

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 Big Cedar Creek
Name of natural water source

(3) The water is diverted by:
Big Cedar Creek, diversion and ditch and the North Fork of Big Cedar Creek. (see attachment 1 and attached map)
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s):
By Big Cedar Creek, ditch, and diversion and North Fork of Big Cedar Creek (see attachment 1 for description) by cattle watering at all points along the Creeks, ditch, and diversion.

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
in the natural stream, diversion and ditch as described in attachment 1 and attached map.
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun
unknown with cattle first using Big Cedar Creek and North Fork of Big Cedar Creek in 1871
and completed
unknown. However, the priority date of use for Big Cedar Creek and North Fork of Big Cedar Creek is 1871 with the first use of Big Cedar Creek and its North Fork. (See Exhibit "A" and 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:
Deeded land owned by DeLong Ranches, Inc. in SW1/4 SW1/4 of Sec. 3, SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SE1/4 of Sec. 4, NW1/4 NE1/4, SW1/4 NE1/4 in Sec. 9, NE1/4 NW1/4, NW1/4 NE1/4 of Sec. 10, all within T38N, R31E, MDB&M and public domain with grazing permit held by DeLong Ranches, Inc. and range right held by DeLong Ranches, Inc., pursuant to state law. Places of Use include Little Cedar Creek, ditch, and diversion as described in attachment 1 and attached map. Cattle use the water at all points along the creek, ditch, and diversion.
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).

31-44

(9) The approximate number of animals watered by the claimant during the first year 1871
Date
was 400 cattle 30 horses 1000 sheep or wildlife (describe) deer, antelope, birds

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.

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:
400 cattle have been watered at Big Cedar Creek and its North Fork in every subsequent year following 1871. 1000 sheep were watered at Big Cedar Creek and its North Fork until the 1920's when the bank foreclosed on Lay Land and Livestock. 1000 head of sheep were again watered at Big Cedar Creek and its Fork in the 1930's when various sheepmen and/or cattlemen leased Jackson Mountain Range. (See Exhibit "A", "A-1", and "A-2" 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, or sufficient to water 400 head of cattle.

448.83 gallons per minute equals 1 cubic foot per second

(12) The works are located at:
See attachment 1 and attached map.

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.

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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.

Filed by agent/attorney on behalf of DeLong Ranches, Inc.

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

Therese A. Ure

Telephone No. (775) 859-0240

Schroeder Law Offices, P.C.; Therese A. Ure

State of Nevada

440 Marsh Avenue

County of Washoe

Reno, NV 89509

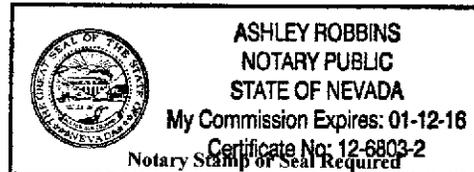
Subscribed and sworn to before me on December 18, 2012

Telephone No. (775) 786-8800

by Therese A. Ure

Ashley Robbins

Signature of Notary Public Required



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Big Cedar Creek-Attachment 1

North Fork of Big Cedar:

Township	Range	Section	Quarter-Quarter	Works
38N	31E	4	NENW, SENW (unsurveyed) SWNE, NWSE, NESE	Natural Stream Channel
38N	31E	3	NWSW, SWSW, SESW	Natural Stream Channel
38N	31E	10	NENW, NWNE, NENE	Natural Stream Channel
38N	31E	11	NWNW, NENW, SENW, SWNE, SENE, NESE	Natural Stream Channel
38N	31E	12	NWSW, SWSW, SESW	Natural Stream Channel
38N	31E	13	NWNW, NENW, NWNE, SWNE	Natural Stream Channel
38N	31E	13	SWNE	Confluence of North Fork Cedar Creek and Big Cedar Creek Ditch, POD

Big Cedar:

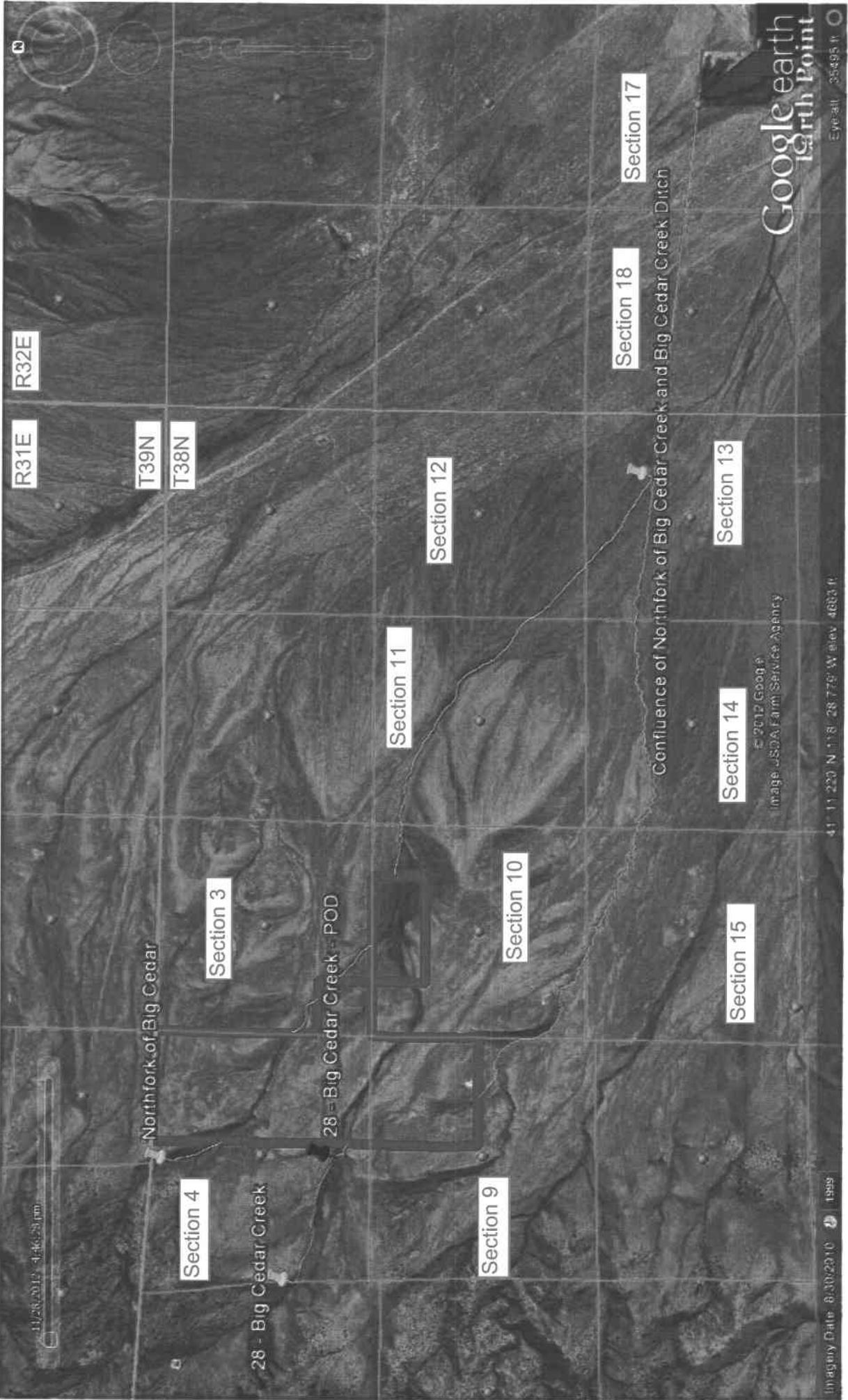
Township	Range	Section	Quarter-Quarter	Works
38N	31E	4	NWSW, SWSW, SESW (unsurveyed)	Natural Stream Channel
38N	31E	4	SESW (unsurveyed)	Diversion
38N	31E	4	SESW (unsurveyed), SWSE	Ditch
38N	31E	9	NWNE, SWNE NWSE, NESE, SESE (unsurveyed)	Ditch
38N	31E	10	SWSW, SESW	Ditch
38N	31E	15	NENW, NWNE	Ditch
38N	31E	15	NWNE	Confluence of Little Cedar Creek Ditch and Big Cedar Creek Ditch
38N	31E	15	NWNE, NENE	Ditch
38N	31E	14	NWNW, SWNW, SENW, SWNE, NWNE, NENE	Ditch
38N	31E	13	NWNW, SWNW, SENW, SWNE	Ditch

Township	Range	Section	Quarter-Quarter	Works
38N	31E	13	SWNE	Confluence of Big Cedar Creek Ditch and North Fork Cedar Creek
38N	31E	13	SWNE, SENE	Ditch
38N	32E	18	Lot 2, SENW, SWNE, SENE	Ditch
38N	32E	17	SWNW, SENW	Ditch

Big Cedar Creek: Attachment 2

Remarks:

Big Cedar Creek and the North Fork of Big Cedar Creek are located in the historic grazing area surrounding Jackson Creek Ranch/ Trout 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 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).



Detailed 1/4 1/4 descriptions of each section are provided on Attachment 1.