

Amended

Serial No. V09817.....

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

RECEIVED
2012 JUL 23 AM 11:38
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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 Shawnee Creek
Name of natural water source.

(3) The water is diverted by Shawnee Creek which originates from springs located southwest of the mouth of the canyon beginning within T37N, R31E, Section 4: SE1/4 SE1/4. The creek then flows in a northeastern direction through T37N, R31E, Section 3: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, SE1/4 NE1/4; T37N, R31E, Section 2: SW1/4 NW1/4, Lot 4, Lot 3, Lot 2; T38N, R31E, Section 35: SW1/4 SE1/4, SE1/4 SE1/4, NE1/4 SE1/4; and T38N, R31E, Section 36: NW1/4 SW1/4. The creek is then diverted into an earthen ditch 1 foot wide x 6 inches deep within T38N, R31E, Section 36: NW1/4 NE1/4. From this point of diversion, the ditch continues in a northeastern direction through T38N, R31E, Section 36: SW1/4 NW1/4, NE1/4 NW1/4, NW1/4 NE1/4; T38N, R31E, Section 25: SE1/4 SE1/4, SW1/4 SE1/4; T38N, R32E, Section 30: Lot 4, Lot 3, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, NW1/4 NE1/4, NE1/4 NE1/4; T38N, R32E, Section 19: SE1/4 SE1/4; T38N, R32E, Section 20: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 NE1/4; ending within private land owned by claimant at T38N, R32E, Section 20: SE1/4 NE1/4.

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

(4) The water is diverted at the following point(s) Shawnee Creek which originates from springs located southwest of the mouth of the canyon beginning within T37N, R31E, Section 4: SE1/4 SE1/4. The creek then flows in a northeastern direction through T37N, R31E, Section 3: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, SE1/4 NE1/4; T37N, R31E, Section 2: SW1/4 NW1/4, Lot 4, Lot 3, Lot 2; T38N, R31E, Section 35: SW1/4 SE1/4, SE1/4 SE1/4, NE1/4 SE1/4; and T38N, R31E, Section 36: NW1/4 SW1/4. The creek is then diverted into an earthen ditch 1 foot wide x 6 inches deep within T38N, R31E, Section 36: NW1/4 NE1/4. From this point of diversion, the ditch continues in a northeastern direction through T38N, R31E, Section 36: SW1/4 NW1/4, NE1/4 NW1/4, NW1/4 NE1/4; T38N, R31E, Section 25: SE1/4 SE1/4, SW1/4 SE1/4; T38N, R32E, Section 30: Lot 4, Lot 3, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, NW1/4 NE1/4, NE1/4 NE1/4; T38N, R32E, Section 19: SE1/4 SE1/4; T38N, R32E, Section 20: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 NE1/4; ending within private land owned by claimant at T38N, R32E, Section 20: SE1/4 NE1/4.

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.

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.

(5) The water is impounded in a creek bed and an earthen diversion ditch. The water is not impounded elsewhere.

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

(6) The construction of the ditch or other works was begun unknown with cattle first using Shawnee Creek in 1871. The works were completed unknown. However, the priority date of use is 1871 beginning with the first use of Shawnee 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 within privately-deeded land owned by claimant.

Places of use include: Shawnee Creek which originates from springs located southwest of the mouth of the canyon beginning within T37N, R31E, Section 4: SE1/4 SE1/4. The creek then flows in a northeastern direction through T37N, R31E, Section 3: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, SE1/4 NE1/4; T37N, R31E, Section 2: SW1/4 NW1/4, Lot 4, Lot 3, Lot 2; T38N, R31E, Section 35: SW1/4 SE1/4, SE1/4 SE1/4, NE1/4 SE1/4; and T38N, R31E, Section 36: NW1/4 SW1/4. The creek is then diverted into an earthen ditch 1 foot wide x 6 inches deep within T38N, R31E, Section 36: NW1/4 NE1/4. From this point of diversion, the ditch continues in a northeastern direction through T38N, R31E, Section 36: SW1/4 NW1/4, NE1/4 NW1/4, NW1/4 NE1/4; T38N, R31E, Section 25: SE1/4 SE1/4, SW1/4 SE1/4; T38N, R32E, Section 30: Lot 4, Lot 3, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, NW1/4 NE1/4, NE1/4 NE1/4; T38N, R32E, Section 19: SE1/4 SE1/4; T38N, R32E, Section 20: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 NE1/4; ending within private land owned by claimant at T38N, R32E, Section 20: SE1/4 NE1/4. Cattle use the water at all points along the springs, creek, and diversion ditch.

(8) The claimant's water right was ^{Patented, deeded, public domain with grazing permit, etc.} 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 was 400 cattle 30 (domestic) horses 300 sheep or wildlife (describe) deer, antelope, birds

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.) The diversion ditch was completed at a later date to allow the water of Shawnee Creek to be more accessible to livestock.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 400 cattle have been watered at Shawnee Creek in every subsequent year following 1871. 300 sheep were watered at Shawnee 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.

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(12) The works are located at T37N, R31E, Section 4: SE1/4 SE1/4; T37N, R31E, Section 3: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, SE1/4 NE1/4; T37N, R31E, Section 2: SW1/4 NW1/4, Lot 4, Lot 3, Lot 2; T38N, R31E, Section 35: SW1/4 SE1/4, SE1/4 SE1/4, NE1/4 SE1/4; T38N, R31E, Section 36: NW1/4 SW1/4, NW1/4 NE1/4, SW1/4 NW1/4; T38N, R31E, Section 36: NE1/4 NW1/4, NW1/4 NE1/4; T38N, R31E, Section 25: SE1/4 SE1/4, SW1/4 SE1/4; T38N, R32E, Section 30: Lot 4, Lot 3, NE1/4 SW1/4, SE1/4 NW1/4, SW1/4 NE1/4, NW1/4 NE1/4, NE1/4 NE1/4; T38N, R32E, Section 19: SE1/4 SE1/4; T38N, R32E, Section 20: SW1/4 SW1/4, NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 NE1/4; T38N, R32E, Section 20: SE1/4 NE1/4.

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

Remarks

Shawnee 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 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 Shawnee Creek and is already-on-file with proof # V09817.

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.

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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 April DeLong

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, 2012

Lisa Cassinelli
State of Nevada
Notary Public in and for the County of Humboldt

My commission expires 8/1/2015

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