

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant Slagowski Ranches, Inc., a Nevada corporation
HC 65 Box 36 of Carlin
Street and No. or P.O. Box No. City or town
Nevada 89822
State and Zip Code No.

(2) Source of water Unnamed Spring (Airway Spring)
Name of natural water source.

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

(4) The water is diverted at the following point(s) a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11,
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.
T28N, R52E, MDB&M, from which the northwest corner of said Section 11
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.
bears N02 $^{\circ}$ 08'52"W a distance of 2,644.09 feet. See map filed with
the Application to Appropriate Water under Application No. 67728.

(5) The water is impounded in spring area
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun None
Date
and completed None
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Public domain upon which claimant holds a grazing permit
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (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).

4-6-11

Remarks.....
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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Slagowski Ranches, Inc. 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.

Slagowski Ranches, Inc.
BY: Carl F. Slagowski
Carl F. Slagowski, ^{claimant} President
Telephone No. (.....)

By.....

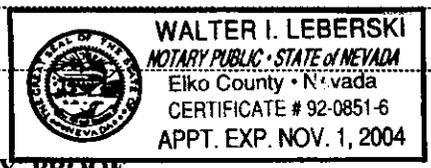
Street and No., or P.O. Box No.

City, State, Zip Code No.

Telephone No. (.....)

Subscribed and sworn to before me this 22nd day of April, 192004
by Carl F. Slagowski
Walter I. Leberski

Notary Public in and for the County of.....
My commission expires.....



\$50 FILING FEE MUST ACCOMPANY PROOF

Attachment to Proof of Appropriation - Slagowski Ranches, Inc.
(Unnamed Spring)

Remarks:

This claim is associated with two ranch properties, one being known as the Goodfellow or Cross Ranch and the other being known as the Pony Creek Ranch. The Goodfellow Ranch was acquired by Floyd Slagowski, one of the original incorporators of the claimant in 1946 and the corporation acquired the Pony Creek Ranch in 1973. (See chains of title attached to Affidavit of Walter I. Leberski filed herein).

The basis of this claim as to the Cross Ranch is documentation contained in old files of the Bureau of Land Management, copies of which are attached to the Affidavit of Walter I. Leberski.

George Goodfellow stated that he ran upon the range all the cattle that the hay crop would carry in his application for grazing permit dated March 27, 1935. He further states that at that time he owned 1,100 cattle which grazed in Pine Valley. This number of cattle is substantiated in a February 1870 issue of Elko Independent newspaper, which states that the Bradleys, predecessors to the claimant, ran from 1,500 to 2,000 cattle beginning that operation in 1864. These numbers are further substantiated by tax records maintained in the Office of the Eureka County Treasurer as to numbers of livestock assessed to the owner of the ranch property. Paul Lane, a predecessor in interest, was assessed for numbers during the years specified as follows:

<u>Year</u>	<u>Cattle</u>	<u>Horses</u>
1895	725	100
1896	1,000	100
1897	900	100
1898	600	100
1899	600	100

As to priority, George Goodfellow states that the range had been used for 66 years prior to 1935 or starting at 1869 which date is comparable to the newspaper account referred to above.

As to season of use, Goodfellow states it is April 1 to December 1.

This was an area of common use prior to the enactment of the Taylor Grazing Act in 1934 with the Cross Ranch and Pony Creek Ranch both making use of this source. The basis of this claim as applies to use by the Pony Creek Ranch is as follows:

- A. Proof 0124, Certificate No. 162 issued by the State Water Engineer issued to Ferrari Brothers recognizing a vested water right for cultivation on the Pony Creek Parcel presently owned by claimant with a priority of 1870. This would evidence use of the public range associated with irrigated meadows.
- B. Chain of title attached to Affidavit of Walter I. Leberski which shows that Mary

Whalen, James B. Dougherty, Thomas Whalen, Ferrari Brothers and Pete Carletti are predecessors of the claimant.

- C. Copy of Bill of Sale executed by M. Winzell to Bernardo Ferrari and Paullo Ferrari for 280 cattle which had been sold by Mary Whalen and James B. Dougherty to M. Winzell. The Bill of Sale is recorded in Book C of Miscellaneous Records at Page 323, Eureka County, Nevada, on June 6, 1910. As Mary Whalen and James B. Dougherty were owners of the Pony Creek Ranch, this evidences at least 280 head of cattle using the open range in 1906, the date of ownership by James B. Dougherty and Mary Whalen which would also evidence that number prior to 1905 (copy of Bill of Sale attached).
- D. Tax Assessment Roll of the Eureka County Assessor for 1890 assessing a total of 40 head of cattle to Thomas R. Whalen, a predecessor of claimant (copy attached).
- E. The document entitled "Joseph L. Rand Analysis" included in the Affidavit of Walter I. Leberski shows the area of use by the Pony Creek Ranch to be in the area of the source.

From the above, it is evident that Pony Creek Ranch made use of this source for livestock water by 1870, with numbers increasing from at least 40 head of cattle in 1890 to 280 head of cattle prior to 1905.

Grazing licenses issued by the Bureau of Land Management (Grazing Service) show that George Goodfellow (Cross Ranch) had a right to graze 415 head of cattle in the area of the source and Joseph Rand (Pony Creek Ranch) 246 head of cattle for a total of 661 livestock. From that total and from experience in managing livestock in the area, it is the opinion of the claimant that high number of 380 cattle used this source during the grazing season.

For chains of title of the ranch properties, evidence of number of livestock and other references herein, refer to the documents attached.