

Amended

Serial No. V09815.....

STATE OF NEVADA

**PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES**

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(1) Name of claimant DeLong Ranches, Inc.
335 Bottle Creek Road of Winnemucca
Street and No. or P.O. Box No. City or town
Nevada, 89445
State and Zip Code No.

(2) Source of water Clover Creek
Name of natural water source.

(3) The water is diverted by a natural channel or creek bed approximately 1 foot wide x 1 foot deep into another channel or ditch. Clover Creek begins at the mouth of the canyon within T39N, R31E, Section 27: NE1/4 NW1/4 and flows in a southeastern direction through T39N, R31E, Section 27: NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4; T39N, R31E, Section 26: NW1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4; T39N, R31E, Section 35: NW1/4 NE1/4, NE1/4 NE1/4; ending in the natural channel of Trout Creek located within T39N, R31E, Section 36: NW1/4 NW1/4.
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) Clover Creek begins at the mouth of the canyon within T39N, R31E, Section 27: NE1/4 NW1/4 and flows in a southeastern direction through T39N, R31E, Section 27: NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4; T39N, R31E, Section 26: NW1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4; T39N, R31E, Section 35: NW1/4 NE1/4, NE1/4 NE1/4; ending in the natural channel of Trout Creek located within T39N, R31E, Section 36: NW1/4 NW1/4.
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.

(5) The water is impounded in a natural channel, creek bed, or ditch.
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun prior to 1905 with cattle first using Clover Creek in 1871. The works were completed prior to 1905. However, the priority date of use is 1871 beginning with the first use of Clover Creek (See Exhibit "A-1" Supplement 1 and Amendment to Exhibit A – Already on File with the Division of Water Resources, filed under Bliss Spring and Bliss Canyon # V09804).

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is within public domain with grazing permit held by DeLong Ranches, Inc. and privately-deeded land owned by claimant.

Places of use include: Clover Creek originates from springs located northwest of the mouth of the canyon that begins within T39N, R31E, Section 27: NE1/4 NW1/4 and flows in a southeastern direction through T39N, R31E, Section 27: NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4; T39N, R31E, Section 26: NW1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4; T39N, R31E, Section 35: NW1/4 NE1/4, NE1/4 NE1/4; ending in the natural channel of Trout

Creek located within T39N, R31E, Section 36: NW1/4 NW1/4.

Cattle use the water along all points of the springs and creek.

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)

- (9) The approximate number of animals watered by the claimant during the first year 1871

Date

was 400 cattle 30 (domestic) horses 300 sheep or wildlife (describe) deer, antelope, birds

Other

The watering was conducted during each of the following months Cattle were watered year-round (12 months.) Horses were watered at gathering, branding, and shipping times during the spring and fall (4 months). Sheep were watered at various times throughout the year when the bands were moved (2 months.)

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 400 cattle have been watered at Clover Creek in every subsequent year following 1871. 300 sheep were watered at Clover Creek until the 1920's when the Lay brothers cut down their bands. (See Exhibit "A" for documentation of use – Already on File with Division of Water Resources under Bliss Spring and Bliss Canyon # V09804)

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 _____

0.025 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second.

- (12) The works are located at T39N, R31E, Section 27: NE1/4 NW1/4; T39N, R31E, Section 27: NW1/4 NE1/4, SW1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4; T39N, R31E, Section 26: NW1/4 SW1/4, SW1/4 SW1/4, SE1/4 SW1/4, SW1/4 SE1/4; T39N, R31E, Section 35: NW1/4 NE1/4, NE1/4 NE1/4; ending within T39N, R31E, Section 36: NW1/4 NW1/4.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks

Clover Creek is located in the historic grazing area surrounding Trout Creek Ranch owned by DeLong Ranches, Inc. Evidence of cattle use on Jackson Creek / Trout Creek range land surfaces in 1871. The September 2, 1871, edition of the newspaper, *The Silver State*, describes Mr. J. Mann of the firm "Smith & Mann" (predecessors to the claimant) as having a "large band of cattle on extensive pasture on Jackson Creek." Besides newspaper accounts, J.J. Mann and William Smith of "Smith & Mann" made claims on land around Donishee (Donna Shea) and Jackson Creek in 1871. S.J. Mann (likely a recording error for J.J. Mann) had a claim on land surrounding Trout Creek, also in 1871. In addition, cattle brand records published in the book, *On the Hoof in Nevada*, by Velma Stevens Truett and found in the Humboldt County Recorder's Office list cattle brands for "Smith & Mann" on Trout Creek Ranch, Jackson Creek Ranch, and Dunchee (Donna Shea) Springs Ranch, first recorded in 1873. General Land Office (GLO) survey maps dated 1874 indicate that cattle were using the range and water surrounding Trout Creek by this date with the depiction and labeling of the road and corral in Section 25 of T39N, R31E. Other predecessors to the claimant, including James Sloan and George D. Bliss grazed cattle in this area beginning in 1889. Later the Lay Brothers, Fred Hummel and others ran numerous cattle in the area. Various Possessory Claims were recorded throughout the 1800's and early 1900's on

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land and water surrounding Jackson Creek and Trout Creek often listing stock water use, irrigation use, and other beneficial uses. With these claims, newspaper accounts, various documents, chain of title, and evidence already on file with the Division of Water Resources, along with the fact that cattle use all water sources on the range in which they occupy, a continued, unbroken chain of use for land and water has been established from 1871 up to the present with DeLong Ranches, Inc. Evidence on file with the Division of Water Resources includes Exhibit "A" Proof of Vested Right; Exhibit "A-1" Supplement 1 and Amendment to Exhibit A; Exhibit "B" List of Nevada State Patents; Exhibit "C" List of United States Patents; and Exhibit "D" Chain of Title (Exhibits "A" through "D" -- filed under Bliss Spring and Bliss Canyon # V09804). Exhibit "E" is a Google Earth reference map to show the location of the points of diversion and places of use for Clover Creek and is already-on-file with proof # V09815.

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

DeLong Ranches, Inc.
Claimant

Telephone No. (775) 859-0240



LISA CASSINELLI
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 11-5444-9 - Expires August 1, 2015

By Will DeLong V.P.
384 Denio Hwy. 140
Street and No., or P.O. Box No.
Winnemucca, NV 89445
City, State, Zip Code No.
Telephone No. (775) 941-0196

Subscribed and sworn to before me this 20th day of July, 20 12

State of Nevada Lisa Cassinelli
Notary Public in and for the County of Humboldt
My commission expires 8/1/2015

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