

010345

Serial No.

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 Nevada, 89445

(2) Source of water Miguel Creek (aka McGill Creek)

(3) The water is diverted by Miguel (McGill) Creek which headwaters with a South Fork in T38N, R31E, Section 6; NE1/4 NW1/4 and has three tributaries, and a North Fork which headwaters in T39N, R31E, Section 19: NE1/4 SE1/4 and has eleven tributaries. The Main Fork of Miguel Creek from the confluence of the forks begins in T39N, R30E, Section: 25 SE1/4 SW1/4 and flows in a westerly direction through T39N, R30E, Section 25: SW1/4 SW1/4, NW1/4 SW1/4,; T39N, R30E, Section 26: SE1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SW1/4, SE1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 27: NE1/4 SE1/4, to a Point of Diversion Ditch in T39N, R30E, Section 27: NW1/4 SE1/4, then southwesterly through T39N, R30E, Section 27: SW1/4 SE1/4, SE1/4 SW1/4, and westerly through T39N, R30E, Section 27: SW1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 28: SE1/4 SE1/4, ending in T39N, R30E, Section 28: NE1/4 SE1/4. The Main Fork of Miguel Creek has eleven tributaries. (NOTE: See attached spreadsheet for complete list of legal descriptions for Points of Diversion and Places of Use.)

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

(4) The water is diverted at the following point(s) Miguel (McGill) Creek which headwaters with a South Fork in T38N, R31E, Section 6: NE1/4 NW1/4 and has three tributaries, and a North Fork which headwaters in T39N, R31E, Section 19: NE1/4 SE1/4 and has eleven tributaries. The Main Fork of Miguel Creek from the confluence of the forks begins in T39N, R30E, Section: 25 SE1/4 SW1/4 and flows in a westerly direction through T39N, R30E, Section 25: SW1/4 SW1/4, NW1/4 SW1/4,; T39N, R30E, Section 26: SE1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SW1/4, SE1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 27: NE1/4 SE1/4, to a Point of Diversion Ditch in T39N, R30E, Section 27: NW1/4 SE1/4, then southwesterly through T39N, R30E, Section 27: SW1/4 SE1/4, SE1/4 SW1/4, and westerly through T39N, R30E, Section 27: SW1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 28: SE1/4 SE1/4, ending in T39N, R30E, Section 28: NE1/4 SE1/4. The Main Fork of Miguel Creek has eleven tributaries. (NOTE: See attached spreadsheet for complete list of legal descriptions for Points of Diversion and Places of Use.)

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.

28-44

- (5) The water is impounded in a natural channel and earthen diversion ditch.
Troughs, tanks, pools, reservoir, natural channel, etc.
- (6) The construction of the ditch or other works was begun unknown. Cattle first used Miguel (McGill) Creek in 1871. The works were completed unknown. However, the priority date of use is 1871 beginning with the first use of Miguel 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/or privately-deeded land owned by claimant.

Places of use include: Miguel (McGill) Creek which headwaters with a South Fork in T38N, R31E, Section 6: NE1/4 NW1/4 and has three tributaries, and a North Fork which headwaters in T39N, R31E, Section 19: NE1/4 SE1/4 and has eleven tributaries. The Main Fork of Miguel Creek from the confluence of the forks begins in T39N, R30E, Section: 25 SE1/4 SW1/4 and flows in a westerly direction through T39N, R30E, Section 25: SW1/4 SW1/4, NW1/4 SW1/4,; T39N, R30E, Section 26: SE1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SW1/4, SE1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 27: NE1/4 SE1/4, to a Point of Diversion Ditch in T39N, R30E, Section 27: NW1/4 SE1/4, then southwesterly through T39N, R30E, Section 27: SW1/4 SE1/4, SE1/4 SW1/4, and westerly through T39N, R30E, Section 27: SW1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 28: SE1/4 SE1/4, ending in T39N, R30E, Section 28: NE1/4 SE1/4. The Main Fork of Miguel Creek has eleven tributaries. (NOTE: See attached spreadsheet for complete list of legal descriptions for Points of Diversion and Places of Use.)

Cattle use the water along all points of the springs, creek, ditches, and/or other works.

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).

- (9) The approximate number of animals watered by the claimant during the first year 1871
Date
 was 400 cattle 30 (domestic) horses 300 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 (2 months.)

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

- (12) The works are located at Miguel (McGill) Creek which headwaters with a South Fork in T38N, R31E, Section 6: NE1/4 NW1/4 and has three tributaries, and a North Fork which headwaters in T39N, R31E, Section 19: NE1/4 SE1/4 and has eleven tributaries. The Main Fork of Miguel Creek from the confluence of the forks begins in T39N, R30E, Section: 25 SE1/4 SW1/4 and flows in a westerly direction through T39N, R30E, Section 25: SW1/4 SW1/4, NW1/4 SW1/4.; T39N, R30E, Section 26: SE1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SW1/4, SE1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 27: NE1/4 SE1/4, to a Point of Diversion Ditch in T39N, R30E, Section 27: NW1/4 SE1/4, then southwesterly through T39N, R30E, Section 27: SW1/4 SE1/4, SE1/4 SW1/4, and westerly through T39N, R30E, Section 27: SW1/4 SW1/4, NW1/4 SW1/4; T39N, R30E, Section 28: SE1/4 SE1/4, ending in T39N, R30E, Section 28: NE1/4 SE1/4. The Main Fork of Miguel Creek has eleven tributaries. (NOTE: See attached spreadsheet for complete list of legal descriptions for Points of Diversion and Places of Use.)
Alaska Creek which headwaters with a North Fork within T38N, R31E, Section 19: NE1/4 NE1/4, SE1/4 NE1/4, SW1/4 NE1/4; a Middle Fork in 39N, R31E, Section 19: SW1/4 NE1/4, and a South Fork in T39N, R31E, Section 19: SW1/4 NW1/4. The Main Fork of Alaska Creek from the confluence of the tree forks begins in T39N, R30E, Section 13: SE 1/4 NE 1/4 and flows in a northwesterly direction through T39N, R30E, Section 13: SW1/4 NE1/4, NW1/4 NE1/4, NE1/4 NW1/4. The water then flows into a Point of Diversion Ditch in a westerly direction within T39N, R30E, Section 12: SE1/4 SW1/4, SW1/4 SW1/4; T39N, R30E, Section 11: SE1/4 SE1/4 where it turns northerly and terminates in T39N, R30E, Section 11: NE1/4 SE1/4. (NOTE: See attached spreadsheet for complete list of legal descriptions for Points of Diversion and Places of Use.)

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

Remarks

Miguel Creek is located in the historic grazing area surrounding Jackson Creek Ranch owned by DeLong Ranches, Inc. It was named for Miguel Valdez, a cowboy that worked for the Lay Brothers in the early 1900's and lived at the mouth of Miguel Canyon. Due to mispronunciation and spelling variations the name was later "Americanized" and became McGill Creek. Evidence of cattle use on Jackson Creek / Trout Creek range land including range in and around Miguel Creek 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 "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 Miguel Creek.

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.

DeLong Ranches, Inc.
Claimant

Telephone No. (775) 859-0240

By Bill DeLong VP DeLong Ranches
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

State of Nevada
County of Humboldt

Subscribed and sworn to before me this 14th day of November, 2012

LISA CASSINELLI
Notary Public - State of Nevada
Appointment Recorded in Humboldt County
No: 11-5444-9 - Expires August 1, 2015



Lisa Cassinelli
Notary Public in and for the County of Humboldt
My commission expires 8/1/15

\$50 FILING FEE MUST ACCOMPANY PROOF

McGill (Miquel) Legals for PODs and POU's

SOUTH FORK

The South Fork of McGill headwaters in

Flows westerly and northwesterly through
and
thence northwesterly through

thence northerly through
thence northwesterly through

The South Fork of McGill has three tributaries:

A tributary to the South Fork arises in
and runs southwesterly through

A second tributary to the South Fork arises in
and runs westerly through
and

A third tributary to the South Fork arises in
and runs westerly through

NORTH FORK

The North Fork of McGill headwaters in
running southwesterly and south through

Ref.	Township	Range	Section	QQ
1	38N	31E	6	NENW
2	38N	31E	6	NWNW
3	39N	30E	36	SESE
4	39N	30E	36	NESE
5	39N	30E	36	NWSE
6	39N	30E	36	SWNE
7	39N	30E	36	SENW
8	39N	30E	36	NENW
9	39N	30E	25	SESW
10	39N	31E	31	SWSW
11	39N	30E	36	SENE
2	38N	31E	6	NWNW
4	39N	30E	36	NESE
5	39N	30E	36	NWSE
11	39N	30E	36	SENE
4	39N	30E	36	NESE
5	39N	30E	36	NWSE
11	39N	30E	36	SENE
6	39N	30E	36	SWNE
12	39N	31E	19	NESE
13	39N	31E	19	NWSE
14	39N	31E	19	SWSE
15	39N	31E	30	NWNE
16	39N	31E	30	NENW

and
 thence westerly and southwesterly through

17	39N	31E	30	SWNE
18	39N	31E	30	SENW
19	39N	31E	30	SWNW
20	39N	31E	30	NWSW
21	39N	30E	25	NESE
22	39N	30E	25	NWSE
23	39N	30E	25	SWSE
24	39N	30E	25	NESW
9	39N	30E	25	SESW

The North Fork of McGill has eleven tributaries:

A tributary to the North Fork of McGill arises in
 and runs southwesterly through

25	39N	31E	19	SESE
26	39N	31E	30	NENE
15	39N	31E	30	NWNE
17	39N	31E	30	SWNE

and

A second tributary to the North Fork of McGill arises in

and arises in
 and runs southwesterly through
 and runs southwesterly through
 thence westerly into

27	39N	31E	29	NWNW
28	39N	31E	29	SWNW
26	39N	31E	30	NENE
29	39N	31E	30	SENE
17	39N	31E	30	SWNE

A third tributary to the North Fork of McGill arises in

and
 and runs northwesterly through

28	39N	31E	29	SWNW
30	39N	31E	29	NWSW
31	39N	31E	29	SWSW
32	39N	31E	30	SESE
33	39N	31E	30	NESE
34	39N	31E	30	NWSE
17	39N	31E	30	SWNE

and

A fourth tributary to the North Fork of McGill arises in

and runs north and northwesterly through

35	39N	31E	31	SENE
36	39N	31E	31	NENE
32	39N	31E	30	SESE
37	39N	31E	30	SWSE

and
34 39N 31E 30 NWSE
17 39N 31E 30 SWNE
18 39N 31E 30 SENW

**A fifth tributary to the North Fork of McGill arises in
and runs northwesterly through**

38 39N 31E 31 SWNE
39 39N 31E 31 NWNW
40 39N 31E 31 NENW
41 39N 31E 30 SESW
42 39N 31E 30 SWSW
20 39N 31E 30 NWSW
21 39N 30E 25 NESE

**A sixth tributary to the North Fork of McGill arises in
and arises in
and runs northwesterly through**

43 39N 31E 31 SENW
44 39N 30E 36 NENE
45 39N 31E 31 SWNW
46 39N 31E 31 NWNW
47 39N 30E 25 SESE
21 39N 30E 25 NESE
22 39N 30E 25 NWSE

**A seventh tributary to the North Fork of McGill arises in
and runs northwesterly through**

48 39N 30E 36 NWNE
23 39N 30E 25 SWSE

**An eighth tributary to the North Fork of McGill arises in
and runs south and southwesterly through**

16 39N 31E 30 NENW
18 39N 31E 30 SENW
19 39N 31E 30 SWNW
20 39N 31E 30 NWSW

A ninth tributary to the North Fork of McGill arises in

49 39N 31E 30 NWNW
19 39N 31E 30 SWNW
20 39N 31E 30 NWSW

**A tenth tributary to the North Fork of McGill arises in
and runs southerly through**

50 39N 30E 25 NENE
51 39N 30E 25 SENE

and 21 39N 30E 25 NESE

An eleventh tributary to the North Fork of McGill arises in 52 39N 30E 25 NWNW
 and runs southerly through 53 39N 30E 25 SWNE
 and 22 39N 30E 25 NWSE

MAIN FORK

From the confluence of the forks of McGill Creek in 9 39N 30E 25 SESW
 The Main Fork of McGill from the point of confluence runs westerly through 54 39N 30E 25 SWSW
 thence westerly through 55 39N 30E 25 NWSW
 56 39N 30E 26 SESE
 57 39N 30E 26 NESE
 58 39N 30E 26 SWSE
 59 39N 30E 26 NWSE
 60 39N 30E 26 NESW
 61 39N 30E 26 SESW
 62 39N 30E 26 NWSW
 63 39N 30E 27 NESE
 64 39N 30E 27 NWSE
 65 39N 30E 27 SWSE
 66 39N 30E 27 SESW
 67 39N 30E 27 SWSW
 68 39N 30E 27 NWSW
 69 39N 30E 28 SESE
 70 39N 30E 28 NESE

to a point of ditch diversion in
 thence southwesterly through
 thence southwesterly and northwesterly through
 thence westerly through

and
 ending in

The Main Fork of McGill has eleven tributaries:
 A tributary to the Main Fork of McGill arises in 71 39N 30E 36 SWNW
 and runs northerly through 72 39N 30E 36 NWNW
 54 39N 30E 25 SWSW
 9 39N 30E 25 SESW

A second tributary to the Main Fork of McGill arises in 73 39N 30E 35 SENE

and arises in
and runs northerly through

74 39N 30E 35 SWNE
75 39N 30E 35 NENE
76 39N 30E 35 NWNE
58 39N 30E 26 SWSE
56 39N 30E 26 SESE
57 39N 30E 26 NESE

and

A third tributary to the Main Fork of McGill arises in
and runs northerly through
and

77 39N 30E 35 NENW
61 39N 30E 26 SESW
60 39N 30E 26 NESW

A fourth tributary to the Main Fork of McGill also arises in
and runs northerly through
and

77 39N 30E 35 NENW
61 39N 30E 26 SESW
60 39N 30E 26 NESW

A fifth tributary to the Main Fork of McGill arises in
and runs southwesterly through
and

78 39N 30E 25 NENW
79 39N 30E 25 SWNW
80 39N 30E 25 SENW
55 39N 30E 25 NWSW

A sixth tributary to the Main Fork of McGill arises in
and runs southerly through

81 39N 30E 26 SENE
57 39N 30E 26 NESE

A seventh tributary to the Main Fork of McGill arises in
and runs southerly through
and

81 39N 30E 26 SENE
82 39N 30E 26 SWNE
59 39N 30E 26 NWSE

A eighth tributary to the Main Fork of McGill arises in
and runs southerly through
and

82 39N 30E 26 SWNE
59 39N 30E 26 NWSE
60 39N 30E 26 NESW

A ninth tributary to the Main Fork of McGill arises in
and runs southwesterly through

83 39N 30E 26 SENW
84 39N 30E 26 SWNW
60 39N 30E 26 NESW

and

62 39N 30E 26 NWSW

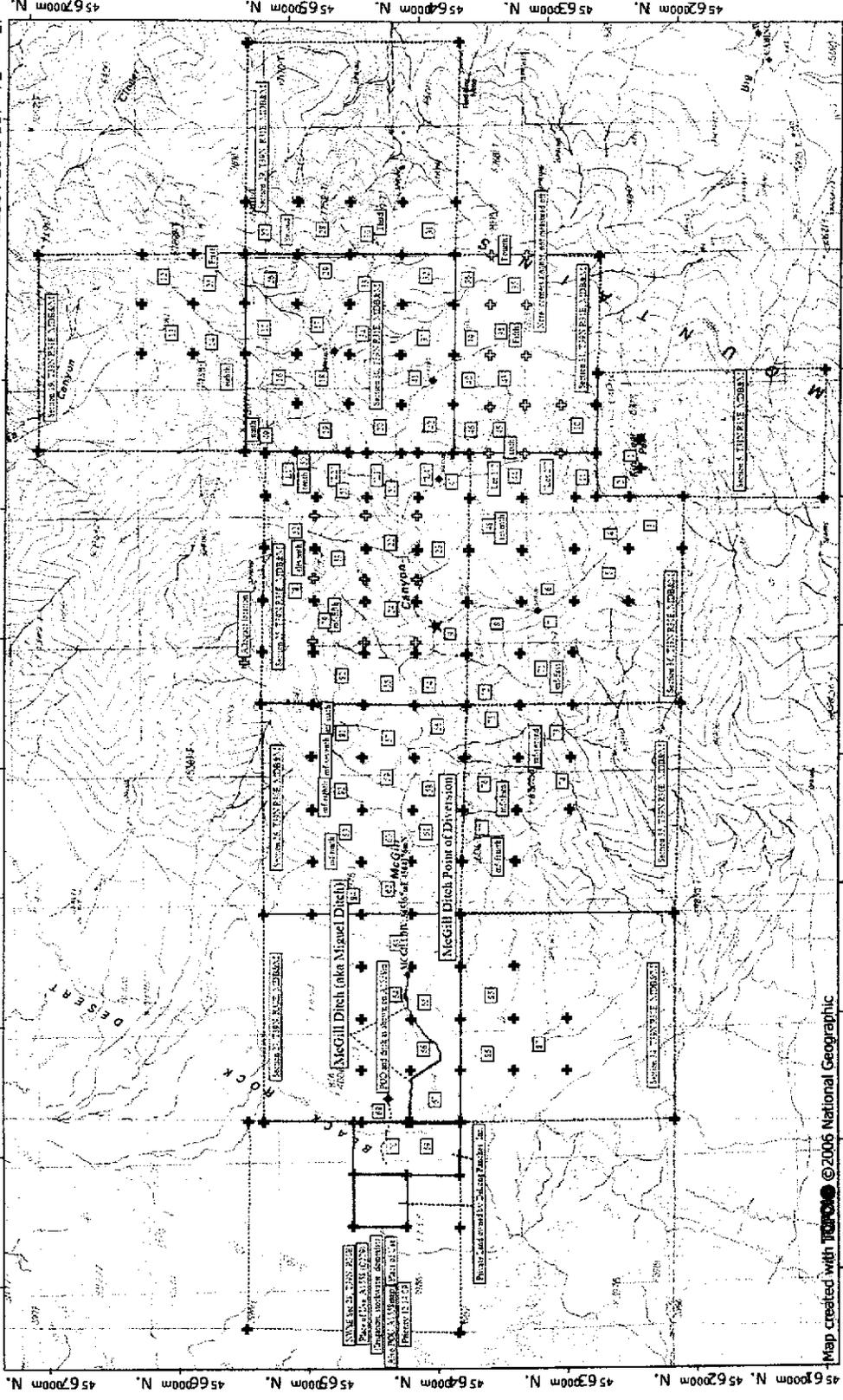
McGill Creek, when not diverted at the ditch POD, from runs southwesterly and westerly through

65 39N 30E 27 SWSE
66 39N 30E 27 SESW
85 39N 30E 34 NWNE
86 39N 30E 34 NENW
87 39N 30E 34 SENW

and

Exhibit "E"

3mE 4564031mN Zone 11T WGS84TOPOI map printed on 10/19/12 from "2012 10-18 Updated Ditch and Vested Filing - McGill Ditch and Vest" WGS84 Zone 11T 372000m E.



Map created with © 2006 National Geographic

**NATIONAL
GEOGRAPHIC**



TN 14°
10/19/12