

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 Mineral 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) Within the NE 1/4 SE 1/4 of Section 34,
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.
T27N, R51E, MDB&M from which the south 1/4 corner of Section 35,
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.
T27N, R51E, bears S62°15'E. a distance of 3,320 feet. See map
filed with Application to Appropriate Water under Application
No. 38637

(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).

[Handwritten marks]

(9) The approximate number of animals watered by the claimant during the first year 1869,
Date
was 50 cattle.....horses.....sheep or wildlife (describe).....
Other

The watering was conducted during each of the following months.....

April 1 to December 31

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

50 cattle

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been

0.0016 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second.

(12) The works are located at None
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

land, it should be stated.

Remarks See Attached

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.

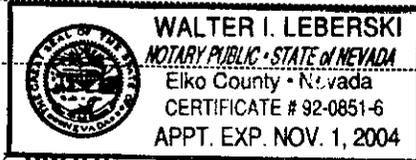
BY: *Carl F. Slagowski*
Carl F. Slagowski, ^{Claimant} President
Telephone No. (775.) 754-2377

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 19 2004
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.
(Mineral 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 Knight Ranch, a portion of the JD Ranch. The Goodfellow Ranch was acquired by Floyd Slagowski, one of the original incorporators of the claimant in 1946 and the corporation acquired the Knight Ranch in 1993. (See chain of title attached to Affidavit of Walter I. Leberski filed herein).

The basis of this claim 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.

The claimant purchased property which is known as the Knight Ranch in 1993. The early owners of this ranch and additional property were Winzell and Cockrill. A chain of title attached to the Affidavit of Walter I. Leberski indicates that this property started using the range on or before 1887. This property was part of that ranch known as the JD Ranch, owned in the priority years by the Winzells and later by Winzell and Cockrill. The Eureka County Assessment Roll shows that by 1880, Joseph Winzell was assessed for 750 head of cattle. although this ranch is located some 24 miles from the Goodfellow property (also known as the Cross Ranch), the cattle from both ranches intermingled on the open range. (See Affidavit of E.r. Henderson attached to Affidavit of Walter I. Leberski). Therefore, upon acquisition of the Knight Ranch, the claimant's grazing use in the area of the source became a combination of the Knight and the Goodfellow Ranch.

Grazing licenses issued by the Bureau of Land Management (formerly Grazing Service) show that George Goodfellow had a right for 415 cattle and horses, and Stephen Damele, successor to Winzell and Cockrill for 800 cattle. It is noted that only 50% of the 800 cattle were licensed in the Elko Grazing District, which would indicate 400 head of cattle from in the area of the source from the Knight Ranch. However, upon acquisition of the Knight Ranch the permit issued by the Bureau of Land Management to the claimant in the South Buckhorn Unit (being the area of the source herein), the numbers of livestock increased 320 cattle to 1080 cattle or 760 head of cattle increase. the predecessors to the Knight Ranch had acquired additional grazing privileges in the area which accounts for the increase of numbers for the Knight Ranch from 400 to 760 cattle. Therefore the total numbers of cattle making use within the area of the source became 1175 cattle. From experience in managing livestock in the area, it is the opinion of the claimant that 150 cattle use the source periodically during the grazing season.

For chain of title of the ranch properties, evidence of numbers of livestock and other references herein, refer to documents attached to Affidavit of Walter I. Leberski.

AFFIDAVIT

STATE OF NEVADA)
) SS.
COUNTY OF ELKO)

I, WALTER I. LEBERSKI, do hereby swear (or affirm) under penalty of perjury that the following assertions of this Affidavit are true:

1. That I am an adult and a resident of the County of Elko, State of Nevada.
2. That I reviewed files maintained by the Department of the Interior, Bureau of Land Management, concerning early applications for grazing use within the Elko Grazing District.
3. That the following attached documents are true, full and correct copies found in the grazing files of the Bureau of Land Management:
 - (a) Application for Grazing Permit dated March 27, 1935, executed by Geo W. Goodfellow.
 - (b) Affidavit of E.R. Henderson regarding cattle use on Goodfellow and JD Ranch.
 - (c) 1944 Grazing Permit issued to George W. Goodfellow by Grazing Service.
 - (d) 1950 Grazing Permit issued to Stephen Damele by Bureau of Land Management.
 - (e) 1991 term Grazing Permit issued to Slagowski Ranches by the Bureau of Land Management.
 - (f) 1994 term Grazing Permit issued to Slagowski Ranches by the Bureau of Land Management showing increase of livestock numbers after purchase of Knight Ranch.
 - (g) Copy of Assessment Roll of Eureka County Assessor for year 1880 which shows Joseph Winzell being assessed for 750 head of cattle upon the JD Ranch of which the Knight Ranch is a portion.
4. That I searched the records of the Eureka County Recorder's Office and the attached chains of title for the Knight Ranch and Cross Ranch evidence that Slagowski Ranches, Inc. is the successor-in-interest of George Goodfellow, Winzell & Cockrill and Stephen Damele.

5. That Affiant searched said records and prepared the chain of title for the purpose of supporting the claim of Slagowski Ranches, Inc. for vested stockwater rights within the South Buckhorn Unit as designated by the Bureau of Land Management upon that source known as Mineral Spring.

Dated this 21st day of APRIL, 2004.

Walter I. Leberski
WALTER I. LEBERSKI

Subscribed and sworn to (or affirmed) before me this 21st day of April, 2004, by Walter I. Leberski.

[Signature]
NOTARY PUBLIC

C:\WPDOCS\WATER\Slagowski\MineralSpring.Attach

