest Reserve, it was necessary to evidence grazing use in that area prior to the time of the withdrawal of the Forest. Therefore, the issuance of the permits evidences grazing use and livestock water consumption in the area of the source. There are other sources of water which were used in conjunction with the permitted livestock, but the 145 head claimed is judged to be a reasonable estimate for use upon this source. Under the present rotation grazing system, the livestock make use of the source for a much shorter period than shown in item 9. However, the period shown in item 9 represents the season of use prior to the allotments, change of the grazing season and rotation grazing. Livestock make use of the source within the period claimed. The chain of title attached hereto evidences that S&D Company is the successor to the above-named parties who established the priority and those parties

licensed to graze in the area in 1940.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water 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 as a partner of the claimant company.

\_\_\_\_\_  
CLAIMANT

Telephone No. ( ) \_\_\_\_\_

**S&D COMPANY**

By: Don W. Duval

HC60 Box 465  
[Street and No., or P. O. Box No.]

Ruby Valley, NV 89833  
~~Wells, NV 89835~~  
[City, State, Zip Code No.]

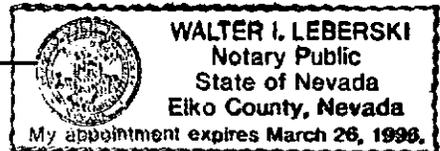
Telephone No. (702) 779-2267

Subscribed and sworn to before me this 19<sup>th</sup> day of Dec., 1995.

Walter I. Leberski

Notary Public in and for the County of \_\_\_\_\_

My commission expires \_\_\_\_\_



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