

THE STATE OF NEVADA
PROOF OF SUBSISTING RIGHT OF WATER FOR
STOCK WATERING PURPOSES

Pursuant to N.R.S. 533.492

RECEIVED
2012 MAR 26 PM 1:57

(1) Name of Claimant - Dorsey Land, LLC, a Nevada Limited Liability Company

(Street and No. or P. O. Box No.) PO Box 1133 of [City or town] Elko (State and Zip Code No.) Nevada 89803

(2) Source of water (name of natural water source) Tributaries to Dorsey Creek

(3) The water is diverted by [Dan, ditch, pipe line, natural channel, spring area, etc.] Natural channel

(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.] Throughout the reach of the channel with the beginning of the reach being four points described as follows:

1. A point in Lot 4 of Section 1, T37NR53E, MDM from which the northwest corner of Section 1 bears N34°29'20"W a distance of 1,062.41 feet, more or less, and

2. A point within Lot 7 of Section 1, T37NR53E, MDM from which the northwest corner of Section 1 bears N05°18'19"W a distance of 4,310.07 feet more or less, and

3. A point within the SE1/4SW1/4 of Section 1, T37NR53E, MDM from which the southeast corner of Section 1 bears S81°51'56"E a distance of 3,051.51 feet, more or less and

4. A point within the SE1/4NE1/4 of Section 12, T37R53E, MDM from which the northeast corner of Section 12 bears N30°15'41"E a distance of 2,162.15 feet more or less, thence down the channel to point of ending within

NW1/4SW1/4 of Section 2, T37NR54E, MDM from which the southeast corner of said Section 2 bears S69°20'27"E a distance of 5,412.63, more or less.

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

(6) The construction of the ditch or other works was begun [Date] None and completed [Date] None

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is [Patented, deeded, public domain with grazing permit, etc.]

Deeded Land of Claimant

T37N R53E, MDM

Section 1: Lot 2; S1/2NE1/4; SE1/4

T37NR54E, MDM

Section 5: NW1/4SW1/4; S1/2S1/2

6: NE1/4SW1/4

7: S1/2N1/2

9: W1/2NW1/4; NE1/4NW1/4; N1/2NE1/4; SE1/4NE1/4; N1/2S1/2; SE1/4SW1/4

Public domain upon which claimant holds a grazing permit

T37NR53E, MDM

Section 1: Lots 3,4 & 7; SE1/4SW1/4

12: SE1/4NE1/4

T37NR54E, MDM

Section 2: NW1/4SW1/4

4: S1/2S1/2

6: N1/2SE1/4; NW1/4SW1/4; SW1/4NW1/4; S1/2S1/2

8: S1/2N1/2

Deeded Land owned by others

T37N R54E, MDM

Section 3: N1/2S1/2; SW1/4SW1/4; SW1/4SE1/4

(8) The claimant's water right was not recorded in the office of the Elko County, at Page of Book of .

(9) The items of evidence for the numbers of livestock and date of priority are
Affidavit of Walter I. Leberski

(10) The approximate number of animals watered by the claimant during the first year [Date] 1886 was 1500 cattle, horses sheep or [other] . The watering was conducted during each of the following months March through December.

(11) 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] 2500 cattle.

(12) The amount of water which has been necessary to be diverted for this purpose has been [448.83 gal. permits, equals 1 cubic foot per second] 0.078 cubic feet per second.

(13) The works are located at [Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.] None.

Remarks [Improvements, title, etc.] See attached.

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

Managing Member

CLAIMANT:

Telephone No.:

By:



Lili A. Wolf

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2012 MAR 26 PM 1:11
COUNTY CLERK'S OFFICE

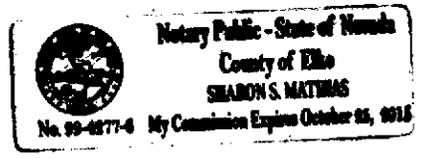
Telephone No.: 775-738-5772

Subscribed and sworn to before me this 8th day of March, 2012.

Sharon S. Mathias
NOTARY PUBLIC

Notary Public in and for the County of EIKO

My commission expires Oct 25, 2015



\$50 FILING FEE MUST ACCOMPANY PROOF

PROVIDED
2012 MAR 25 PM 1:32
STATE OF NEVADA
NOTARY PUBLIC

ATTACHMENT

This claim is made under NRS 533.492 and NRS 533.493 which allows for recognition of a right to water range livestock within a basin where rights have been adjudicated. As this claim is within the adjudicated Humboldt River Basin it is based upon a subsisting right with a priority prior to 1905. The claim does not represent an additional water demand, over that allowed in the Humboldt River Decree but identifies the source, location and numbers of livestock.

Total water consumption by livestock within the grazing area of the claimant is not additive from all sources and is limited by 2,500 head of cattle using all water sources within the grazing area of the claimant.

The major predecessor of the claimant as to owned range lands is Hunter-Banks Company and that company's median priority from the Humboldt River Decree is 1886. This year of priority substantially agrees with the Tabulation Sheet as reviewed in the affidavit of Walter I. Leberski attached to the claim and therefore the year of 1886 becomes the priority.

Attached is an allotment map depicting the area of use of the claimant upon the public land and the source of this claim is within that area.

REMOVED

2012 MAR 22 PM 1:53

JAN 20 10 10 AM '12

07

AFFIDAVIT

STATE OF NEVADA)
)SS.
COUNTY OF ELKO)

I, **WALTER I. LEBERSKI**, do hereby swear (or affirm) under penalty of perjury that the following assertions of this Affidavit are true.

1. That I am an adult, and a resident of the County of Elko, State of Nevada.
2. I have reviewed records available in the State Engineer's Office and Elko County Recorder's Office for historical grazing use in T35N, R54E; T36N, R54E; T37N ,R53E; T37N, R54E; T37N, R55E ; T38N, R54E; T39N, R54E; and T39N, R55E all MDM to determine the owners of livestock in those townships and year of priority of use in connection with a claim of a subsisting stock water right.
3. The claimant provided to me a document entitled "Taylor Grazing Act Tabulation Sheet" for H. Moffatt Co. which does not indicate year it was prepared but does state a priority of 11 years.
4. As a former employee of the Bureau of Land Management, I am familiar with this form as being a summary of priority statements made by H. Moffat Co. and Dependent Property surveys made by the Taylor Grazing Services, now Bureau of Land Management for grazing preferences upon the public lands
5. The priority of 11 years shown on the form would be from June, 1929, the beginning of the priority period under the Taylor Grazing Act and the form would have been no later than for the year of 1940..
6. The Tabulation notes that predecessors made grazing use 40 to 60 years prior or between 1900 and 1880.
7. The tabulation also identifies the area of use to include those townships listed in

Paragraph 2 above.

8. Also attached are 2 pages of a Dependent Property Survey which I obtained from Bureau of Land Management files on the H. Moffat Co. Operation prepared by Francis A. Riordan dated December 1, 1938.

9. Page 1 of the above described report shows a normal operation consisting of 12,056 head of livestock and Page 4 outlines the Federal Range use and this document compares favorably with the Tabulation Sheet referred to in Paragraph 3 above as to numbers of livestock and area of use

10. Range Maps for H. Moffat Co., Jose Yraguen and Hunter Banks Co. as filed in the State Engineer's Office were also reviewed as those parties are predecessors to the claimant and those maps evidence that the customary area of use of those predecessors is part of the area of use of the claimant. Copies of those maps are attached.

11. The area of grazing use of the claimant is within the Humboldt River Basin and the adjudication decree for that basin contains the following language:

“That the right to the diversion and use of the water for stock and domestic purposes shall be continued by such claimants and such water users at any time during the year, and such diversion shall be according to the dates of priority of such claimants, and such use shall be limited to the quantity of water reasonably necessary for stock . . .”

12. It is understood that the above statement in the Humboldt River Decree applies to stock water within the area of culture set forth in the Decree and the area of use of the claimants in the Decree upon open, public land grazing and based upon that the priorities of use for predecessors as set forth in the Decree were found to be as follows:

Griswold Henderson Livestock Company	1869 to 1902
Rufus Kimball	1870 to 1900
Hunter-Banks Company	1876 to 1898
W.T. Jenkins Company	1885 to 1896
T.S. Park	1865 to 1901

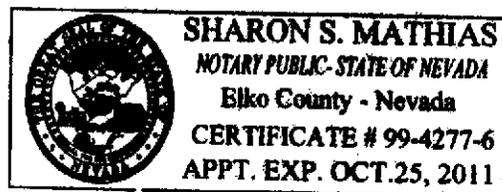
NOTE: A brief summary of the chain of title as shown in the records of the Elko County Recorder wherein the claimant acquired lands and area of open range grazing use of the above named predecessors is attached.

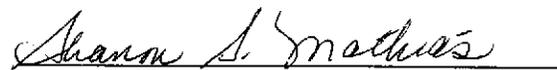
13. The Tabulation Sheet described in Paragraph 3 refers to 13,500 head of cattle being customarily ran which compares favorably to the Dependent Property Survey referred to in Paragraph 8 making the number of 2500 head of cattle in the area described in Paragraph 2 being reasonable.

This affidavit is made for the purpose of providing evidence of an area of use and priority of use for Dorsey Land, LLC for a claim of a Subsisting Right of Water for Stock Watering purposes.


WALTER I. LEBERSKI

Subscribed and sworn to before me this 16th day of August, 2011




NOTARY PUBLIC

SUMMARY OF CHAIN OF TITLEPredecessor - W. T. Jenkins Company

GRANTOR	GRANTEE	RECORDED ELKO COUNTY, NEVADA	
		BOOK	PAGE
		OFFICIAL RECORDS	
W.T. Jenkins Company	H. Moffat Company	18	7
H. Moffat Company	E. L. Cord	19	232
E.L. Cord, et ux	John D. Secrest, et al	165	387
John D. Secrest, et al	Victoria Resources Company	370	385
Victoria Resources Company	Nevis Land Company	440	102
Nevis Land Company	Freda F. Munson, et al	524	417
Freda F. Munson, et al	Frank W. Hooper, et ux	622	417
Frank W. Hooper, et ux	Mark M. Hooper, et al	1050	594
Mark M. Hooper, et al	Dorsey Land, LLC	Doc # 546228	

Predecessors - Hunter-Banks Company and Rufus H. Kimball

GRANTOR	GRANTEE	RECORDED ELKO COUNTY, NEVADA	
		BOOK	PAGE
		DEED RECORDS	
Hunter Banks Company	Rufus H. Kimball	43	472
Rufus H. Kimball, et ux	Calif. Pacific Title and Trust Company	45	270
J.C. Harris, Sheriff	Lloyd Dinkelspiel	45	49
Lloyd Dinkelspiel, et ux	Rufus H. Kimball	46	30
Rufus H. Kimball	Charles B. Howard	51	195
Charles B. Howard, et ux	Berenice M. Strathearn	54	426

GRANTOR	GRANTEE	RECORDED ELKO COUNTY, NEVADA	
		BOOK	PAGE
DEED RECORDS			
Berenice M. Strathearn	Strathearn Cattle Company	54	429
Strathearn Cattle Company	A.B. McKinley and Sons, Inc.	73	38
A.B. McKinley and Sons, Inc.	H. Moffat Company	76	127
H. Moffat Company	See chain under W.T. Jenkins Company for balance of conveyances to claimant.		

Predecessor - Griswold Henderson Livestock Company

GRANTOR	GRANTEE	RECORDED ELKO COUNTY, NEVADA	
		BOOK	PAGE
DEEDS			
Griswold- Henderson Livestock Company	Charles B. Henderson	46	654
		47	17
Charles B. Henderson et al	H. Moffat Company	50	622
H. Moffat Company	See chain under W.T. Jenkins Company for balance of conveyances to claimant.		

Predecessor - T.S. Park

GRANTOR	GRANTEE	RECORDED ELKO COUNTY, NEVADA	
		BOOK	PAGE
DEEDS			
Thomas S. Park Ethelda K. Park	Union Land and Cattle Company	38	11
W.T. Smith, Receiver of Union Land and Cattle Company	Jose Yraguen Basilio Yraguen	42	127

Basilio Yraguen, et ux	Jose Yraguen	46	228
Elko Tuscarora Mercantile Company	Jose Yraguen	47	277
		To Clear Title	
Jose Yraguen	H. Moffat Co.	54	367
H. Moffat Co	See chain under W.T. Jenkins conveyances to claimant		for balance of

Land District Carson City Serial No. _____
STATE Nevada GRAZING DISTRICT No. 1
Name H. Moffatt Co. Address Elko, Nevada
ACRES OWNED: 43451 (Description) Meridian _____
(Including allowed HE's) Section Township Range _____

ACRES LEASED: 89862

TOTAL ACREAGE: 133,313

Acres dry range: 116,553 Natural meadow: _____

ACRES CROP LAND: 16,760 Irrigated: _____ Dry Farm: _____
YIELD: (Tons)

Hay 14360 tons Kind _____
Grain _____ Kind _____
Other forage _____ Kind _____

LIVESTOCK WATER OWNED OR CONTROLLED Various ownerships and vested rights.

FOREST PERMIT: Name Humboldt Date on 6-1 off 11-15
Permit for 3378 Cattle: 20 Horses: _____ Sheep: _____ Goats: _____

LIVESTOCK:

	Cattle	Horses	Sheep	Goats
Owned:	<u>12,000</u>	<u>300</u>	_____	_____
Customarily run	<u>13500</u>	_____	_____	_____
Season:	_____	_____	_____	_____

Priority 11 Years. Remarks: Predecessors 40-60 yrs.

Applied for: 15,000 cattle 300 Horses _____ Sheep _____ Goats _____
Season: _____

ADVISORY BOARD ACTION: Further remark. When addl stock shown
Approved: 12000 Cattle 300 Horses _____ Sheep _____ Goats _____
Season: _____
Remarks _____

GENERAL REMARKS:

Stock are ranged and fed on owned and leased land for 5 $\frac{1}{2}$ -5 mos. annually, depending on the severity of weather. Desires to range in general West from Elko and North of Humboldt river to West line range 54E. including T. 39N. R. 53E. and North to Humboldt Natl. Forest at East Fork of Owyhee river, thence East to Charleston then S. to range 58E. to Humboldt river.

Region 5 Grazing District Nev. 1 Unit North Fork
Copies made for Region _____ Dist. _____

Operator H. Moffat Co.
Address Reno, Nev.
Examiner Francis A. Riordan Date Dec. 1, '38

A.—SUMMARY OF LANDS

(Non-Dependent Lands Used with Fed. Range will Rate Available in Class 2)

Tenure	NON-DEPENDENT		PARTIALLY DEPENDENT		NOT USED AS BASE		OTHER SITUATION			AVAILABLE FOR RANGE LIVESTOCK		TOTAL		
	ACRES	AUMS	%	ACRES	AUMS	ACRES	AUMS	(SPECIFY)	ACRES	AUMS	ACRES	AUMS	ACRES	AUMS
Owned								To OLS		2018		33487	41838.06	33505
Leased								" "		802		51386	108918.90	52188
Controlled														
TOTAL										2820		84873	150756.95	87693

B.—LIVESTOCK OWNED OR OPERATED

From Currently Controlled Base: Yes No

Kind of Stock	CURRENT YEAR						FORMER YEARS—June 28, 1929 to June 28, 1934					
	OTHER OPERATIONS		"OTHER" STOCK		RANGE STOCK		RANGE LIVESTOCK ONLY					
	NUMBERS	AUMS	NUMBERS	AUMS	NUMBERS	AUMS	'29-'30	'30-'31	'31-'32	'32-'33	'33-'34	
Cattle			35		11700		15169	15020	13466	13427	12586	9854
Horses			200		56		175	250	250	175	175	100
Sheep												
Goats												
Bulls & Steers					300		390	410	385	375	355	280
Total Annual Feed Requirement	147492 AUMs		2820 AUMs		14467 AUMs		Range Livestock Annual Need		1929-34 Annual Forage Need		189084 AUMs	

C.—SUMMARY OF RANGE FACILITIES AND NORMAL OPERATION

Range Livestock (Normal Number)	FEDERAL RANGE	BASE LANDS	BASE WATER	FORST OR RESERVE	COMPLTY FEED	PER HEAD RENTAL	OTHER RANGE	SUPPLM'TY FEED	TOTAL AUMS
			INDICATE IMPORT.				(SPECIFY)	SHOW TONS ONLY	
Livestock in AUs	12056	12056		3445					
Months Used	3+	9-		5-			(year 1938)	3620	
AUMs	42970	77600		15225					135795
									8877 AUMS

D.—CURRENT USE OF BASE PROPERTY AND FEDERAL RANGE—Refer to District Plats, Page 8

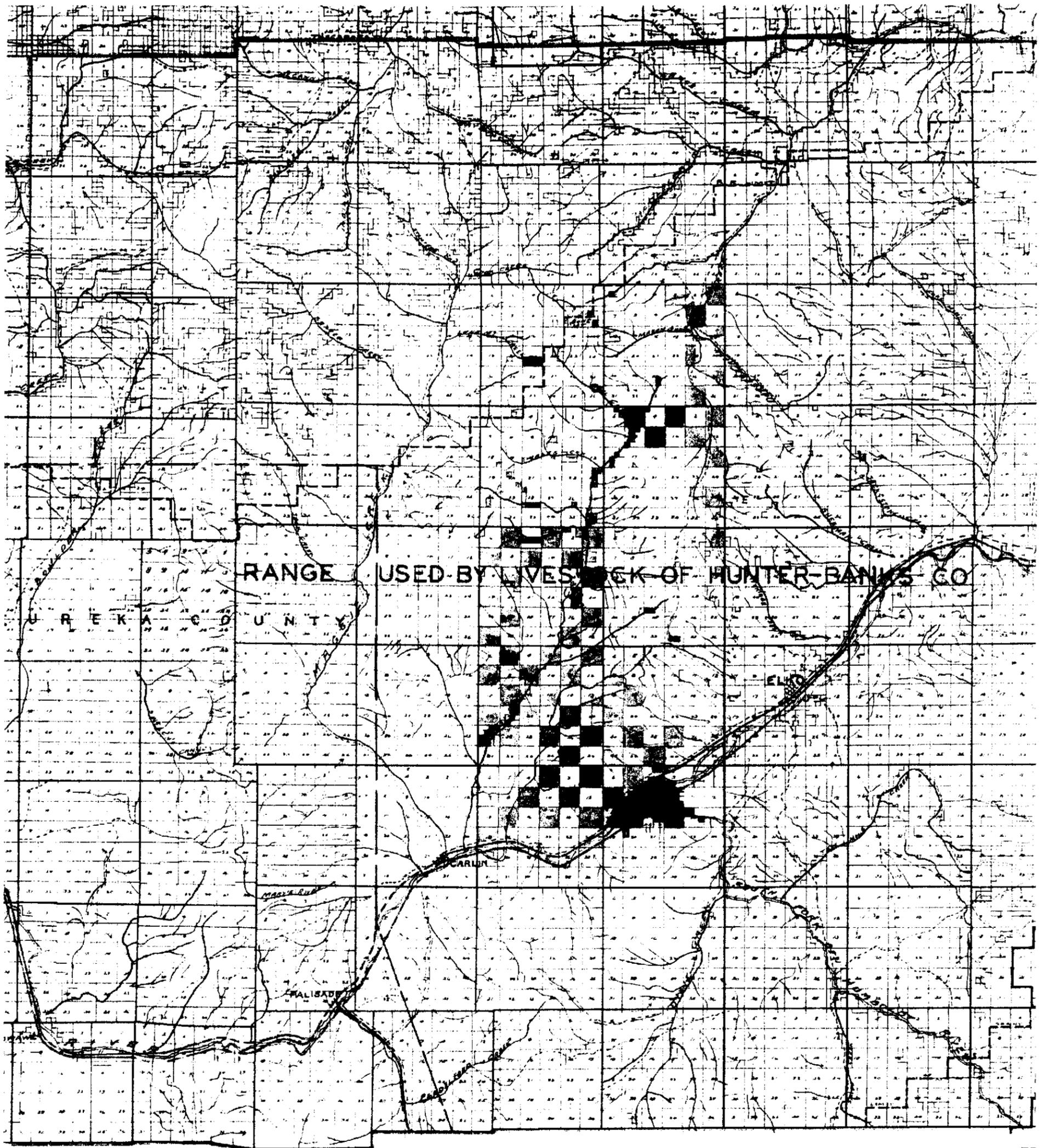
Base Property Use	LAND REFERENCE NUMBERS										AVERAGE USE OF BASE
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	
Degree of Use	Refer to Sub-pages 1 to 11										
Season of Use											
Recommendation											CONTINUE ON PAGE 7
Fed. Range Use	FEDERAL RANGE REFERENCE LETTERS						AVERAGE USE FEDERAL RANGE				
	A.	B.	C.	D.	E.	F.					
Degree of Use	Refer to Sub-pages 1 to 11										
Season of Use											
Recommendation							CONTINUE ON PAGE 7				

E.—THUMBNAIL SKETCH OF RELATIVE DEPENDENCY—Show Alternate Uses, if Any

Summarize the Need of Federal Range of These Properties	
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NOTE: 1. Normal Number will be established by consideration of Adequacy of Properties, Current and 5 Year Use.
2. Alternate Uses of Properties will be shown in Section E.
3. Un-used Properties have no Dependency. Explain Temporary Non-use on Page 7 with note, in red, "See Page 7."
4. Avoid personal references in Section E.

THIS REPORT CONSISTS OF 16 SHEETS



49

50

MAP OF 51

52

MAP

53

54

OWNED LAND OF HUNTER-BANKS CO.
LEASED LAND OF HUNTER-BANKS CO.

55

56

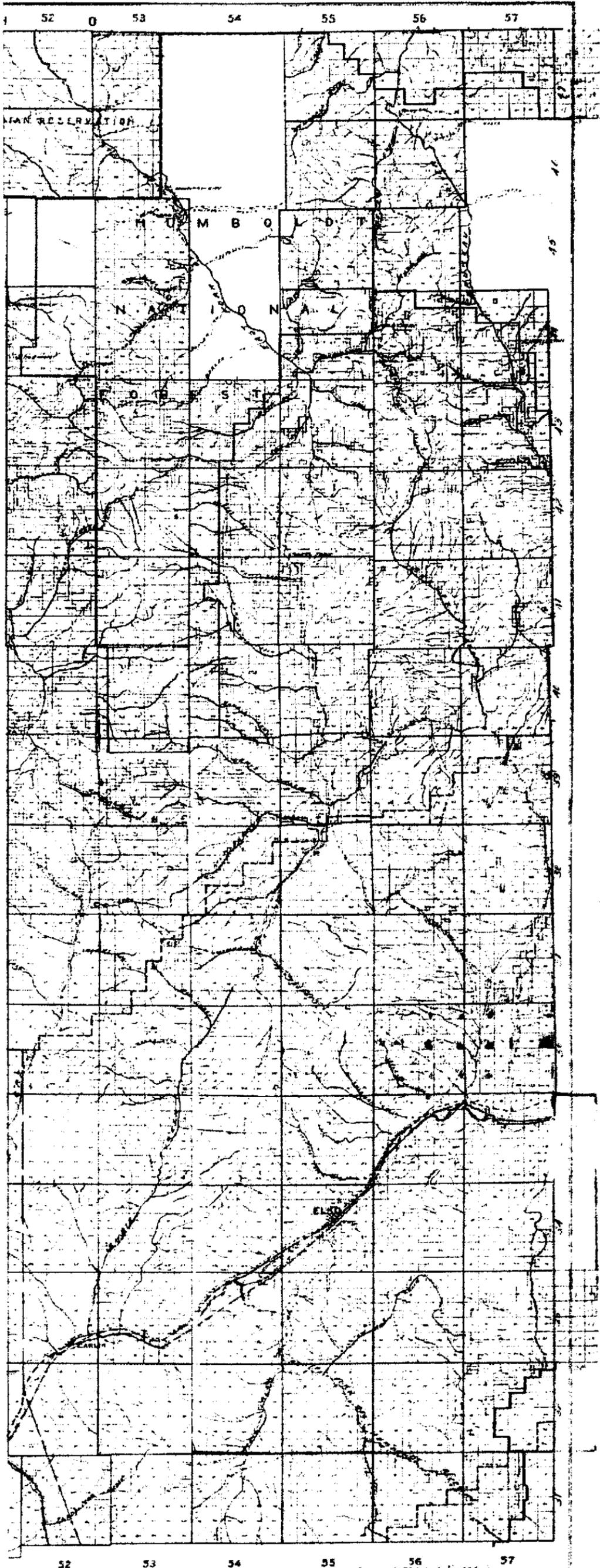
57

ELKO COUNTY
NEVADA

OF RANGE USED BY
LIVESTOCK OF HUNTER-BANKS CO
IN ELKO AND EUREKA COUNTIES
NEVADA

FILED
December 2, 1932

Boundary on map is
263 Range map no. 100



269-34

UNITED STATES GEOLOGICAL SURVEY
WATER RESOURCES DIVISION
PLANNING AND COMMUNITY ASSISTANCE
PROJECT NO. 269-34