

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 34, Box 46 of Carlin  
Street and No. or P.O. Box No. City or town  
Nevada 89822  
State and Zip Code No.

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

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

(4) The water is diverted at the following point(s) See attached  
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.

Division over a channel reach must be described by course and distance to a section corner for both the beginning and end of such

(5) The water is impounded in Natural channel  
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 See attached  
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).

53-EL

(9) The approximate number of animals watered by the claimant during the first year 1872  
Date  
was unknown cattle            horses            sheep or wildlife (describe)             
Other           

The watering was conducted during each of the following months             
April 1 to December 1

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

200 head by the year of 1872, with the numbers varying as  
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.  
to the availability of water and forage each year.

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

0.0063 cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet 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

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Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by SLAGOWSKI RANCHES, INC., A Nevada corporation are full and correct to the best of his knowledge and belief.

President of the corporation

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.

Claimant

Telephone No. ( ) \_\_\_\_\_

2006 JUN -5 PM 2:36  
STATE OF NEVADA

By Carl F. Slagowski  
Carl F. Slagowski

HC 34, Box 36

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

Carlin, Nevada 89822

City, State, Zip Code No.

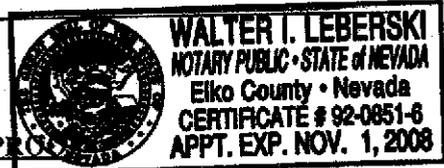
Telephone No. ( ) \_\_\_\_\_

Subscribed and sworn to before me this 3rd day of May, 2006

Walter I. Leberski

Notary Public in and for the County of Elko

My commission expires \_\_\_\_\_



\$\$\$ FILING FEE MUST ACCOMPANY PROCEEDINGS

**Attachment to Proof of Appropriation - Slagowski Ranches, Inc.**  
**DryCreek**  
**Proof V-09597**

**Item 4.** The water is diverted at the following points:

The diversion is throughout the reach of the channel beginning at three points described as follows:

- (a) Beginning at a point within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 19, T27N, R49E, from which the East one-quarter corner of Section 1, T26N, R49E, MDB&M bears S 64° 55' 52" e, a distance of 32,871.85 feet.
- (b) Beginning at a point within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 29, T27N, R49E, MDB&M, from which the east one-quarter corner of Section 1, T26N, R49E, MDB&M bears S 69° 21' 16" E, a distance of 28,040.01 feet.
- (c) Beginning at a point in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 30, T27N, R49E, from which the east one-quarter corner of Section 1, T26N, R49E, MDB&M bears S 73° 20' 28" E, a distance of 29,525.41 feet.

From the beginning of the reaches on the three branches of Dry Creek, the reach is down the channels to the end of the reach of the main channel at a point on the east line of Section 24, T26N, R49E, MDB&M (NE $\frac{1}{4}$  SE $\frac{1}{4}$  of said Section 24) from which the northeast corner of said Section 24 bears N 00° 00' 00" W, a distance of 3,456.85 feet.

The reach described being that portion of the channel normally having surface flow during the grazing season.

**Item 7.** The nature of the claimant's title to the land upon which the source of water and place of use are located is:

Unfenced private land and public domain upon which the claimant holds a grazing permit described as follows:

Unfenced Private Land

T27N, R49 E, MDB&M

Section 19: That portion of the SW $\frac{1}{4}$  within MS 4130 (Buckhorn Mine)

Public Domain

T27N, R49E, MDB&M

- Section 19: That portion of the S $\frac{1}{2}$  SW $\frac{1}{4}$  lying outside of MS 4130; S $\frac{1}{2}$  SE $\frac{1}{4}$ ;  
NE $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 20: SW $\frac{1}{4}$ ; S $\frac{1}{2}$  SE $\frac{1}{4}$   
Section 21: SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 28: W $\frac{1}{2}$  NE $\frac{1}{4}$ ; N $\frac{1}{2}$  NW $\frac{1}{4}$ ; SE $\frac{1}{4}$   
Section 29: N $\frac{1}{2}$  SW $\frac{1}{4}$ ; W $\frac{1}{2}$  SE $\frac{1}{4}$ ; SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 30: S $\frac{1}{2}$  SE $\frac{1}{4}$   
Section 31: NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 32: N $\frac{1}{2}$  N $\frac{1}{2}$   
Section 33: E $\frac{1}{2}$  NE $\frac{1}{4}$ ; SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; E $\frac{1}{2}$  NW $\frac{1}{4}$ ; NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 34: W $\frac{1}{2}$  SW $\frac{1}{4}$

T26N, R49E, MDB&M

- Section 3: Lots 3 & 4; SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; SE $\frac{1}{4}$  NW $\frac{1}{4}$ ; E $\frac{1}{2}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 10: N $\frac{1}{2}$  NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 11: W $\frac{1}{2}$  SW $\frac{1}{4}$ ; SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 13: W $\frac{1}{2}$  SW $\frac{1}{4}$ ; SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 14: NE $\frac{1}{4}$ ; NE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 24: N $\frac{1}{2}$  NE $\frac{1}{4}$ ; SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; NE $\frac{1}{4}$  SE $\frac{1}{4}$

**Attachment to Proof of Appropriation - Slagowski Ranches, Inc.**  
(DryCreek)

**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 othe 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 200 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.