

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 Dalton Livestock, a partnership composed of D. Vernon Dalton, Joanne Bradish Dalton and James Bradish Dalton
[Street and No. or P. O. Box No.] HC 60, Box 125 of [City or town] Wells [State and Zip Code No.] Nevada 89835.
- (2) Source of water [Name of natural water source] Spring "B"
- (3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] small stock pond at 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.] NE1/4 SW1/4 of Section 26, Township 40 North, Range 62 East, MDM, at a point from which the SW corner of said Section 26 bears South 28°14'27" West a distance of 2,650.73 feet.
- (5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] small stock pond.
- (6) The construction of the ditch or other works was begun [Date] Unknown and completed [Date] Unknown.
- (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.] patented land owned in fee simple title by claimant in the NE1/4 SW1/4 of said Section 26.
- (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 is an affidavit by Walter I. Leberski.

(10) The approximate number of animals watered by the claimant during the first year [Date] 1896 was 100+ cattle _____ horses _____ sheep or [Other] _____. The watering was conducted during each of the following months April 1 to November 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] 275 cattle April 15 to November 15.

(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] .0086 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. NE1/4 SW1/4, Section 26, Township 40 North, Range 62 East, MDM.

Remarks [Improvements, title, etc.] (1) Map filed with Application 47491, which was denied, shall apply to this claim.

(2) The number of livestock watered from this source and the period of use shown in item 11 will vary depending upon management practices required by the Bureau of Land Management. The number shown in item 11 is the highest number that will use the source during the grazing season.

The season of use will vary from year to year, depending upon a rotation grazing management system and the forage growth conditions, but all use from the source shall occur within the period shown in this Proof.

There are no records available to the claimant as to the exact numbers of livestock which would have used this source under its predecessors of S.C. Weeks and S.J. Weeks up to the time of sale to the Utah Construction Company in 1943. The chain of title attached to the Affidavit of Walter I. Leberski shows that in 1940 S.J. Weeks conveyed to S.C. Weeks his interest in and to the lands upon which the source is located, plus other lands and 3,500 cattle. In 1943, the chain shows that Utah Construction Company purchased the lands upon which the source is located and additional lands which would have resulted in the Weeks operation being incorporated into the existing Utah Construction Company operation. The survey

conducted by Chas. R. Pedlar dated August 20, 1936, lists the area of grazing of Utah Construction as Townships 31 to 47 North, Ranges 60 to 70 East, MDB&M, which includes the area of this source. Based upon the above and to the claimant's best information and belief, the greatest number of cattle using this source would be 275 head claimed.

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 Dalton Livestock, a partnership, 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.]

CLAIMANT:

DALTON LIVESTOCK, a partnership

By: *D. Vernon Dalton*
D. Vernon Dalton, Partner

Telephone No. (702) 752-3498

Subscribed and sworn to before me this

1st day of May, 1997.

Walter I. Leberski

Notary Public in and for the County of _____

My commission expires _____

\$50 FILING FEE MUST ACCOMPANY PROOF

