

STATE OF NEVADA

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

(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 Dead Man Spring and Dead Man Creek
Name of natural water source.

(3) The water is diverted by a spring area with a natural pool into a natural channel approximately 1 foot wide x 1 foot deep within T38N, R31E, Section 35: SW1/4 NW1/4. The water then flows in an eastern direction through T38N, R31E, Section 35: SE1/4 NW1/4, SW1/4 NE1/4, SE1/4 NE1/4, ending within T38N, R31E, Section 36: SW1/4 NW1/4 where it combines with the waters of Shawnee Creek.
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) T38N, R31E, Section 35: SW1/4 NW1/4 into a natural channel approximately 1 foot wide x 1 foot deep.
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 spring area with a natural pool and a natural channel.
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 Dead Man Spring and Dead Man Creek in 1871. The works were completed prior to 1905. However, the priority date of use is 1871 beginning with the first use of Dead Man Spring and Dead Man Creek (See Exhibit "A-1" Supplement and Amendment to Exhibit A; Exhibit "A-2" Supplement 2 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.
Places of use include: A spring area with a natural pool flowing into a natural channel approximately 1 foot wide x 1 foot deep that begins within T38N, R31E, Section 35: SW1/4 NW1/4. The water then flows in an eastern direction through T38N, R31E, Section 35: SE1/4 NW1/4, SW1/4 NE1/4, SE1/4 NE1/4, ending within T38N, R31E, Section 36: SW1/4 NW1/4 where it combines with the waters of Shawnee Creek. Cattle use the water along all points of the spring and creek.
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right 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 horses 1000 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.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows: 400 cattle have been watered at Dead Man Spring and Dead Man Creek in every subsequent year following 1871. 1000 sheep were watered at Dead Man Spring and Creek until the late 1920's when the bank foreclosed on Lay Land and Livestock. 1000 head of sheep were again watered at Dead Man Spring and Creek in the 1930's when various sheepmen and/or cattlemen leased the Jackson Mountain range. (See Exhibit "A-1" Supplement and Amendment to Exhibit A; Exhibit "A-2" Supplement 2 to 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 or sufficient to water 400 head of cattle.
448.83 gallons per minute equals 1 cubic feet per second.

(12) The works are located at T38N, R31E, Section 35: SW1/4 NW1/4, T38N, R31E, SE1/4 NW1/4, SW1/4 NE1/4, SE1/4 NE1/4, SW1/4 NW1/4 and T38N, R31E, Section 36: SW1/4 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

Dead Man Spring is a historic stage-route watering stop. Dead Man Spring and Dead Man Creek were so named due to a stage driver found dead near the spring. His horses were still tied to the stage. The driver died of natural causes but afterwards the spring and creek were known as Dead Man.

Fred Hummel had a potato patch growing near Dead Man Spring around 1910 to 1930. Dead Man Spring and Dead Man Creek are in the historic grazing area surrounding Trout Creek and Jackson 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 1 and Amendment to Exhibit A; Exhibit "A.2" Supplement 2 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 reference map to show the location of the points of diversion and places of use for Deadman Spring and Deadman Creek already on file with proof V09841.

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.

Filed by agent/attorney on behalf of DeLong Ranches, Inc.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

Claimant DeLong Ranches, Inc.

Telephone No. (775) 859-0240

By Theresa Ure
Schroeder Law Offices; Theresa Ure
440 Marsh Avenue
Street and No., or P.O. Box No.
Reno, NV 89509
City, State, Zip Code No.
Telephone No. (775) 786-8800

Subscribed and sworn to before me this 18th day of December, 2012

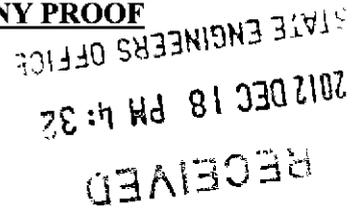
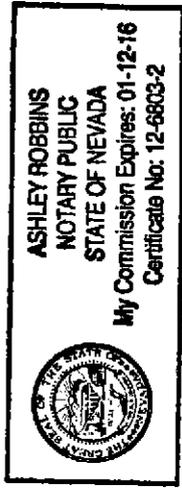
by Theresa A. Ure

Notary Public in and for the County of Washoe

My commission expires 1/12/16

Ashley Robbins

\$50 FILING FEE MUST ACCOMPANY PROOF



Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



Cortney D. Duke
Oregon, Nevada

Sarah R. Liljefelt
Oregon, California

Wyatt E. Roife
Oregon, Nevada,
Washington

Therese A. Ure
Oregon, Nevada

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STATE ENGINEERS OFFICE

December 18, 2012

VIA HAND DELIVERY

Jason King, State Engineer
Nevada Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, NV 89701

RE: Filing of New Vested Claims and Vested Claim Amendments

Dear Mr. King:

Enclosed please find two copies of each of the following documents:

- 1) Proof of Appropriation, Vested Claim for Big Cedar Creek;
- 2) Proof of Appropriation, Vested Claim for Brush Spring;
- 3) Proof of Appropriation, Vested Claim for Buck Brush Creek;
- 4) Proof of Appropriation, Vested Claim for Hobo Creek;
- 5) Proof of Appropriation, Vested Claim for Little Cedar Creek;
- 6) Proof of Appropriation, Vested Claim for Mary Sloan Creek;
- 7) Proof of Appropriation, Vested Claim for Red Boy Mine Spring;
- 8) Proof of Appropriation, Vested Claim for South Fork and North Fork of Bull Creek;
- 9) Amendment to Proof of Appropriation, Vested Claim No. V09841;
- 10) Amendment to Proof of Appropriation, Vested Claim No. V10001;
- 11) Second Amendment to Proof of Appropriation, Vested Claim No. V09815;
- 12) Second Amendment to Proof of Appropriation, Vested Claim No. V09816; and
- 13) Second Amendment to Proof of Appropriation, Vested Claim No. V09817.

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

www.water-law.com counsel@water-law.com

Jason King, State Engineer
Nevada Division of Water Resources
December 18, 2012
Page 2 of 2

Please file the originals and return a file stamped copy to our office. Also enclosed please find our firm check No. 22227 in the amount of \$400.00 to cover the filing fees for the eight new Proofs of Appropriation.

Please contact our office if you have any questions.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.



Therese A. Ure

ALR:tau

Enclosures

cc: Clients

RECEIVED
2012 DEC 18 PM 4:26
STATE ENGINEERS OFFICE

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(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.

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Name of natural water source.

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31-HW

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Date
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Other

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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 Dead Man Spring and Dead Man Creek in every
subsequent year following 1889. 300 sheep were watered at Dead Man Spring and Dead Man
Creek until the 1920's when the Lay brothers cut down their bands. (See Exhibit "A" for
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Bliss Canyon # V09804)

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including James Sloan and George D. Bliss, have been grazing cattle in this area since 1889, based on
recorded documentation and evidence presented in Exhibit "A" Proof of Vested Right; Exhibit "B" List
of Nevada State Patents; Exhibit "C" List of United States Patents; and Exhibit "D" Chain of Title
(Exhibits "A" through "D" -- Already on File with Division of Water Resources under Bliss Spring and
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DeLong Ranches INC
Claimant

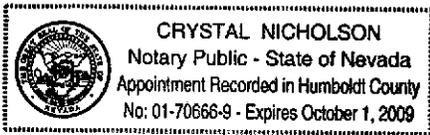
Telephone No. (775) 941-0196

By Bill Denny V.P.

384 Derris 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 9/18/09 day of September, 2009

State of Nevada Crystal Nicholson

Notary Public in and for the County of Humboldt

My commission expires 10/1/09

\$50 FILING FEE MUST ACCOMPANY PROOF

Exhibit "E"

T38N, R31E, Section 35, SW1/4 NW1/4

Dead Man Spring

Dead Man Creek

T38N, R31E, Section 36, SW1/4

Shawnee Creek

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Image USDA Farm Service Agency

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OCT 6 2009
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