

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 JOSEPH B. KEY [Street and No. or P. O. Box No.] P. O. Box 818, of [City or town] Reno, [State and Zip Code No.] Nevada 89504.
- (2) Source of water [Name of natural water source] Sixteen Mile Spring.
- (3) The water is diverted by [Dam, ditch, pipe line, natural channel, spring area, etc.] Dam.
- (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.] within the NE1/4SE1/4 of Section 14, T36N, R54E, MDB&M, from which from which point the NE corner of Section 14, T36N, R54E, MDB&M, bears N 36°56'44" E, a distance of 4,277.16 feet.
- (5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] Reservoir.
- (6) The construction of the ditch or other works was begun [Date] See remarks and completed [Date] 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.
- (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 CHARLES VAN NORMAN and Affidavit of W. I. LEBERSKI with attachments filed with Claim 06799 through 06809 (copies attached).

(10) The approximate number of animals watered by the claimant during the first year [Date] 1879 was unknown 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] Minimal numbers in 1879 increasing to 50 head by 1904, and further increasing through 1935. Through land agency management, the numbers subsequently reduced to 150 head and is now stabilized.

(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] .0015 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. NE ¼ SE ¼ of Section 14, T 36 N, R 54 E, MDB&M.

Remarks [Improvements, title, etc.] The date of the construction of the original improvements are unknown.

This claim is based upon use prior to 1905 on an open range area by three ranches. In this summary, the ranches will be referred to as the Fernald Ranch, Clubine Ranch and the Wright Ranch.

A review of the records in the office of the County Recorder of Elko County, Nevada evidences that the following numbers of livestock were assessed to those ranches in 1889:

Fernald Ranch - 275 Cattle

Lowe (portion of Clubine Ranch) - 900 Cattle
(included other properties).

Daniel Murphy (portion of Wright Ranch) - 5,400
Cattle

(included other properties)

Wright, J. and O. & R. - 300 Cattle

In 1904, the following numbers re indicated:

Clubine - 125 Cattle

Fernald - 525 Cattle

Wright - 400 Cattle

By 1905, Clubine and Braun were assessed for 400 cattle. From the above, it is assumed that the three ranches had grazed on open range for a total of 1,325 cattle.

In 1925, H. Moffat Company purchased the Clubine Ranch, and the area of this source became one of the major areas of use of H. Moffat Company with use by as high as 1000 cattle for a short period of time. This is evidenced by the Affidavit of Walter I. Leberski concerning information located in Bureau of Land Management grazing files, and the Affidavit of Charles Van Norman.

The Claimant is the immediate successor to D. C. Layton Ranches and James C. Krosch, who acquired area of open range use of the Clubine, Wright Ranches as shown on the attached chain sheet, plus the additional use established by H. Moffat Company after acquisition of the Clubine Ranch.

Through the adjudication allotment program conducted by the Bureau of Land Management, and sales of property and transfer of ownership grazing preferences upon the public land, the range area used in conjunction with this livestock water became allotted to James C. Krosch. That entity was the successor in interest to the Clubine or Moffat property. The Claimant, by acquisition of the grazing preference which had been established by Clubine, or Moffat, became a successor to those parties who had established such stockwater rights.

The area grazed by the Claimant's livestock is a portion of that used by the predecessors, and the number of livestock watering from this source is based upon a normal pattern of grazing animals, with the number using the source varying as to season of use and total number in that area.

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 is within the period shown in this proof.

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 JOSEPH B. KEY 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.] _____.

Joseph B. Key
CLAIMANT - JOSEPH B. KEY
775.348.7560
Telephone No. (702) 322-3366

BY Joseph B. Key
Telephone No. (775) 348-7560

Subscribed and sworn to before me this

20 day of June, 192002

Cynthia A. Stocks

Notary Public in and for the County of Washoe

My commission expires October 9th, 2003

\$50 FILING FEE MUST ACCOMPANY PROOF

