

Serial No. **010245**

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

Pursuant to N.R.S. 533.492

RECORDED  
2012 MAR 26 PM 1:40  
STATE COUNTY CLERK OFFICE

(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) McClellan Creek Water Gap

(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.] A point within the NW1/4NE1/4 of Section 10, T38NR54E, MDM from which the northeast corner of said Section 10 bears N73°52'51"E a distance of 1,976.00

(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.]

Private Land owned by other than claimant and accessed by claimant by a fenced water gap at permission of land owner.  
T38N R54E, MDM  
Section 10: NW1/4NE1/4

(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.

aa-el

(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*

\_\_\_\_\_  
Lili A. Wolf

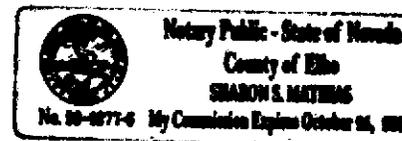
\_\_\_\_\_  
Telephone No.: 775-738-5772

Subscribed and sworn to before me this 8<sup>th</sup> 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**

RECEIVED  
2012 MAR 25 PM 1:40  
OFFICE OF THE  
CLERK OF THE DISTRICT COURT

## 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.

RI-2014-571  
2012 MAR 26 PM 1:40  
STATE OF NEVADA  
CLERK



**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

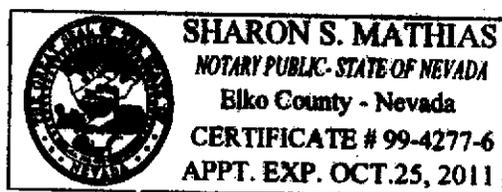
NOTE: A brief summary of the chain of title as shown in the records of the Elko County Recorder wherein the claimant acquired lands and area of open range grazing use of the above named predecessors is attached.

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 16<sup>th</sup> day of August, 2011



  
NOTARY PUBLIC

**SUMMARY OF CHAIN OF TITLE**Predecessor - 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 (Including allowed HE's) (Description) Meridian \_\_\_\_\_  
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 consid. when addl stock season  
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

Operator H. Moffat Co.

Copies made for Region \_\_\_\_\_ Dist. \_\_\_\_\_

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 LIVK.		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														
<b>TOTAL</b>										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 & <del>Stags</del>					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 INDICATE IMPORT.	FOREST OR RESERVE	COMPL'TY FEED	PER HEAD RENTAL	OTHER RANGE (SPECIFY)	SUPPL'NTY FEED SHOW TONS ONLY	TOTAL AUMS
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 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	

- 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 76 SHEETS

# NORMAL YEAR-ROUND LIVESTOCK OPERATION

H. MOFFETT Co.  
Grazing District NEVADA # 1

Based on Normal Number of Livestock: Range Livestock, C. 2000 H. 56 (S-G) — "Other" C. 35 H. 200 (S-G).....  
 or  
 Based on Range Use 1929-34: Range Livestock, C. H. (S-G) — "Other" C. H. (S-G).....

RANGE, PASTURE AND FEED USE	"OTHER" LIVESTOCK						RANGE LIVESTOCK								ADJUSTMENT COLUMN		
	KIND OF STOCK	NUMBER	PERIOD OF USE		OPERATOR'S ESTIMATE AUMS	EXAMR'S ESTIMATE AUMS	KIND OF STOCK	NUMBER	PERIOD OF USE		MONTHS	PERCENT ON	OPERATOR'S ESTIMATE AUMS	EXAMR'S 1929-34 ESTIMATE AUMS		EXAMR'S CUR. YR. ESTIMATE AUMS	
			FROM	TO					FROM	TO							
A. FEDERAL RANGE (If in more than one Unit, District or Region, specify)							H	56	4/1	10/31	7	76			297		
							C	3445	4/1	5/31	2	76			5236		
							C	2000	4/1	8/31	5				7600		
							C	1000	4/15	9/15	5				2601		
							C	2455	4/15	9/30	5 1/2				12661.5		
							C	1100	4/15	10/15	6				5016		
							C	1000	5/1	10/15	5 1/2				4180		
							C	1000	5/15	10/31	5 1/2				4150		
							C	3445	6/1	11/1	6				15225	?	
B. NATIONAL FOREST or RESERVE (Specify) Humboldt Division	<i>all of it by Oct 1</i>																
							C	2000	12/15	3/31	3 1/2				7000		
C. BASE LAND—FEED	H	200	12/1	4/15	900	900	C	1226	12/1	3/31	4				4904		
	C	35	12/1	4/30	175	175	C	4555	12/1	4/15	4 1/2				20497.5		
							C	1000	12/1	5/1	5				5000		
							C	1000	12/15	5/15	5				5000		
							H	56	12/1	3/31	4				224		
BASE LAND—PASTURE	H	200	4/16	11/30	1500	1500	H	56	4/1	10/31	7	24			95		
	C	35	5/1	11/30	245	245	C	3445	4/1	5/31	2	24			1654		
							C	2000	4/1	8/31	5	24			2400		
							C	1000	4/15	9/15	5	24			1200		
							C	2455	4/15	9/30	5 1/2	24			841		
							C	1100	4/15	10/15	6 1/2	24			151		
							C	1000	5/1	10/15	6	24			133		
							C	1000	5/15	10/31	5 1/2	24			131		
							H	56	11/1	11/30	1				56		
							C	2000	9/1	12/15	3 1/2				7000		
							C	1000	9/16	11/30	2 1/2				2600		
							C	2455	10/1	11/30	2				4910		
							C	2100	10/15	11/30	1 1/2				3150		
						C	1000	11/1	12/15	1 1/2				1500			
						C	3445	11/1	11/30	1				3445			
						C	500	7/1	11/1	4				2000	?		
F. Sup. hay Purchased.						C	2219	12/1	3/31	4				8876			
G.																	
TOTALS					2820	2820									144672		
Check Requirements for Other Livestock with Page 1	<i>indicated on sub-progs 1 to 11.</i>						Check Requirements for Range Livestock with Page 1.										
Does this No. of Other Stock give proper use of Base Lands?	Yes _____ No _____						Show Adjustment to Give Proper Use of Base Properties										

## INSTRUCTIONS:

- Use for Basis of this sheet the Number of Stock which more correctly reflects Proper Use of the Base.
- Under Headings D, E, F, G List Use by Headings: Complementary Feed, Per Day or Per Head Rental, Other Lands (Association Lands, etc.), Trail, Trespass, etc.

- If a wide divergence is shown between Current Year and 1929-34 Average, explain on Page 7 with note, in red, "See Page 7."
- Adjustment Column will be used for Recommendations for Increases or Decreases in Use of Range, Base Feed or Pasture or Increases or Decreases in Numbers of Stock to secure Proper Use of Base Properties.
- If answer is No: Explain on Page 7.

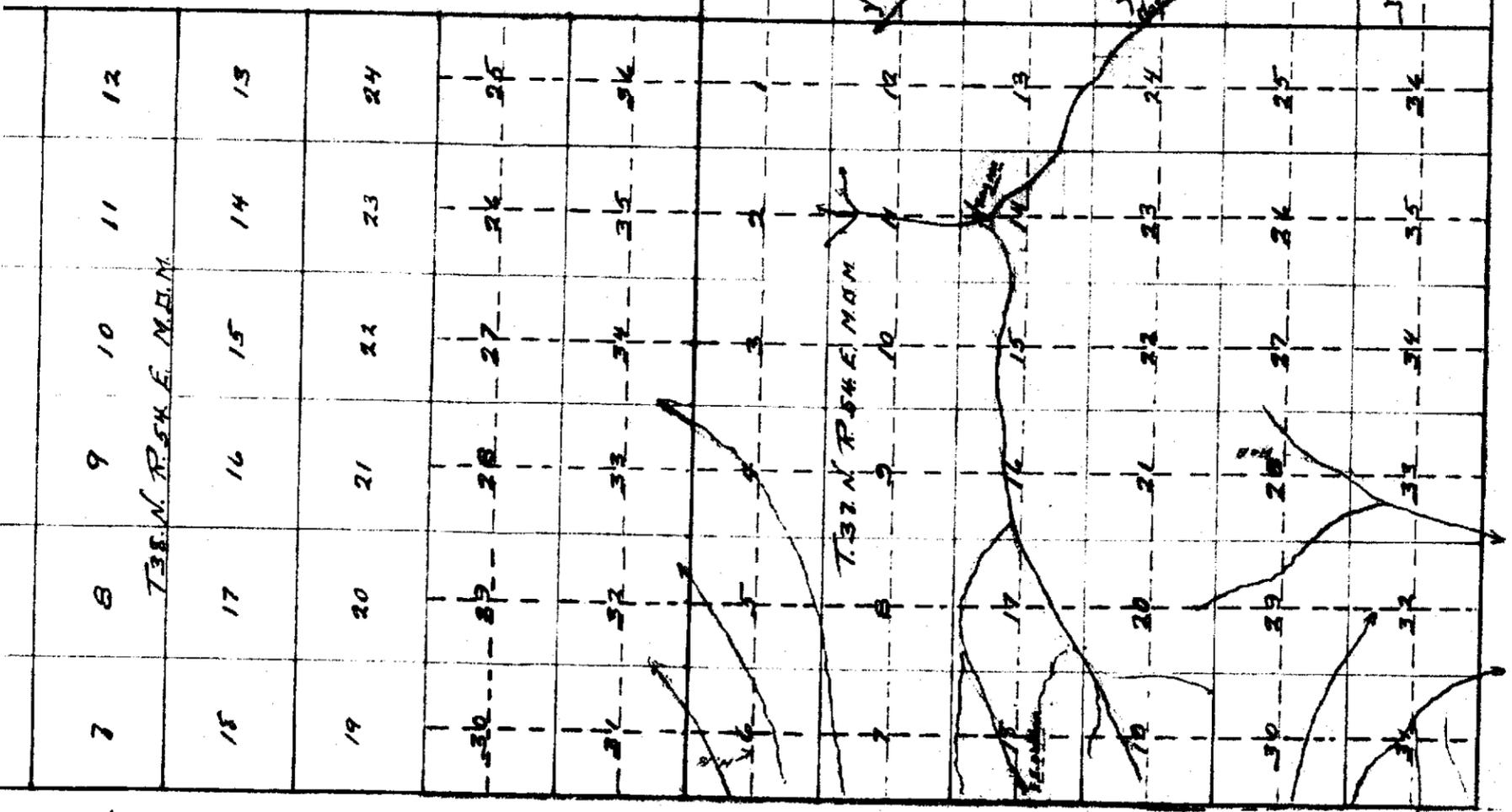
# RANGE MAP

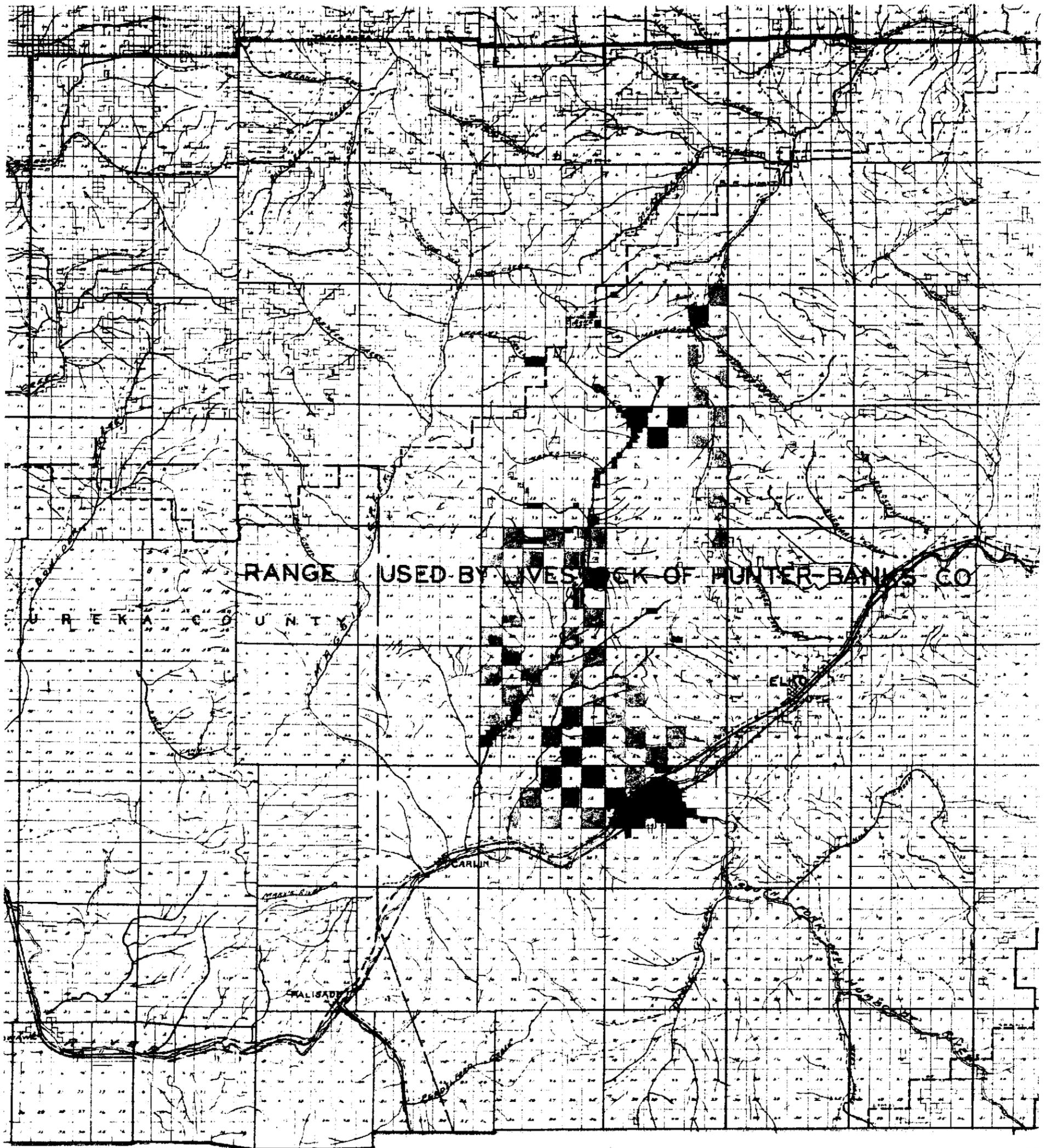
OF  
JOSE YRAGUEN

Trs. 37 & 38 N. R. 54 E. and Tr 37 N. R. 55 E. M.D.M.

Elko Co. Nev

Scale 1" = 1 mile





49

50

MAP OF 51

52

MAP

53

54

55

56

57

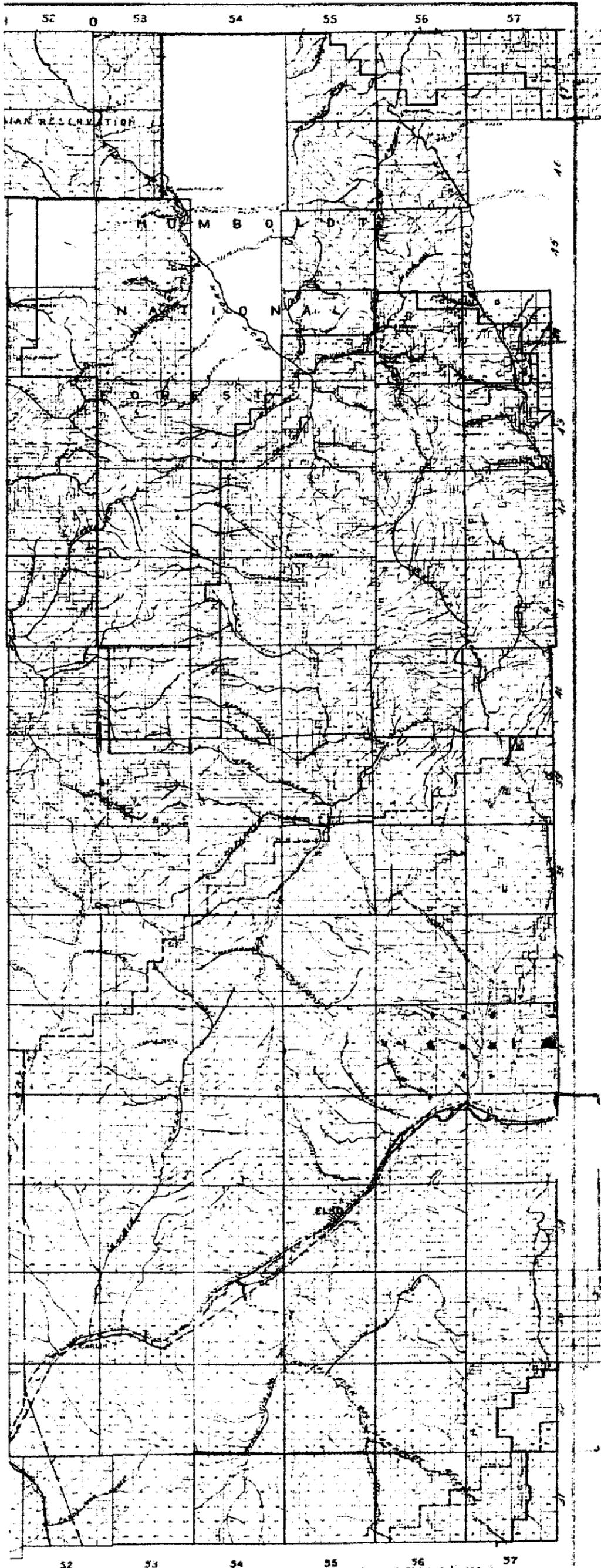
PART OF  
**ELKO COUNTY**  
 NEVADA

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

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

FILED  
 December 2, 1932

Boundary on 1932  
 263 - Hunter-Banks Co.



269-34

U.S. GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
PACIFIC REGION  
SAN FRANCISCO, CALIFORNIA  
1969-34