

2nd AMENDED

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 Slagowski Ranches, Inc., a Nevada corporation, [Street and No. or P. O. Box No.] Pine Valley of [City or town] via Carlin, [State and Zip Code No.] Nevada 89822.

(2) Source of water [Name of natural water source] Hot Creek, its tributaries and springs within its drainage basin.

(3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] Natural channel.

(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 Hot Springs at a point within the SE1/4NW1/4 of Section 12, Township 28 North, Range 52 East, MDB&M, from which the W1/4 corner of said Section bears South 80°26'21" West a distance of 1938.37 feet; thence following down the natural channel to a point within the SE1/4SE1/4 of Section 9, Township 28 North, Range 52 East, MDB&M, from which the Southeast corner of said Section bears South 86°25'00" East a distance of 1204.30 feet.

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

(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.] Public domain upon which the claimant holds a grazing preference upon the following described lands:

T28N, R52E, MDB&M

Section 11: SE1/4SE1/4

Section 12: SE1/4NW1/4; E1/2SW1/4; SW1/4SW1/4

Section 14: N1/2NE1/4; NE1/4NW1/4

Patented lands owned by claimant described as follows:

T28N, R52E, MDB&M

Section 9: SE1/4SE1/4

Section 14: S1/2NW1/4

Section 15: N1/2NW1/4; SE1/4NW1/4; S1/2NE1/4

(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.

(10) The approximate number of animals watered by the claimant during the first year [Date] 1887 was 75 plus cattle, _____ horses _____ sheep or [Other] _____. The watering was conducted during each of the following months April through November.

(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] 85 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] .0026 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 Affidavit of Walter I. Leberski attached is the basis for the priority, season and numbers of livestock which used the source of water. Based upon the assessment records a priority of 1887 is claimed.

The Joseph L. Rand analysis obtained from the Bureau of Land Management files determined that a total of 246 animal units used the open range for a period of 8 months during the period of 1929-1934, and this number is verified in a 1953 grazing permit which shows a use of 805 animal unit months (AUM's) of active use and non-use of 907 animal unit months for a total of 1712 AUM's of qualified federal range demand by the ranch property. The area of use in said analysis shows that it was the E½ of T28N, R52E, and

all of T28N, R53E, MDB&M.

This area of use and permit was placed into a private grazing allotment in the late 1950's, now known as the Pony Creek allotment, and contains two major sources of livestock water, being Hot Creek and Pony Creek. Based upon the claimant's observations in managing livestock in that allotment, it is the opinion that 2/3 of the grazing use and watering of livestock has always been in the Pony Creek drainage and the remaining 1/3 in the Hot Creek drainage. Therefore, a priority of 1887 is claimed upon both Creeks, a season of use of 8 months (April through November) for 170 head upon Pony Creek and 85 head upon Hot Creek.

The undersigned, being first duly sworn, deposes and says that the corporation owns or controls the livestock presently watered by the Claimant, and that the facts relative to the proof of subsisting right by Slagowski Ranches, Inc. are full and correct to the best of its 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.] _____

CLAIMANT:

SLAGOWSKI RANCHES, INC.

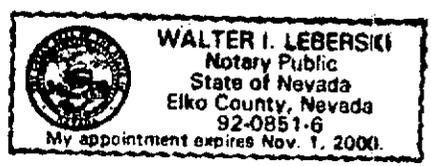
By: Carl S. Slagowski
Carl Slagowski, President

Telephone No. (702) 754-2377

Subscribed and sworn to before me this
19th day of May, 1997.

Walter I. Leberski
NOTARY PUBLIC

\$50 FILING FEE MUST ACCOMPANY PROOF



Serial No. 07815

AMENDED

**THE STATE OF NEVADA
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(3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] Natural channel.

(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 Hot Springs at a point within the SE1/4NW1/4 of Section 12, Township 28 North, Range 52 East, MDB&M, from which the W1/4 corner of said Section bears South 80°26'21" West a distance of 1938.57 feet; thence following down the natural channel to a point within the SE1/4SE1/4 of Section 9, Township 28 North, Range 52 East, MDB&M, from which the Southeast corner of said Section bears South 86°25'00" East a distance of 1204.30 feet.

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

(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.] Public domain upon which the claimant holds a grazing preference upon the following described lands:

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(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.

(10) The approximate number of animals watered by the claimant during the first year [Date] 1907 was 100 plus cattle, _____ horses _____ sheep or [Other] _____. The watering was conducted during each of the following months April through November.

(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] 85 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] .0026 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 Affidavit of Walter I. Leberski attached is the basis for the priority, season and numbers of livestock which used the source of water. The chain of title attached to that Affidavit shows that the base ranch property was owned and operated as a unit by 1907. This becomes the basis for the year of priority.

The Joseph L. Rand analysis obtained from the Bureau of Land Management files determined that a total of 246 animal units used the open range for a period of 8 months during the period of 1929-1934, and this number is verified in a 1953 grazing permit which shows a use of 805 animal unit months (AUM's) of active use and non-use of 907 animal unit months for a total of 1712 AUM's of

qualified federal range demand by the ranch property. The area of use in said analysis shows that it was the E½ of T28N, R52E, and all of T28N, R53E, MDB&M.

This area of use and permit was placed into a private grazing allotment in the late 1950's, now known as the Pony Creek allotment, and contains two major sources of livestock water, being Hot Creek and Pony Creek. Based upon the claimant's observations in managing livestock in that allotment, it is the opinion that 2/3 of the grazing use and watering of livestock has always been in the Pony Creek drainage and the remaining 1/3 in the Hot Creek drainage. Therefore, a priority of 1907 is claimed upon both Creeks, a season of use of 8 months (April through November) for 170 head upon Pony Creek and 85 head upon Hot Creek.

The undersigned, being first duly sworn, deposes and says that the corporation owns or controls the livestock presently watered by the Claimant, and that the facts relative to the proof of subsisting right by Slagowski Ranches, Inc. are full and correct to the best of its 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.] _____

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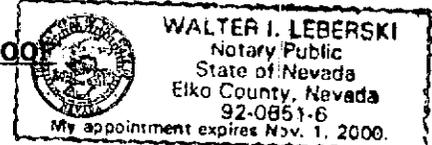
By: Carl S. Slagowski
Carl Slagowski, President

Telephone No. (702) 754-2377

Subscribed and sworn to before me this
7th day of Feb., 1996-1997

Walter I. Leberski
NOTARY PUBLIC

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ORIGINAL

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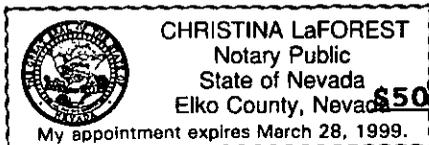
SLAGOWSKI RANCHES, INC.

By: Carl S. Slagowski
Carl Slagowski, President

Telephone No. (702) 754-2377

Subscribed and sworn to before me this
9th day of July, 1996.

Christina LaForest
NOTARY PUBLIC



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