Application No. 010358

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 Buck Brush Creek
Name of natural water source

(3) The water is diverted by:
By Buck Brush Creek (see attachment 1 for description and attached map).
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s):
By Buck Brush Creek (see attachment 1 for description) by cattle watering at all points along the creek.

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 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 Buck Brush Creek in 1871

and completed
unknown. However, the priority date of use for Buck Brush Creek is 1871 with the first use of Buck Brush Creek. (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:

within 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 Buck Brush Creek as described in attachment 1 and attached map.
Cattle use the water at all points along the creek.
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).

28-30

(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 Buck Brush Creek in every subsequent year following 1871. 1000 sheep were watered at Buck Brush Creek until the 1920's when the bank foreclosed on Lay Land and Livestock. 1000 head of sheep were again watered at Buck Brush Creek 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.

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

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
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 01-12-16
Certificate No: 12-6803-2

Signature of Notary Public Required

Notary Stamp or Seal Required

$50 FILING FEE MUST ACCOMPANY PROOF

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2012 DEC 18 PM 4:29
STATE ENGINEERS OFFICE

Revised 05/12 - POA

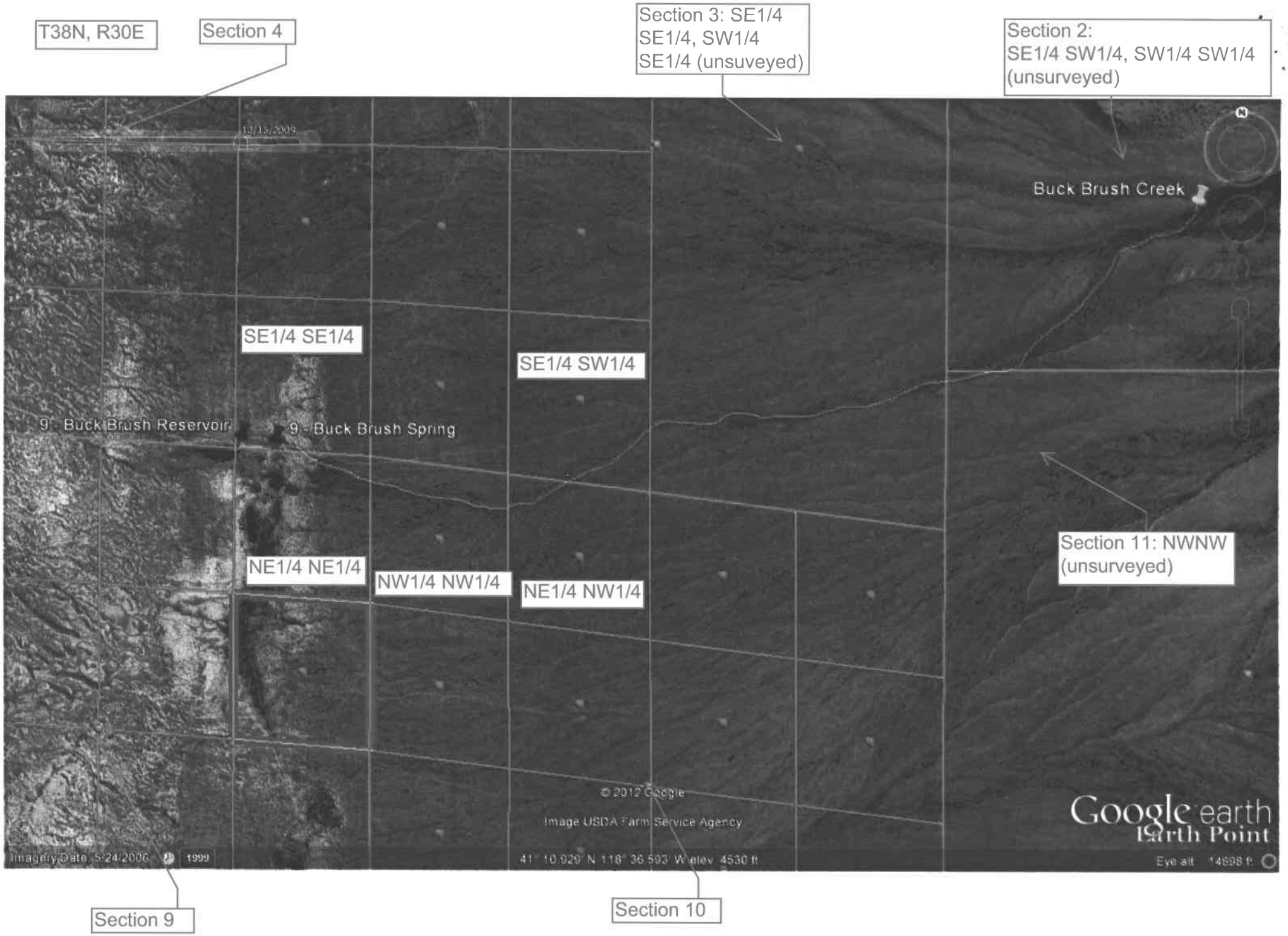
Buck Brush Creek-Attachment 1

Township	Range	Section	Quarter-Quarter	Works
38N	30E	2	SESW, SWSW (unsurveyed)	Natural Stream Channel
38N	30E	11	NWNW (unsurveyed)	Natural Stream Channel
38N	30E	3	SESE, SWSE (unsurveyed)	Natural Stream Channel
38N	30E	3	SESW	Natural Stream Channel
38N	30E	10	NENW, NWNW	Natural Stream Channel
38N	30E	9	NENE	Natural Stream Channel
38N	30E	4	SESE	Natural Stream Channel

Buck Brush Creek: Attachment 2

Remarks:

Buck Brush Creek is 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).


T38N, R30E
Section 4
Section 3: SE1/4 SE1/4, SW1/4 SE1/4 (unsuveyed)
Section 2: SE1/4 SW1/4, SW1/4 SW1/4 (unsurveyed)
Buck Brush Creek
SE1/4 SE1/4
SE1/4 SW1/4
9 - Buck Brush Reservoir
9 - Buck Brush Spring
Section 11: NWNW (unsurveyed)
NE1/4 NE1/4
NW1/4 NW1/4
NE1/4 NW1/4
© 2012 Google
Image USDA Farm Service Agency
Google earth
Earth Point
Imagery Date: 5/24/2006
1999
41° 10.929' N 118° 36.593' W elev 4530 ft
Eye alt 14698 ft
Section 9
Section 10