

# Amended

Serial No. .... V09816.....

STATE OF NEVADA

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

RECEIVED  
2012 JUL 23 AM 11:39  
STATE ENGINEERS OFFICE

(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 Louse Creek  
Name of natural water source.

(3) The water is diverted by Louse Creek which first begins at the mouth of the canyon within T39N, R31E, Section 34: NW1/4 NE1/4 and flows in a natural channel in a southeastern direction through T39N, R31E, Section 34: NE1/4 NE1/4, into an earthen diversion ditch approximately 1 foot wide x 1 foot deep located within T39N, R31E, Section 35: NW1/4 NW1/4. The water then moves in a slightly northeastern direction through T39N, R31E, Section 35: NE1/4 NW1/4, NW1/4 NE1/4, and then in an eastern direction through T39N, R31E, Section 35 NE1/4 NE1/4 and finally ends within T39N, R31E, Section 36: NW1/4 NW1/4. The water first joins with the waters of Clover Creek before flowing into the waters of Trout Creek.

Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) Louse Creek which first begins at the mouth of the canyon within T39N, R31E, Section 34: NW1/4 NE1/4 and flows in a natural channel in a southeastern direction through T39N, R31E, Section 34: NE1/4 NE1/4, into an earthen diversion ditch approximately 1 foot wide x 1 foot deep located within T39N, R31E, Section 35: NW1/4 NW1/4. The water then moves in a slightly northeastern direction through T39N, R31E, Section 35: NE1/4 NW1/4, NW1/4 NE1/4, and then in an eastern direction through T39N, R31E, Section 35 NE1/4 NE1/4 and finally ends within T39N, R31E, Section 36: NW1/4 NW1/4. The water first joins with the waters of Clover Creek before flowing into the waters of Trout Creek.

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 and earthen diversion ditch.

Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun prior to 1956 with the first known cleaning of Louse Creek ditch recalled by John DeLong and likely prior to 1905 when many other ditches and such works were completed in the area. Cattle first used Louse Creek in 1871. The works were completed prior to 1956. However, the priority date of use is 1871 beginning with the first use of Louse 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: Louse Creek which originates from springs located northwest of the mouth of the canyon that begins within T39N, R31E, Section 34: NW1/4 NE1/4 and flows in a natural

channel in a southeastern direction through T39N, R31E, Section 34: NE1/4 NE1/4, into an earthen diversion ditch approximately 1 foot wide x 1 foot deep located within T39N, R31E, Section 35: NW1/4 NW1/4. The water then moves in a slightly northeastern direction through T39N, R31E, Section 35: NE1/4 NW1/4, NW1/4 NE1/4, and then in an eastern direction through T39N, R31E, Section 35 NE1/4 NE1/4 and finally ends within T39N, R31E, Section 36: NW1/4 NW1/4. The water first joins with the waters of Clover Creek before flowing into the waters of Trout Creek. Cattle use the water along all points of the springs, creek, ditches, and/or other works.

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 Louse Creek in every subsequent year following 1871. 300 sheep were watered at Louse 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 34: NW1/4 NE1/4; T39N, R31E, Section 34: NE1/4 NE1/4; T39N, R31E, Section 35: NW1/4 NW1/4; T39N, R31E, Section 35: NE1/4 NW1/4, NW1/4 NE1/4; T39N, R31E, Section 35 NE1/4 NE1/4; 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

Louse 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

RECEIVED  
2012 JUL 23 AM 11:30  
STATE ENGINEERS OFFICE

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 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 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 Louse Creek and is already-on-file with proof # V09816.

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

RECEIVED  
2012 JUL 23 AM 11:39  
STATE ENGINEERS OFFICE



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

By [Signature]  
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 20<sup>th</sup> day of July, 2012

state of Nevada [Signature]  
Notary Public in and for the County of Humboldt

My commission expires 8/1/2015

**\$50 FILING FEE MUST ACCOMPANY PROOF**