Serial No. 09609

THE STATE OF NEVADA

PROOF OF SUBSISTING RIGHT OF WATER FOR

STOCK WATERING PURPOSES

Pursuant to N.R.S. 533.492

(1) Name of Claimant Heguy Ranches [Street and No. or P. O. Box No.] PO Box 570 **of** [City or town] Elko [State and Zip Code No.] NV 89803.

(2) Source of water [Name of natural water source] Swales Creek, its tributaries and springs within the reach of the source as described herein.

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

(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.]

The water is diverted throughout a portion of the channel at two points of beginning described as follows:

(1) At Louse Spring at a point within the NE¼ NE¼ of Section 33, T 36N, R 53E, MDM, from which the Northeast corner of said Section 33 bears N 18° 52' 15" E, a distance of 1308.17 feet.

(2) A point within the SW¼ SW¼ of Section 28, T 36N, R 53E, MDM, from which the Southeast corner of said Section 28 bears S 75° 50' 38" E, a distance of 5,172.79 feet.

From the two points of beginning described down the channel to a point in the SW¼ NE¼ of Section 36, T 36N, R 53E, MDM, from which the Southeast corner of said Section 36 bears S 40° 21' 33" E, a distance of 3576.16 feet.

(5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] Natural channel

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

(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.] The place of use is within private land and public domain upon which the claimant holds a grazing permit described as follows:

Private Land:

T 36N, R 53E, MDM

Section 26:	SW¼ SE¼
Section 28:	S½ SE¼; SW¼ SW¼
Section 33:	NE¼ NE¼
Section 34:	N½ N½
Section 35:	N½ NW¼

Public Domain:

T 36N, R 53 E, MDM

Section 25:	SW¼SW¼
Section 26:	SE¼ SE¼; S½ SW¼
Section 27:	S½ SW¼
Section 28:	NE¼ SE¼; N½ SW¼
Section 36:	N½ NW¼; SE¼ NW¼; SW¼ NE¼

(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 Walter I. Leberski attached

(10) The approximate number of animals watered by the claimant during the first year [Date] 1873 **was** unknown **cattle,**_____ **horses**_____ **sheep or** [Other] _____. **The watering was conducted during each of the following months** April 1 to November 30.

(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]_____

250 cattle by the year of 1886, with the numbers varying due to the availability of water and forage each year.

(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] 0.0078 **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. ___

None

Remarks [Improvements, title, etc.)

The priority for irrigation on the owned land varies from 1873 to 1882 as evidenced in the Humboldt River Decree. This is a basis for the earliest use on the open range for watering livestock. However, a priority of 1886 as set forth in the Commensurate Property Record by Chas. R. Pedlar attached to the Affidavit of Walter I. Leberski wherein it is stated Dressi Ranching Company, predecessor of the claimant, used the public domain in the vicinity of the source for 50 years prior to the year 1936 is considered for the full numbers of livestock.

The documents attached to the Affidavit of Walter I. Leberski evidence grazing use by Dressi Ranching in the area of the source with 950 cattle and 60 horses during portions of the grazing season of April 1 to November 30.

Through management actions by the Bureau of Land Management, the claimant grazes livestock within an allotment under a management plan which will vary the season of use and number of livestock from year to year.

From experience in managing livestock grazing in the area 250 head of livestock would use the source during portions of the grazing season.

Swales Creek is a tributary to Susie Creek, which is also a source of stock water for the claimant, within a portion of its reach. However, as this source is a major source of stock water and is used partially independent of Susie Creek, a separate proof is made.

HEGUY RANCHES, INC.
CLAIMANT:

Telephone No.:_____

By: Mitchell J. Heguy
MITCHELL J. HEGUY, President
Telephone No.:_____

Subscribed and sworn to before me this

9th day of June, 2006.

Walter I. Leberski
NOTARY PUBLIC

WALTER I. LEBERSKI
NOTARY PUBLIC • STATE of NEVADA
Elko County • Nevada
CERTIFICATE # 92-0851-6
APPT. EXP. NOV. 1, 2008