

AMENDED

Application No. V10355

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 Address or PO Box City or Town

Nevada 89445

State and ZIP Code

(2) Source of water Brush Basin Spring (also known as Mud Spring)

Name of natural water source

(3) The water is diverted by:
From a spring box, thence via a buried two-inch plastic pipe 150 feet into a 4' X 8' X 3' deep concrete water trough.

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

(4) The water is diverted at the following point(s):
unsurveyed SE 1/4 SW 1/4 Section 8, T. 37 N. R. 31 E., M. D. B. & M., or a point from which the unsurveyed southwest corner of said Section 8 bears S 61° W, a distance of 1,925 feet

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.

(5) The water is impounded in 4' X 8' X 3' deep concrete water trough

Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun Cattle first used Brush Basin spring in 1871.
and completed Please see Attachment # 1 Date

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:
Public domain with grazing permit held by DeLong Ranches, Inc. in T37N/R31E. Place of use includes Brush Basin spring (aka Mud spring) trough, and spill over pond in SE 1/4 SW 1/4 Section 8, T37N/R31E.

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 1671
was 400 cattle 30 dom horses sheep or wildlife (describe) deer, antelope, and birds

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1671

The watering was conducted during each of the following months:
Cattle were watered year around. Horses were watered at gathering, branding, and shipping time during the Spring and Fall (4 months). The trough and reservoir were developed prior to 1966 and augmented by Permit 26003.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:
400 cattle have been watered at Brush Basin spring (aka Mud spring) in every subsequent year since 1871. Approximately 1000 sheep or more (1 to 2 bands) were watered at Brush Basin spring by the Etchats and other early sheepmen in the 1920's and 30's. (See Exhibit "A", Supplement 1 and Amendment to Exhibit "A", and Supplement 2 to Exhibit "A" for documentation of use) already on file with Division of Water Resources filed under Proof # 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

0.0124 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second

(12) The works are located at:

unsurveyed SE¼ SW¼ Section 8, T. 37 N. R. 31 E., M. D. B. & M.

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

Remarks

See Attachment # 2

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/her knowledge and belief.

THE AGENT, SAM E. MONTELEONE, is authorized (by claimant) to file this

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

DELONG RANCHES, INC.
Name of Claimant

By

Sam E. Monteleone

Telephone No. 775-941-0196

Sam E. Monteleone

State of Nevada

County of LYON

2426 Haida Court

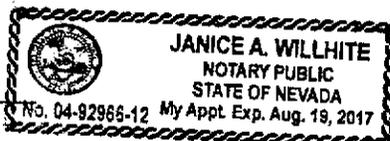
Subscribed and sworn to before me on Dec 11, 2013

Reno, Nevada 89506-9118

by Sam E. Monteleone

Telephone No. 775-843-4419

Janice A. Willhite
Signature of Notary Public Required



Notary Stamp or Seal Required

Attachment # 1 to Amended Proof for Brush Basin Spring (V10355)

The construction of works at Brush Basin spring began in 1871. Prior to 1966, work was initiated to re-develop the spring. This work was done in conjunction with Permit 26003; Certificate 8291. Permit 26003, is on Mud Spring, which is another name for Brush Basin spring. The location of Mud Spring (Permit 26003) is incorrect on the Permit and Certificate. This error was introduced because the spring lies on unsurveyed ground and the error may have compounded by newer surveys. One purpose of this Amended Proof is to show cause that Brush Basin spring and Mud spring are one and the same spring.

For further information concerning the construction of works, see Exhibit "A", and Supplement 2 to Exhibit "A" on file with the Division of Water Resources under Proof # V09804 (Bliss spring and Bliss Canyon).

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Attachment # 2 (amended Brush Basin Spring-V10355)

Brush Basin Spring is located 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 and 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 and 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 and Mann" on Trout Creek Ranch, Jackson Creek Ranch and Dunchee (Donna Shea) Springs Ranch, first recorded in 1873. General Lands 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 of 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 Google Earth reference map to show the location of the points of diversion and places of use for Brush Basin Spring.

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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 Brush Basin Spring

(3) The water is diverted by a spring area with a spring-box. From the springbox, the water flows into a 1 1/4" diameter pipe for a distance of 30 feet and then into a 4 ft x 12 ft x 3 ft deep cement trough. The trough has an 1 1/4" overflow pipe that extends 20 ft into a 20 ft diameter reservoir that is approximately 1.5 ft deep.

(4) The water is diverted at the following point(s) T37N, R31E, Section 8, SE1/4 SW1/4

(5) The water is impounded in a spring area with a spring-box. From the springbox, the water flows into a 1 1/4" diameter pipe for a distance of 30 feet and then into a 4 ft x 12 ft x 3 ft deep cement trough. The trough has an 1 1/4" overflow pipe that extends 20 ft into a 20 ft diameter reservoir that is approximately 1.5 ft deep.

(6) The construction of the ditch or other works was begun prior to 1966 with cattle first using Brush Basin Spring in 1871. The works were completed prior to 1966 with the re-development of the spring. However, the priority date of use for Brush Basin Spring is 1871. (See Exhibit "A", Supplement 1 and Amendment to Exhibit "A", and 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 public domain with grazing permit held by DeLong Ranches, Inc. in T37N, R31E, Section 8, SE1/4 SW1/4

Places of use include: Brush Basin Spring, trough and reservoir in T37N, R31E, Section 8, SE1/4 SW1/4

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).

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- (9) The approximate number of animals watered by the claimant during the first year 1871
Date
 was 400 cattle 30 (domestic) 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). The trough and reservoir were developed prior to 1966 and maintained at
a later date to allow the water of Brush Basin Spring to be more accessible to livestock.
- (10) The approximate number of animals watered by the claimant in subsequent years was as
 follows: 400 cattle have been watered at Brush Basin Spring in every subsequent year following
1871. Aproximately 1000 sheep or more (1 or 2 bands) were watered at Brush Basin Spring by the
Etcharts and other early sheepmen in the 1920's and 30's. (See Exhibit "A", Supplement 1 and
Amendment to Exhibit "A", and Supplement 2 to Exhibit "A" for documentation of use – Already
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0.0124 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 T37N, R31E, Section 8, SE1/4 SW1/4
 Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks

Brush Basin Spring is located 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 Google Earth reference map to show the location of the points of diversion and places of use for Brush Basin Spring.

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

State of Nevada
County of Humboldt

By John DeLong
335 Bottle Creek Rd.
Winnemucca, NV 89445

Telephone No. (775) 859-0240

Subscribed and sworn to before me this 5th day of December, 2012

Lisa Cassinelli

Notary Public in and for the County of Humboldt

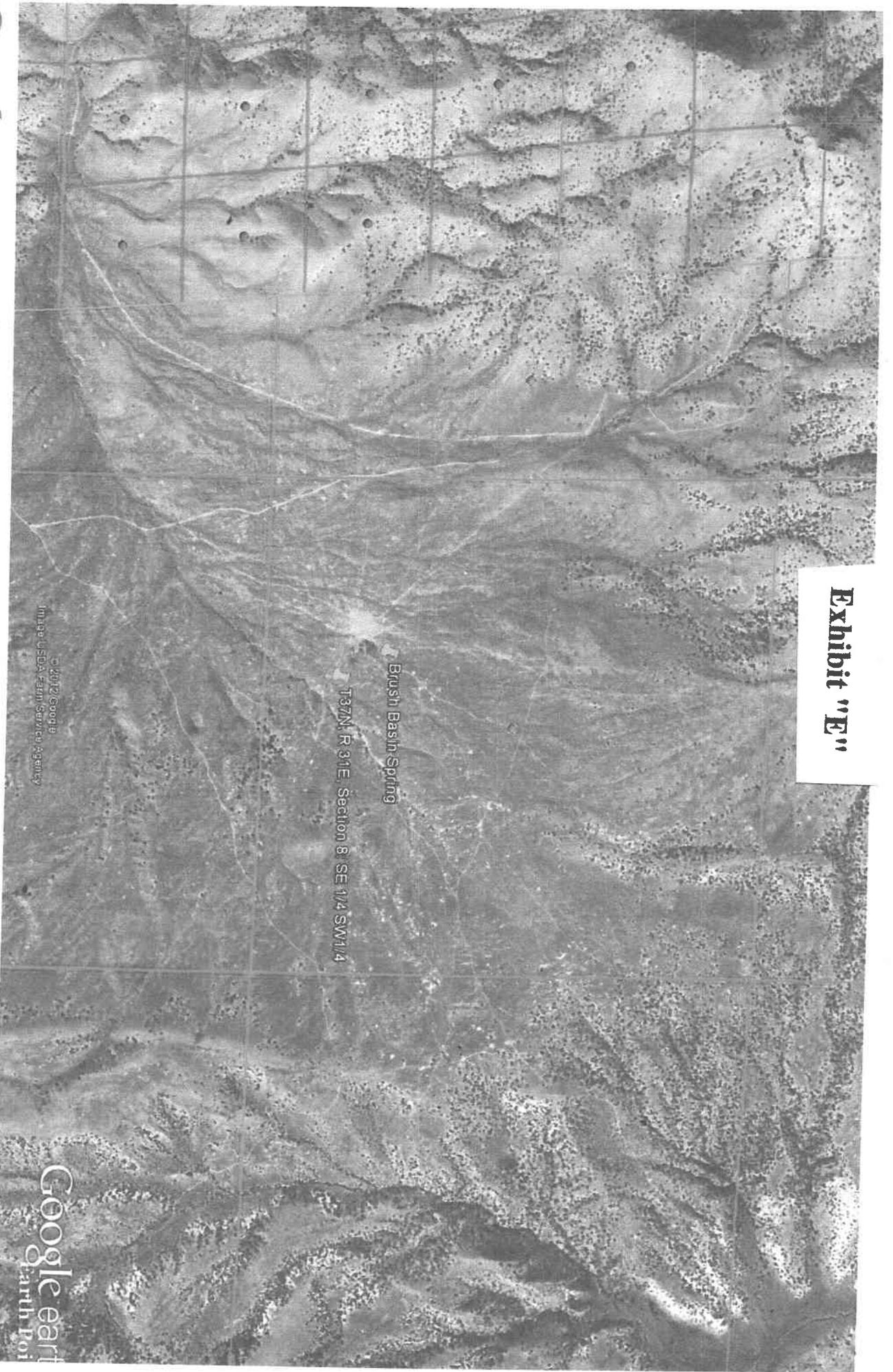
My commission expires 8/1/15

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



\$50 FILING FEE MUST ACCOMPANY PROOF

Exhibit "E"



Brush Basin Spring

T37N, R 31E, Section 8, SE 1/4 SW1/4

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Image USDA Farm Service Agency

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