Serial No. 010039

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant **Joe Saval Company, LLC**

P.O Box 296 of **Battle Mountain**
Street and No. or P.O. Box No. City or town

Nevada 89820
State and Zip Code No.

(2) Source of water **Cedar Spring No. 5**
Name of natural water source.

(3) The water is diverted by **Water is in natural drainage from spring.**
Dam, ditch, pipe line, natural channel, spring area, etc.

(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.

Within the SW 1/4 SW 1/4, Section 12, T. 26 N., R. 40 E., M.D.B.&M., or at a point which the SW corner of section 24, T. 26 N., R. 40 E., M.D.B.& M. bears S. 5 deg. 42' 17 " W., a distance of 11,792.0 feet. See map accompanying V-09990.

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

(6) The construction of the ditch or other works was begun **Unknown**
Date

and completed **Unknown**.
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is **Historical Usage, USBOR grazing Allotments, Agreements, and Conveyances**
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).

132-LD

(9) The approximate number of animals watered by the claimant during the first year Approx. 1873
Date

was **500** cattle _____ horses **5000** sheep or wildlife (describe) _____
Other

The watering was conducted during each of the following months

January through December

(10) 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.

Number varied by year - Recently the BOR Grazing allotment for the Joe Saval Company LLC allotment has been between 1044 and 2000 head of cattle in this location.

(11) The amount of water which has been necessary to be diverted for this purpose has been

0.046875 c.f.s. [33.96 AFA] cubic feet per second.
448.83 gallons per minute equals 1 cubic feet per second.

(12) The works are located **Water in natual drainage from spring**
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks: This proof of appropriation is being filed in response to State Engineer Notice of Order Initiation Proceeding to Determine Water Rights dated July 9, 2010, State Engineer Notice of Order for Taking Proofs dated August 25, 2010, and State Engineer letter extending time to file proofs dated December 20, 2010. Water was appropriated from Cedar Spring No. 5 for stockwatering by the Clarks around 1873, the Abels around 1879, the Leicks around 1890, and the Savals around 1900. Joe Saval Company LLC ultimately acquired these water rights through its acquisition of Buffalo Ranch, Clark Ranch, and Jersey Ranch and their appurtenant water rights. Joe Saval Company LLC has also submitted a memorandum detailing its water rights in the adjudication area.

Remarks _____

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by **Joe Saval Company, LLC**

are full and correct to the best of his knowledge and belief.

Michael Stanka PE, Nevada State Water Right Surveyor No. 1182 is authorized agent for the Joe Saval Company, LLC

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

Claimant

By **Michael Stanka PE [Agent]**

301 West King Street

Street and No., or P.O. Box No.

Carson City Nevada, 89703

City, State, Zip Code No.

DAVID G. HILLIS JR.
NOTARY PUBLIC
STATE OF NEVADA
No.08-8829-3 My Appt. Exp. Dec. 10, 2012

Telephone No. (775) 885 - 9283

Subscribed and sworn to before me this 28th day of January, 20 11

David G. Hillis Jr.

Notary Public in and for the County of Carson City, NV

My commission expires December 10, 2012

$50 FILING FEE MUST ACCOMPANY PROOF