

STATE OF NEVADA

**PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING
OR WILDLIFE PURPOSES**

(1) Name of claimant Duncan Family 2002 Trust
6500 Old Emigrant Rd. of Lovelock,
Street Address or PO Box City or Town
Nevada 89419
State and ZIP Code

(2) Source of water McCarthy Springs aka Limerick Pond
Name of natural water source

(3) The water is diverted by:
Natural springs and pond

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

(4) The water is diverted at the following point(s):
NE1/4NW1/4, Section 8, T28N, R34E, MDM

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 natural springs and pond
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun Natural spring prior to 1905
and completed Natural spring prior to 1905
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:
Grazing license in this allotment

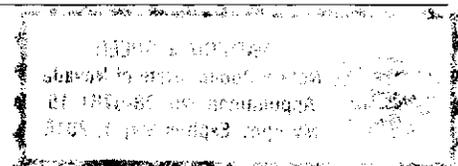
Patented, deeded, public domain with grazing permit, etc.

(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 Prior to 1876
was 150 cattle horses sheep or wildlife (describe)
Date

The watering was conducted during each of the following months:
Not known



*Area Sub
4-73-
Re*

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:
150 or more head of cattle

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
0.005 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second

(12) The works are located at:
NE1/4NW1/4, Sec. 8, T28N, R34E, MDM

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 Coal Canyon Poker Brown Allotment Water Use Summary, and Affidavit of Water Use Abigah E. Duncan

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by
Abigah Duncan and predecessors are full and correct to the best of his/her knowledge and belief.

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

Duncan Family 2002 Trust By Abigah E. Duncan
Name of Claimant
Telephone No. (775) 273-0855
Abigah E. Duncan
PO Box 532
Lovelock, NV 89419

STATE ENGINEERS OFFICE
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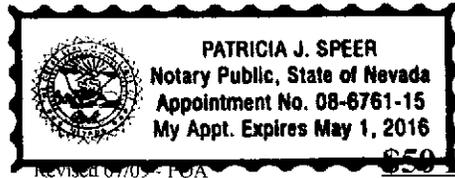
Telephone No. (775) 273-0855

Subscribed and sworn to before me this 24 day of March, 2013

Patricia J. Speer

Notary Public in and for the County of Pershing

My commission expires May 1, 2016



650 FILING FEE MUST ACCOMPANY PROOF

**AFFIDAVIT OF WATER USE
ABIGAH E. DUNCAN
RE: MCCARTHY SPRINGS AKA LIMERICK POND**

State of Nevada)
) ss.
County of Pershing)

I, Abigah Elum Duncan, do hereby swear, under penalty of perjury, that the assertions of this affidavit are true to the best of my knowledge and belief:

1. My name is Abigah Elum Duncan or “Bige,” and sometimes referred to as AE Duncan or Abigah Elum Duncan Sr.
2. I am a resident of Pershing County, Nevada. My address is 6500 Old Emigrant Road, Lovelock, NV 89419. My phone number is 775-273-0855.
3. I was born in Duncan, Arizona on February 25, 1920. As of the date of this affidavit I am 93 years old.
4. I make this affidavit in support of claiming a vested water right for stock water on the Coal Canyon-Poker Allotment, USDI, BLM Permit #00104.

Real Property Ownership

5. In 1946 I acquired property in Pershing County, Nevada. Before that time, I lived on a ranch in Kingman, Arizona with my parents Gus and Nora Duncan. In July of 1946, the drought forced us to relocate, so we loaded all of our stock onto railroad cattle cars and I rode the train with the livestock headed north. The stock and I departed the train in Lovelock, Nevada. From there, my parents and I drove (via horseback) our livestock to Kitten Springs. We camped out with the livestock on the Kitten Springs ranch until I purchased the Salinas Ranch in October of 1946.
6. The ranch property I acquired is described as the Salinas Ranch, now known as the Duncan Ranch and is more particularly described as more than 4900 acres located in Pershing County, Nevada; our various parcels are located within T28N R32E, T29N R32E, T29N R33E MDM, and 80 acres in T32N R34E MDM. Our private property is located south of Rye Patch Dam along the Humboldt River in Pershing County. See Exhibit 1.
7. At the time I acquired the property it was understood that I purchased a 485 head permit, including all water, water rights, ditch, ditch rights, range, range rights and grazing permits. I have purchased additional railroad parcels since that time.

8. The Duncan Ranch is currently titled to the Duncan Family 2002 Trust and is operated by Bige, Maxine, Dan, Joan, and Abigah John "AJ" Duncan.

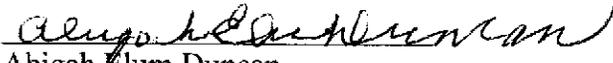
Grazing Use and Grazing Preference

9. As part of my ranching operation, I first began grazing cattle and horses on the Star Peak Allotment in 1946. The Star Peak Allotment was located on the east side of the railroad. There were no fences on the allotments and I grazed our cattle with other permittees on the allotments. In 1954, I sold some of my property in the Star Peak Allotment and moved to the Rochester Allotments.
10. In 1946, the grazing season of use was from November 1st to June 30th. At the end of the grazing season, the cattle were brought to our private ground along the Humboldt River, where they remained from July 1st to October 31st. Each year we repeated this cycle, continuing to turn out the cattle onto the allotment from November to June and bring the cattle to the river from July to October.
11. In 1960, I acquired a railroad lease from Henry Brink on the west side of the railroad in the Poker allotment. Later in the 1960s, I acquired William "Bill" Able's grazing permit on the west side of the railroad in the Poker Allotment. A map and documents from the BLM of the grazing area are attached as Exhibit 2. I continued the November to June grazing pattern from 1946 until 1967 in the Poker Allotment.
12. In 1967 the United States Department of Interior, Bureau of Land Management ("BLM") adjudicated the grazing rights for the Rochester and Poker Allotments. The adjudication was completed in 1971.
13. As a result of the BLM adjudication, the Rochester Allotment and Poker Allotment were fenced and I was issued a grazing permit known as the Coal Canyon Poker Allotment Permit #00104. I relinquished some of my grazing ground in the Rochester Allotment, on the east side of the railroad to the other permittees in exchange for BLM fencing my allotment, as well as to become the sole permittee in the Coal Canyon Poker Allotment. A map of my grazing allotment is attached as Exhibit 3, and a copy of my grazing permit is attached as Exhibit 4.
14. My grazing permit authorizes me to run 2587AUMs year around, utilizing different pastures or locations within the allotment at different times of the year. We continue to bring the cattle to our private ground along the Humboldt River from July 16th until October 31st. November 1st we turn the cattle out on our range rotating from the west side of the railroad to the east side of the railroad each year.
15. Since 1946, I have made continuous use of the grazing preferences on the Coal Canyon Poker Allotment.
16. I, or my son, have made continuous use of our grazing preference pursuant to the terms of the grazing permit since 1946 to the present day.

Water Use

17. The McCarthy Springs is located in NE1/4 NW1/4, Sec. 8, T28N, R34E, MDM. Exhibit 5.
18. This source is also sometimes called McCardy Springs or Limerick Pond.
19. This source consists of an artesian spring that surfaces and runs into a pond.
20. Several vested and certificated rights on McCarthy Springs show water use for stock dating back to at least 1875. Exhibit 6.
21. McCarthy Spring was expressly referenced in the Serena grazing application and letter from the BLM regarding that application. Exhibit 7.
22. McCarthy Springs naturally runs year round.
23. Every other year we water approximately 150 head of cattle, including pairs, at this location.
24. When we are using this water source, we check it about once a week.
25. I, or my son Dan, have made continuous use of water from McCarthy Spring for stock water use the entire time I have had a grazing preference in this area.

DATED this 24 day of March, 2013.


Abigah Elum Duncan

SUBSCRIBED AND SWORN to before me by Abigah Elum Duncan this 24 day of March, 2013.



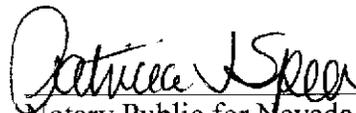
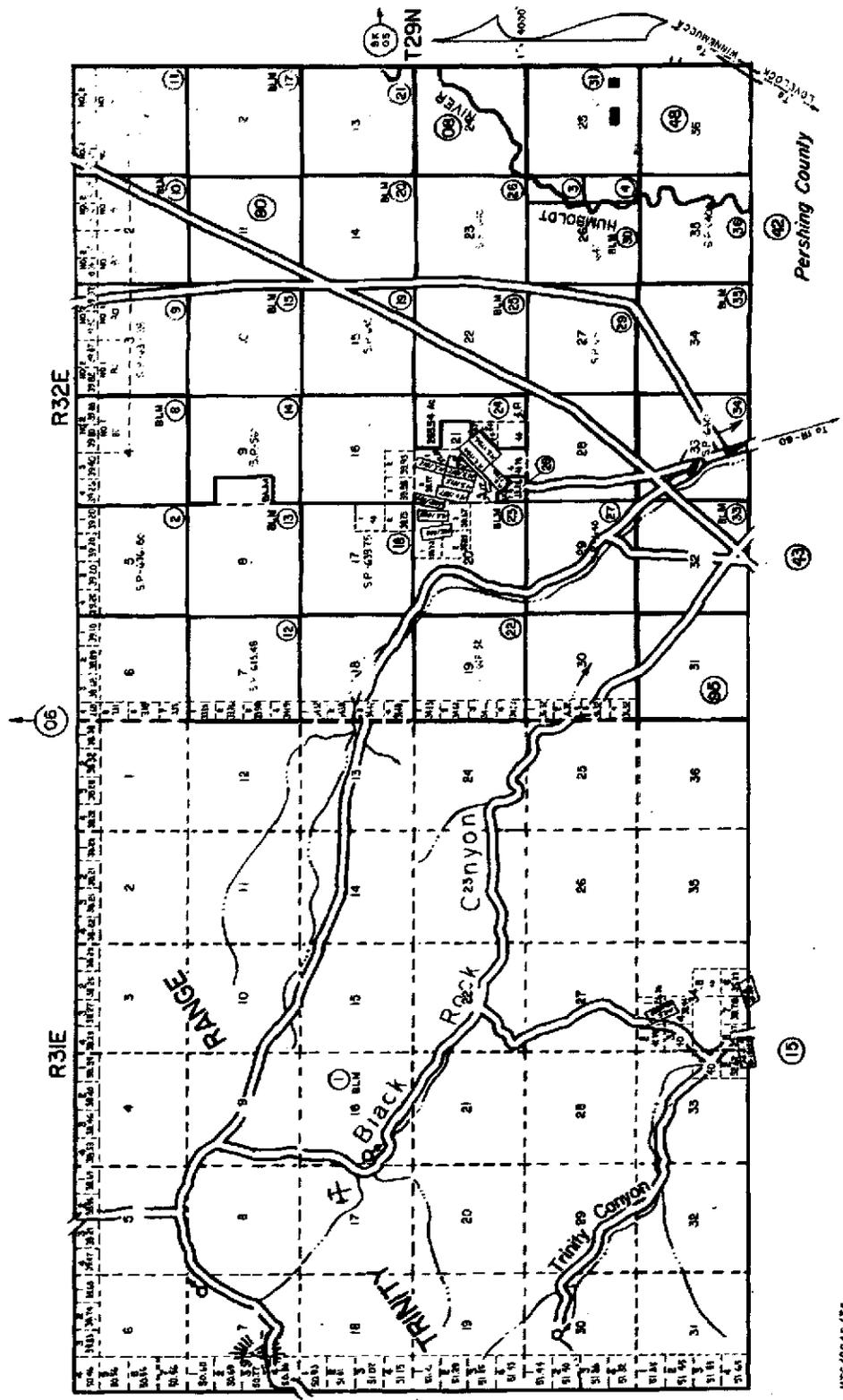

Notary Public for Nevada
My commission expires: May 1, 2016

EXHIBIT 1: DUNCAN PROPERTY (CURRENT)

Parcel #	Legal Description
003-421-01	T28N R32E Sec 3, All
003-421-02	T28N R32E Sec 2, SW ¼ SW ¼
003-421-04	T28N R32E Sec2, SW ¼ SE ¼
003-421-07	T28N R32E Sec 2, E ½ NE ¼; NE ¼ SE ¼
003-421-08	T28N R32E Sec 1, NW ¼: PTN SW ¼
003-421-16	T28N R32E Sec 10, NW ¼; N ½ NE ¼; W ½ SW ¼ T29N R32E Sec 15, All
003-431-15	T28N R32E Sec 16, SE ¼ NE ¼
003-431-19	T28N R32E Sec 16, SW ¼ S ½
003-441-06	T28N R32E Sec 20, E ½ NE ¼ T29N R32E Sec 21, All
003-451-01	T28N R32E Sec 22, N ½ NW ¼; NW ¼ NE ¼
003-071-04	T29N R32E Sec 26, E ½ SE ¼
003-071-36	T29N R32E Sec 35, NW ¼: PTN SW ¼
003-481-01	T29N R32E Sec 36, W ½ W ½
011-010-02	T29N R33E Sec 6, PTN Sec 6
011-010-26	T29N R33E Sec 7, E ½; W ½
011-010-27	T29N R33E Sec 18, W ½ W ½
008-220-16	T32N R34E Sec 28, W ½ NW ¼

*** THIS IS AN UNOFFICIAL COPY ***

03-07
03-07



HTC/D045/75

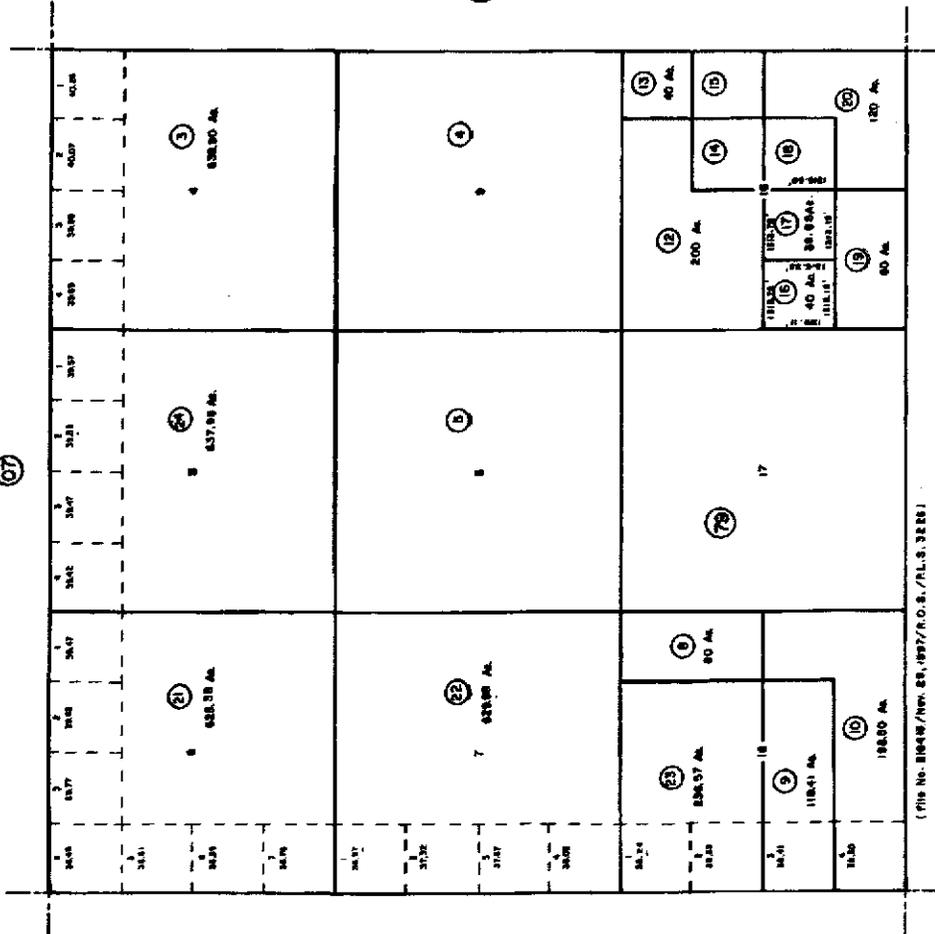
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T.28 N., R.32 E., M.D.B.M.

03 - 43

03 - 43

SECTION 17, T.28 N., R.32 E., M.D.B.M.



NOTE: This plot is for assessment use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein. Use of this plot for other than assessment purposes is forbidden unless approved by the Dept. of Taxation, Division of Assessment Standards.

PERSHING COUNTY

(File No. 81648/Rev. 88, 1997/R.O.S./P.L.S. 3228)

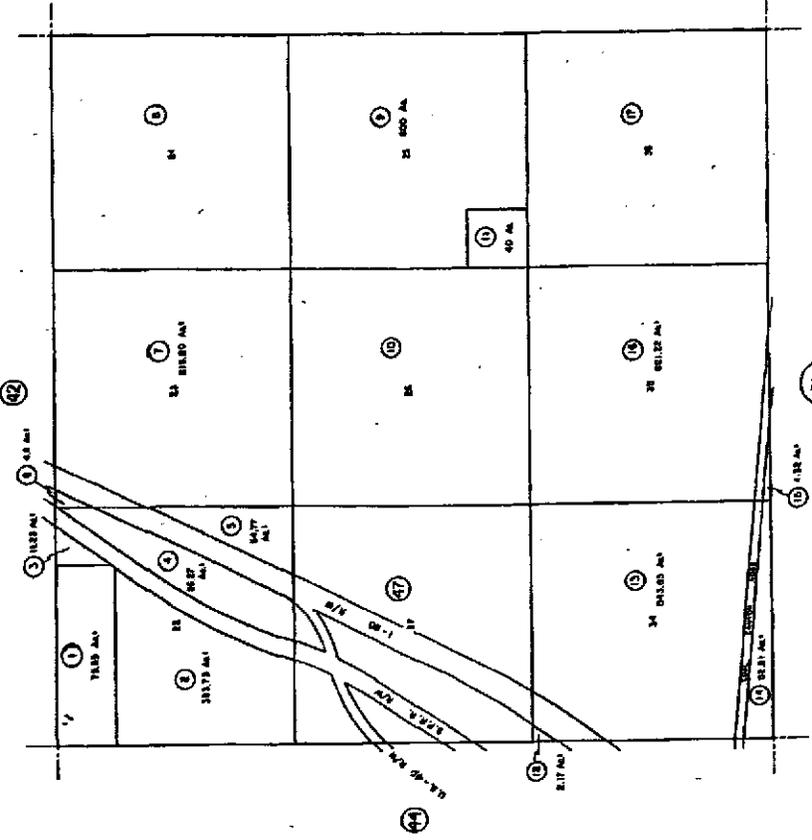
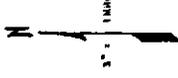
REV/DMS/AUS 07/04
REV/DMS/JAN 05/04
REV/DMS/JAN 05/04
DOT/DAS/PER 08/04

*** THIS IS AN UNOFFICIAL COPY ***

R32E, T28N, M.D.B.&M.

03-45

NOTE: This plat is for information use only and does not represent a survey. No liability is assumed by the County with the use of this plat. It is for information only and should not be used for any purpose other than that intended by the State of Texas, Division of Assessor General.

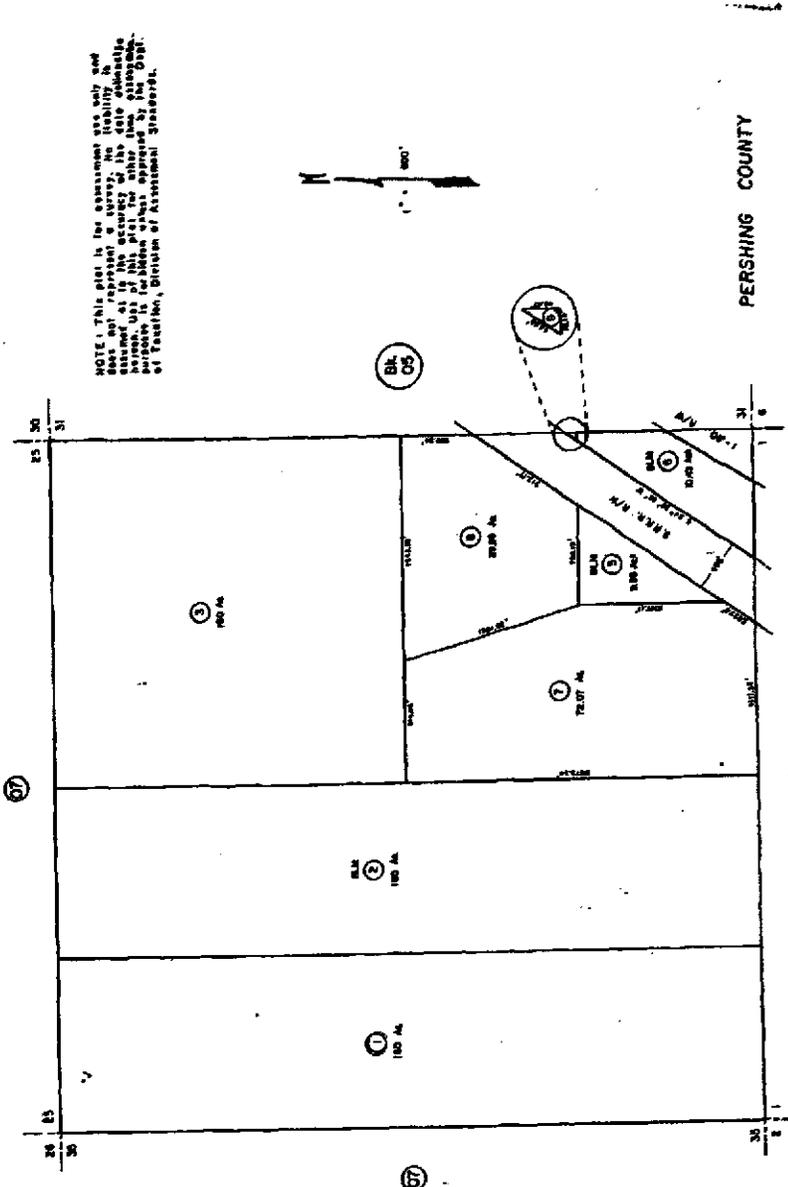


PERSHING COUNTY

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03-48
03-48

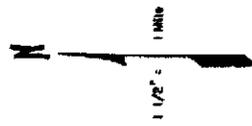
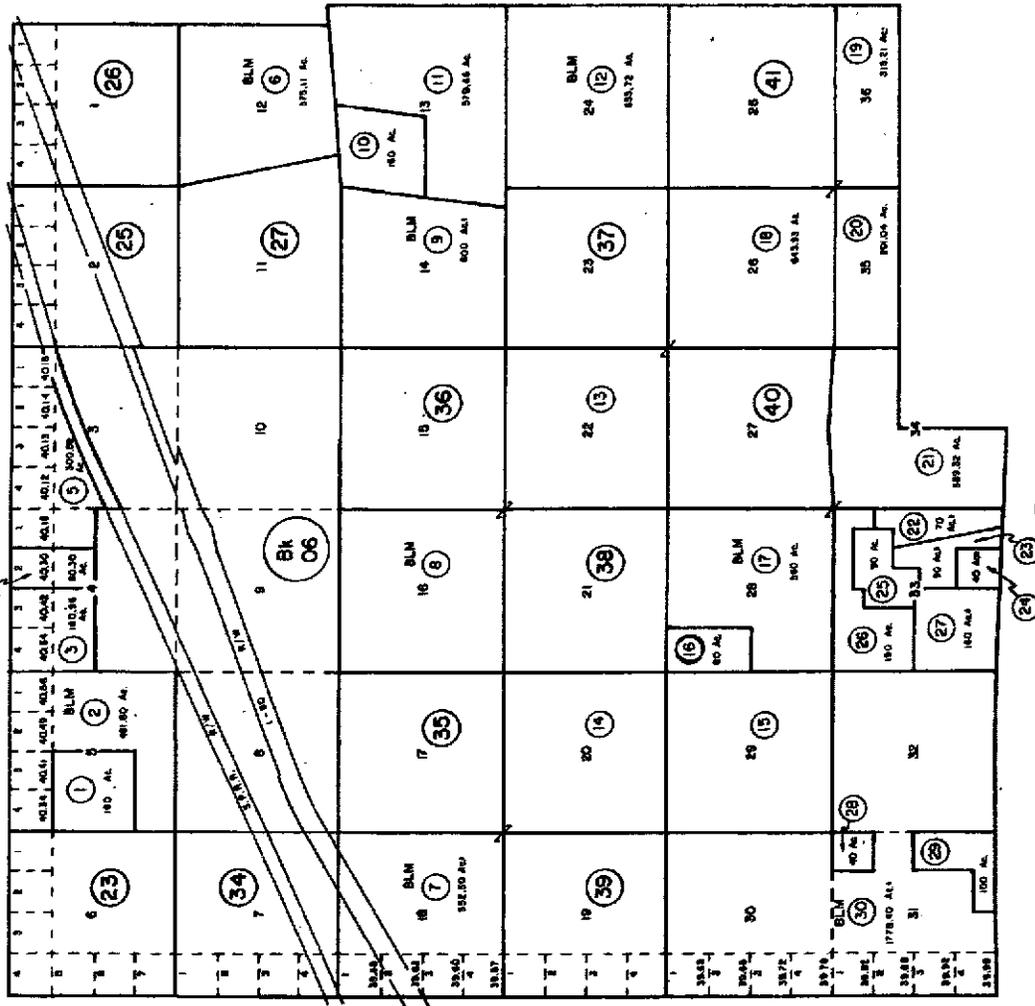
Sec. 36, R32E, T29N, M.D.B.M.



REV. 10/04/08 / 07/08/09/10
0017/0018/0019/0020/0021/0022/0023/0024/0025/0026/0027/0028/0029/0030/0031/0032/0033/0034/0035/0036/0037/0038/0039/0040/0041/0042/0043/0044/0045/0046/0047/0048/0049/0050/0051/0052/0053/0054/0055/0056/0057/0058/0059/0060/0061/0062/0063/0064/0065/0066/0067/0068/0069/0070/0071/0072/0073/0074/0075/0076/0077/0078/0079/0080/0081/0082/0083/0084/0085/0086/0087/0088/0089/0090/0091/0092/0093/0094/0095/0096/0097/0098/0099/0100

T32N, R34E

08 - 22



PERSHING COUNTY

NOTE: This plot is for assessment use only



IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
POST OFFICE BOX 71
WINNEMUCCA, NEVADA 89445

NOTICE OF ADVISORY BOARD RECOMMENDATION

CERTIFIED MAIL # 10,390
RETURN RECEIPT REQUESTED

December 14, 1967

Harvin Myers
Winnemucca Star Route
Winnemucca, Nevada 89418

Dear Mr. Myers:

The Advisory Board of the State of Nevada, Winnemucca Grazing District Number 2, on December 6, 1967 when reviewing the range divisions, allotment management plans, and future range improvement program in the Rochester Unit considered the following information:

In the interest of developing allotment management plans, the Bureau with mutual consent on the majority of the range users negotiated a range division to establish the Coal Canyon and Rochester Common Allotments in the Rochester Unit. These allotments were proposed considering the base property qualifications, exchange-of-use agreements (Southern Pacific Company leases), grazing capacities from range inventories, and adjudication in the Rochester Unit on February 4, 1966.

Base property qualifications, exchange-of-use agreements, and Federal Range grazing capacities of each allotment are listed below in animal unit months:

Coal Canyon Allotment:

Federal Range Qualifications	2,121 AUMs
Exchange-of-Use Forage	469 AUMs
Total Authorized Use	<u>2,590 AUMs</u>
Total Estimated Grazing Capacity (Federal Range, and Exchange of-Use) in Allotment	2,654 AUMs

Rochester Common Allotment:

Federal Range Qualifications	4,314 AUMs
Exchange-of-Use Forage	2,099 AUMs
Total Authorized Use	<u>6,413 AUMs</u>

Total Estimated Grazing Capacity
(Federal Range, and Exchange-
of-Use) in allotment

6,482 AUMs

The figures include the trade of Federal Range qualifications and Exchange-of-Use forage necessary to equitably satisfy grazing use and livestock water on both sides of the division line.

For detailed location and legal description of allotment line, see attached map & agreement. This agreement has been executed by all range users except Marvin A. & Fannie E. Myers, Unionville Star Route, Inlay, Nevada.

After review of the above information, data, and range agreement, the Advisory Board recommended as follows:

1. That the proposed range line be recognized, establishing the Coal Canyon Allotment and Rochester Common Allotment. However, it is recognized that this division line will not be fenced until after July of 1968.

2. The range users designated to use these allotments will be as follows:

Coal Canyon Allotment:

A. E. Duncan
Star Sheep Company
Gus Duncan

Rochester Common Allotment:

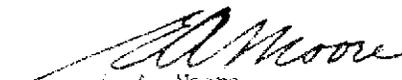
Marvin Myers
Paris Brothers
Clarence & Henry Anderson
Paul Engle
Star Sheep Company
Marie Anderson Estate
Jake Baird
Wm. H. Abel

The recommendation together with the executed agreement has been considered by me. I concur with the Advisory Board and their recommendation.

If you wish to protest this recommendation, please appear in person, by attorney or representative or submit your protest in writing, on January 17, 1968, at 2:30 p.m., Winnemucca District Office, at which time and place the advisory board will hear protests in the presence of a representative of the Bureau of Land Management.

In the absence of a protest within the time allowed, the above recommendation shall constitute the District Manager's decision on your application. Should this notice become the District Manager's decision and if you wish to appeal such decision for the purpose of a hearing before an Examiner, in accordance with 43 CFR 1853, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with the District Manager, Bureau of Land Management. An appeal should specify clearly and concisely why you think the decision is in error.

Very truly yours,


E. A. Moore
District Manager

Attachment

Carbon Copies To:

A. E. Duncan
Star Sheep Company
Gus Duncan
Paris Brothers
Clarence & Henry Anderson
Paul Engle
Marie Anderson Estate
Jake Baird
Wm. H. Abel
T. J. Longseth (Southern Pacific Co.)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RANGE LINE AGREEMENT

Place

Date

7/12/67

In accordance with the provisions of Grazing Regulations (43 CFR 4111.3-2(c)), we, the undersigned, hereby agree to the establishment or adjustment of our respective range allotment boundaries as shown on the attached map and further described as follows:

SEE ATTACHED SHEET

It is further agreed that the above-described allotment boundary constitutes a fair, equitable, and practical range division, based on the respective qualifications of our dependent base property under the Grazing Regulations, and as such shall be binding upon our respective heirs, executors, administrators, successors in interest or assigns.

Maryin A. and Fannie E. Myers <i>Maryin A. Myers</i> (Signature of Applicant)	7-12-67 (Date)
<i>Aligah Duncan</i> (Signature of Applicant)	7-21-67 (Date)
<i>Gus Duncan</i> (Signature of Applicant)	7-21-67 (Date)
Star Sheep Co. By <i>Shirley Bejarano</i> <i>W.D. Abel</i> (Signature of Applicant)	9-3-67 (Date)
<i>W.D. Abel</i> (Signature of Applicant)	7-28-67 (Date)

RECOMMENDED APPROVAL	APPROVED
(Chairman, Advisory Board)	(District Manager)
(Date)	(Date)

Beginning at a point at the intersection of Interstate 80 and the approximate NW corner of Section 5, T. 29 N., R. 33 E. Thence due east for approximately 4 1/2 miles to the NE corner of Section 1, T. 29 N., R. 33 E. Thence NE approximately 1 mile following the ridge to the SW corner of Section 32, T. 30 N., R. 33 E. Thence south along the watershed divide on the unit line between Rochester Unit and Buena Vista Unit for approximately 11 miles, to Weaver Saddle in T. 28 N., R. 34 E., Section 27, approximately 1320 feet east of the NW corner. Thence SW along the ridge approximately 1 mile to a point approximately 500 feet NW of the SW corner of Section 27, T. 28 N., R. 34 E. Thence SW approximately 2 1/2 miles to the SW corner of Section 32, T. 28 N., R. 34 E. Thence SW approximately 4.1 miles to the Packard Flat windmill. Thence west picking up and following the watershed divide between Coal Canyon and Nuttleberry Canyon for approximately 8 miles to a point approximately 1900 feet north of the SE corner of Section 24, T. 27 N., R. 32 E. Thence NW approximately 5.4 miles to its intersection with the Southern Pacific Railroad right-of-way fence in NW 1/4 Section 4, T. 27 N., R. 32 E.

It is also agreed that this line shall be accepted as stacked on the ground adhering as close as possible to the above described line.

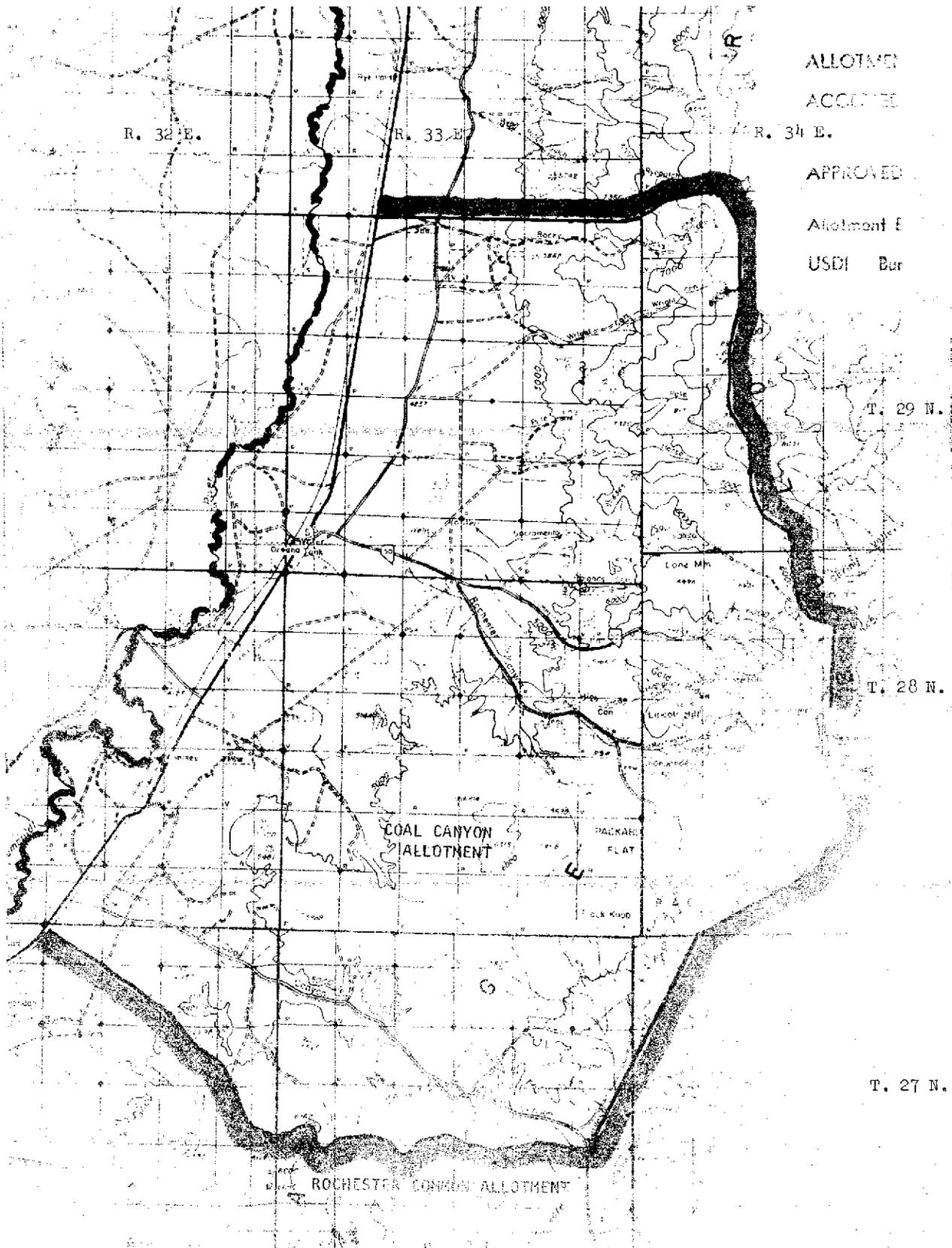
Special Conditions:

1. A. E. & Gus Duncan agrees to make all their use both Federal and exchange-of-use north and west of the above described line.
2. Marvin Myers, Jake Baird, & William Abel agreed to make their use south and east of this line including Federal and exchange-of-use land.

Clarance & Henry Anderson, Dixie Valley Cattle Co., & Paris Brothers are not directly affected by this line but will make their use south and east of this line.

3. Theodore Belzarans agrees to make 492 AUMs use north of the above line and 1400 AUMs use south and east of the line which includes his Stillwater use.
4. All parties agree that the above line does not necessarily satisfy their Federal or exchange-of-use AUMs taken separately but that it does satisfy their demand as a whole. Therefore, all parties agree to keep their Railroad leases in good standing. If any party should drop or lose their Railroad lease it should go to the parties in which the land lies, (north of the line or south). At that time the Railroad and Federal AUMs will be straightened out on a permanent basis, which means A. E. Duncan would relinquish approximately 320 AUMs Federal range demand and pick the same amount of Southern Pacific Railroad exchange-of-use. The parties south of the line would pick up Federal range lost by A. E. Duncan.
5. All parties agree to adhere as close as possible to the above described line until such time as it can be built in approximately 1969 Fiscal Year.
6. It is agreed by all parties that the water at Packard Flat windmill will be split.

YHA *add T.B. S.D.*



ALLOTMENT
 ACCEPTED
 APPROVED
 Allotment E
 USDI Bur

T. 29 N.

T. 28 N.

T. 27 N.

POKER COMMON ALLOTMENT

Beginning at a point-said point being within the Humboldt River in the S $\frac{1}{2}$ of SW $\frac{1}{4}$ Section 31, T. 30 N., R. 33 E., MDB&M, Nevada; thence westerly along the township line common to T. 29 N & T. 30 N. to the corner common to Section 32 & 33, T. 30 N., R. 31 E., and Section 4 & 5, T. 29 N., R. 31 E., thence northwesterly for approximately 1.7 miles to a turning point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29; T. 30 N., R. 31 E., thence in a northwesterly direction for a distance of .6 mile to a turning point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T. 30 N., R. 31 E., thence in a northwesterly direction for a distance of approximately .8 miles to the $\frac{1}{4}$ corner common to Sections 17&20, T. 30 N., R. 31 E.; thence in a northwesterly direction for a distance of approximately 3 miles to a point on the township line common to T. 30 N., R. 31 E., approximately .4 miles west of the northwest corner of Section 4, T. 30 N., R. 31 E., to its intersection with the township line common to T. 30 N., & 31 N.; thence due west along the township line common to T. 30 N & T. 31 N., for a distance of approximately 7.5 miles to the NW corner of Section 6, T. 30 N., R. 30 E., thence south along the range line common to R. 29 E. & R. 30 E., for a distance of approximately 12 miles to the SW corner of Section 31, T. 29 N., R. 30 E.; thence east along the township line for a distance of approximately 12 miles to the SE corner of Section 36, T. 29 N., R. 31 E.; thence south along the range line for a distance of approximately 7 miles to its intersection with the Humboldt River; thence north and east following the Humboldt River for a distance of approximately 14 miles to the point of beginning.

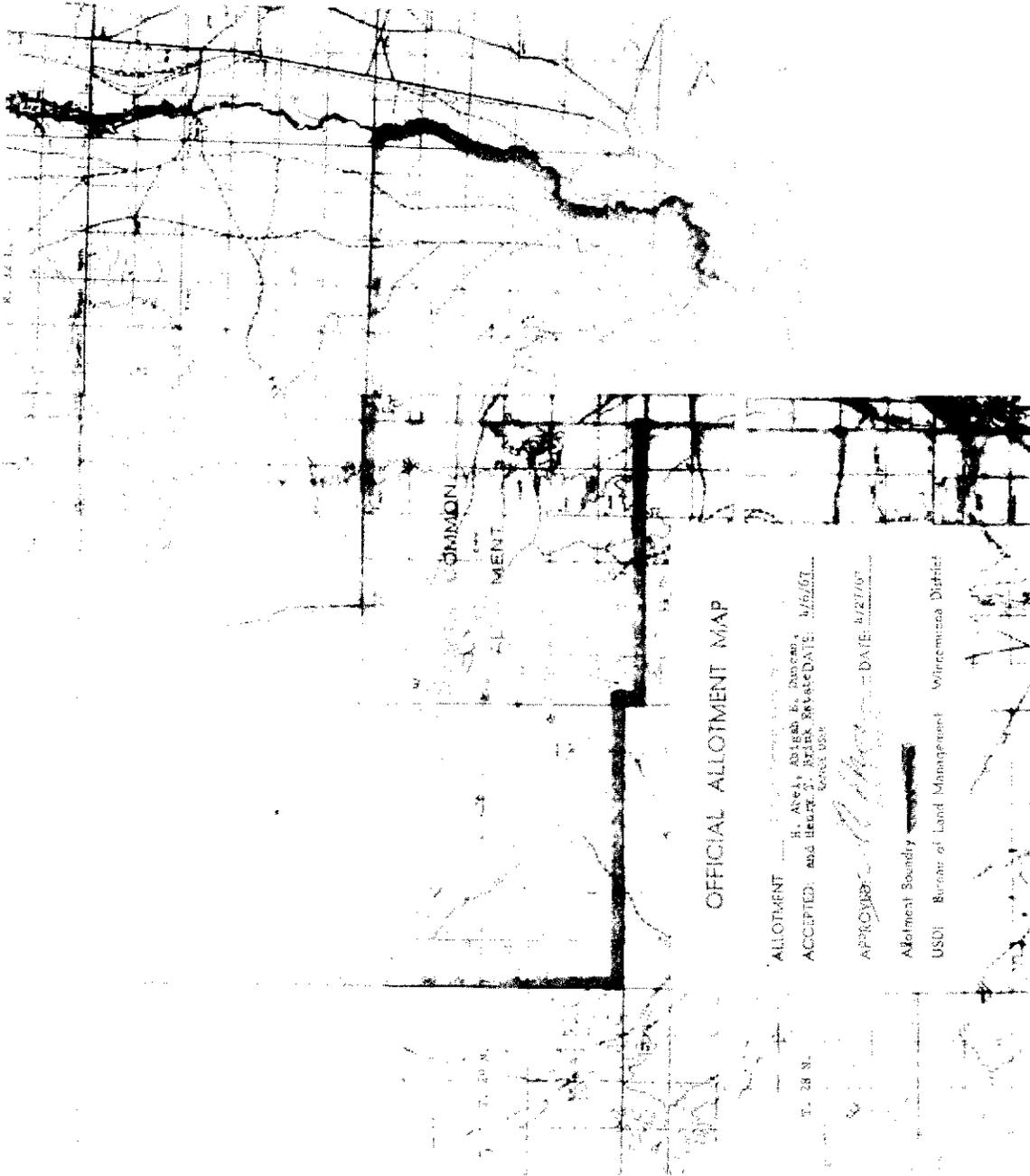
Further it will be agreed as staked on the ground.

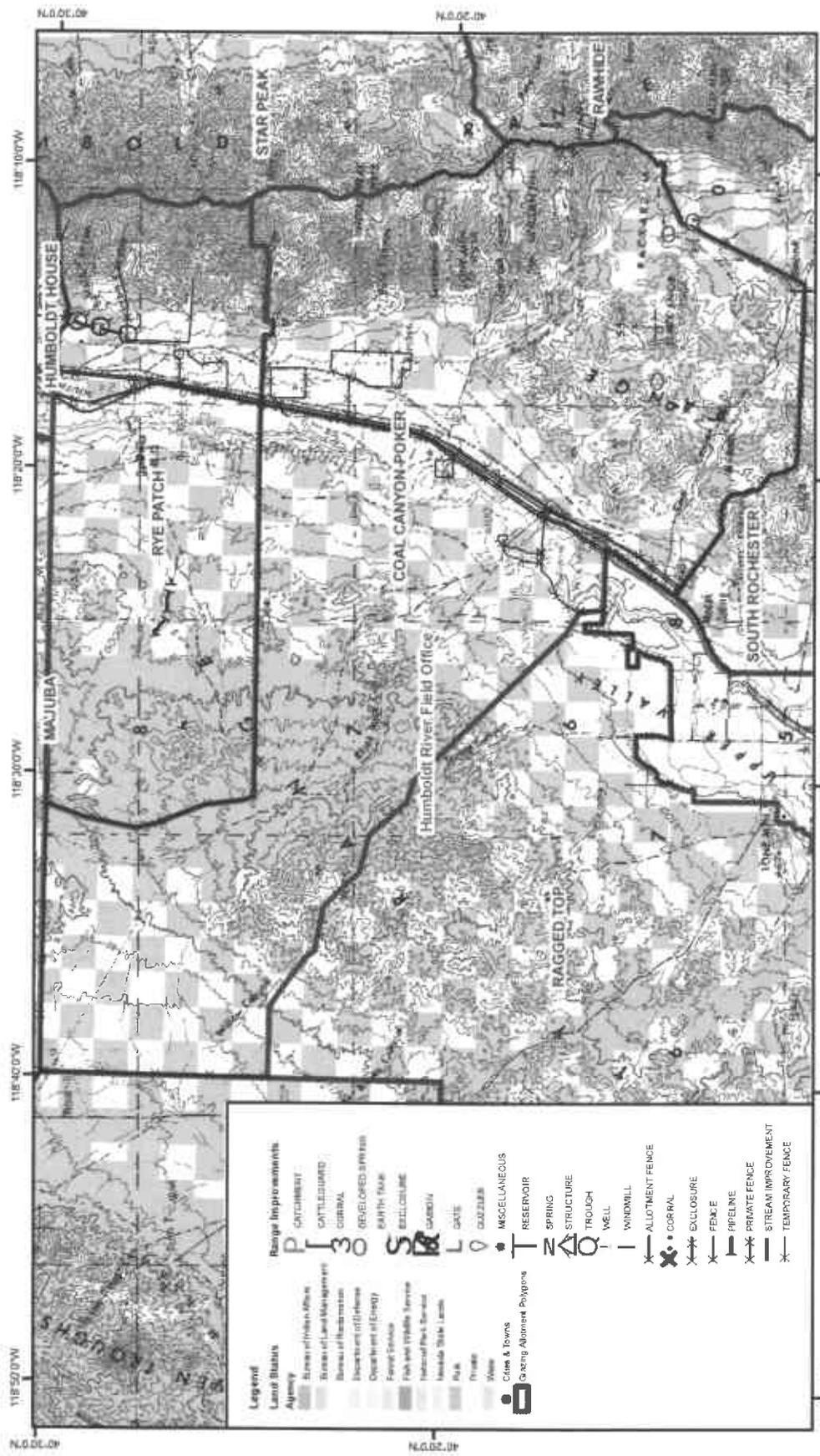
Special Stipulation

1. That the above parties agree to the following breakdown of AUMs in the Poker Common Allotment:

- A. William H. Abel - 2247 AUMs
B. Abijah Eium Duncan - 678 AUMs
C. Henry T. Brink Estate - 126 AUMs

W H Abel
Abijah Eium Duncan
Prot. H. Brink
Henry T. Brink Estate

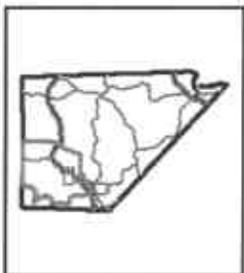






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A. E. DUNCAN PERMIT

Map Name : Coal Canyon-Poker Brown Grazing Allotment

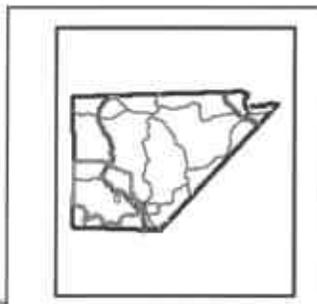
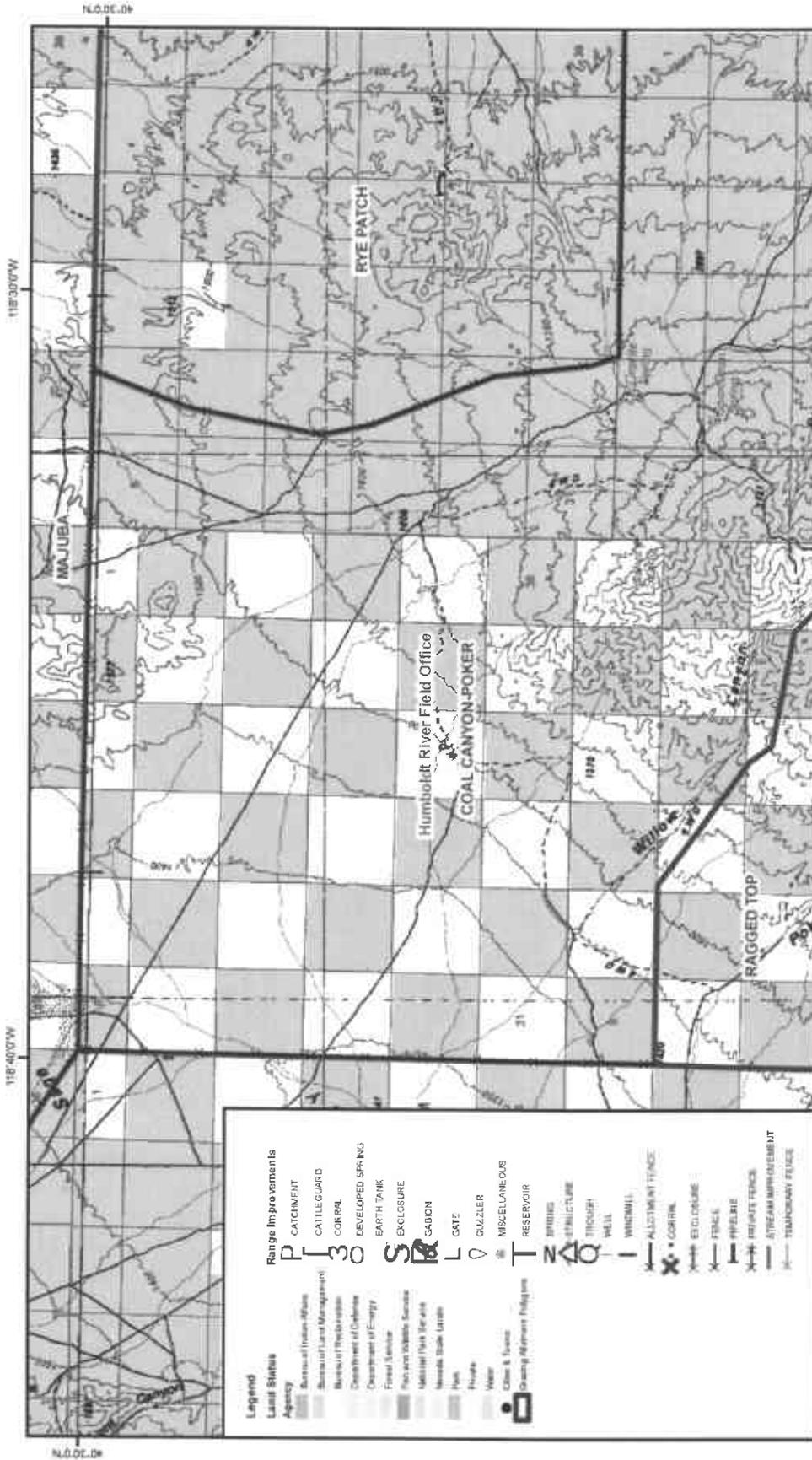
Range Specialist Name: W. Barry

Map Date: May 24, 2012



Winnemucca District Office
Humboldt River Field Office
5109 E. Winnemucca Blvd
Winnemucca, NV 89445

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data. The data were derived from a variety of sources and are not guaranteed to be accurate. The data were collected from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



1:100,000

A. E. DUNCAN PERMIT
Map Name : Coal Canyon-Poker Brown
Grazing Allotment
Range Specialist Name: W. Barry
Map Date: May 24, 2012



Legend

Land Status

- Agency
- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- County of Clark
- Department of Energy
- Federal
- Private
- Public
- Water
- Other & Unclassified
- Grazing Allotment Polygons

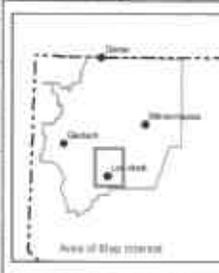
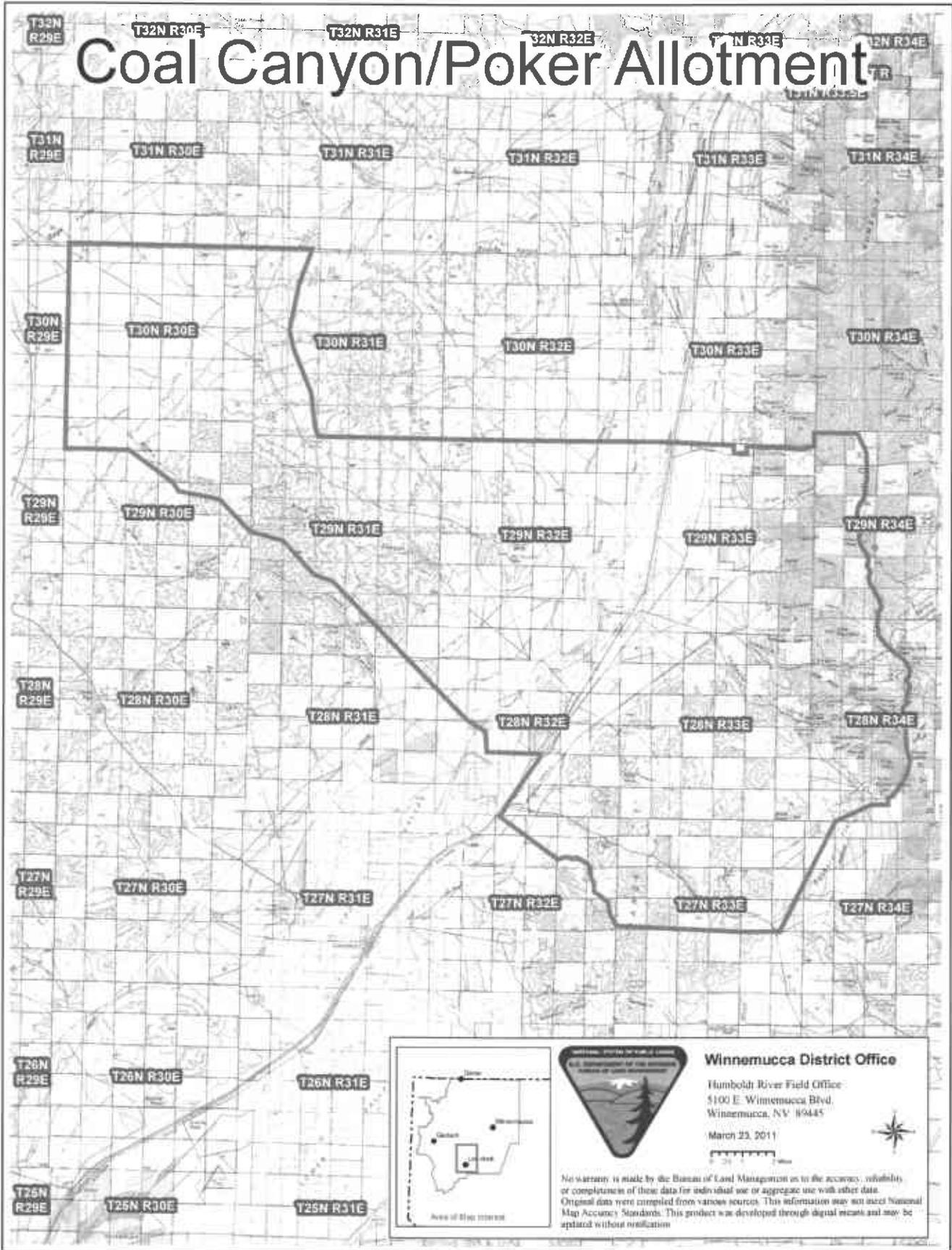
Range Improvements

- CATCHMENT
- CATTLEGUARD
- CORRAL
- DEVELOPED SPRING
- EARTH TANK
- EXCLUSION
- GABON
- GATE
- GUZZLER
- MISCELLANEOUS
- RESERVOIR
- SPRINGS
- STRUCTURE
- TROUGH
- WELL
- WINDMILL
- ALLOTMENT FENCE
- CORRAL
- EXTENSION
- FENCE
- FEEDBLE
- PRIVATE FENCE
- STREAM IMPROVEMENT
- TRADITIONAL FENCE

Winnemucca District Office
 Humboldt River Field Office
 5100 E. Winnemucca Blvd
 Winnemucca, NV 89445

This document is made by the Bureau of Land Management and is for informational purposes only. It is not intended to be used as a legal document. The accuracy, reliability, or completeness of these data shall not be guaranteed. The data were compiled from various sources and may not be current. The data were developed through digital means and may be updated without notification.

Coal Canyon/Poker Allotment



Winnemucca District Office
Humboldt River Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445
March 23, 2011

No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

CASE FILE COPY

AUTH NUMBER: 2702031
DATE PRINTED: 3/15/2006

Form 4130-2a
(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT



STATE NV
OFFICE 020
AUTH NUMBER 2702031
PREFERENCE CODE 03
DATE PRINTED 03/15/2006
TERM 03/01/2006 TO 02/28/2015

ABIGAH E. DUNCAN
P O BOX 532
LOVELOCK NV 89419

BUREAU OF LAND MANAGEMENT
WINNEMUCCA FO
5100 E WINNEMUCCA BL
WINNEMUCCA NV 89445

THIS GRAZING PERMIT IS OFFERED TO YOU UNDER 43 CFR PART 4100 BASED ON YOUR RECOGNIZED QUALIFICATIONS. YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS, UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT AND COVERED BY THIS PERMIT, UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE. CONTACT YOUR LOCAL BLM OFFICE AT 775-623-1500 IF YOU HAVE QUESTIONS.

MANDATORY TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK NUMBER KIND	GRAZING PERIOD		% PL. TYPE USE	AUMS
			BEGIN	END		
00104 COAL CANYON-POKER		498 CATTLE	03/01	07/15	60 ACTIVE	1332
		36 CATTLE	07/16	10/31	60 ACTIVE	77
		3 CATTLE	07/16	10/31	100 ACTIVE	11
		490 CATTLE	11/01	02/28	60 ACTIVE	1167

OTHER TERMS AND CONDITIONS:

LIVESTOCK GRAZING WILL BE IN ACCORDANCE WITH THE COAL CANYON-POKER AMP

EXCHANGE OF USE AUTHORIZATION IS CONDITIONAL PENDING ANNUAL SUBMISSION OF LEASE AGREEMENTS.

PURSUANT TO 43 CFR 10.4(G) THE HOLDER OF THIS AUTHORIZATION MUST NOTIFY THE AUTHORIZED OFFICER, BY TELEPHONE, WITH WRITTEN CONFIRMATION IMMEDIATELY UPON DISCOVERY OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). FURTHER, PURSUANT TO CFR 10.4(C) AND (D), YOU MUST STOP ACTIVITIES IN THE IMMEDIATE VICINITY OF THE DISCOVERY AND PROTECT IT FROM YOUR ACTIVITIES FOR 30 DAYS OR UNTIL NOTIFIED TO PROCEED BY THE AUTHORIZED OFFICER.

THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT ARE IN CONFORMANCE WITH THE STANDARDS AND GUIDELINES FOR THE SIERRA FRONT-NORTHWESTERN GREAT BASIN RESOURCE ADVISORY COUNCIL, APPROVED BY THE SECRETARY OF THE INTERIOR ON FEBRUARY 12, 1997.

IN ACCORDANCE WITH SEC. 325, TITLE III, H.R.2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004 (P.L. 108-108), WHICH WAS ENACTED ON NOVEMBER 10, 2003, THIS GRAZING PERMIT OR LEASE IS RENEWED UNDER SECTION 402 OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976, AS AMENDED (43 U.S.C. 1752), TITLE III OF THE BANKHEAD-JONES FARM TENANT ACT (7 U.S.C. 1010 ET SEQ.), OR, IF APPLICABLE, SECTION 510 OF THE CALIFORNIA DESERT PROTECTION ACT (16 U.S.C. 410AAA-50). IN ACCORDANCE WITH PUBLIC LAW 108-108, THE TERMS AND CONDITIONS CONTAINED IN THE EXPIRED OR TRANSFERRED PERMIT OR LEASE HAVE BEEN INCORPORATED INTO THIS PERMIT OF LEASE AND SHALL

CASE FILE COPY

AUTH NUMBER: 2702031
DATE PRINTED: 3/15/2010

Standard
Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require branding and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the non-renewal clauses set forth in Executive Order 11248 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
11. No Member of or Delegate to, Congress or Resident Commissioner, after his/her election of appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit in any manner, and the provision of Section 3741 Revised Statute (41 U.S.C. 22), 18 U.S.C. Sections 431-433, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS PERMIT: 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS PROVIDED BY LAND PLANS AND APPLICABLE LAW; (B) REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:
SIGNATURE OF PERMITTEE: *Abigail B. Duran* DATE: 4-19-2006

APPROVED:
BLM AUTHORIZED OFFICER: *D. Ken H. Hines* DATE: 6-7-06

CASE FILE COPY

AUTH NUMBER: 2702031
DATE PRINTED: 3/15/2006

CONTINUE IN EFFECT UNDER THE RENEWED PERMIT OR LEASE UNTIL SUCH TIME AS THE SECRETARY OF THE INTERIOR COMPLETES PROCESSING OF THIS PERMIT OR LEASE IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, AT WHICH TIME THIS PERMIT OR LEASE MAY BE CANCELED, SUSPENDED OR MODIFIED, IN WHOLE OR IN PART, TO MEET THE REQUIREMENTS OF SUCH APPLICABLE LAWS AND REGULATIONS.

ALLOT NO CONDITIONS

(none)

SALT AND/OR MINERAL BLOCKS SHALL NOT BE PLACED WITHIN ONE QUARTER (1/4) MILE OF SPRINGS, STREAMS, MEADOWS, RIPARIAN HABITATS, OR ASPEN STANDS.

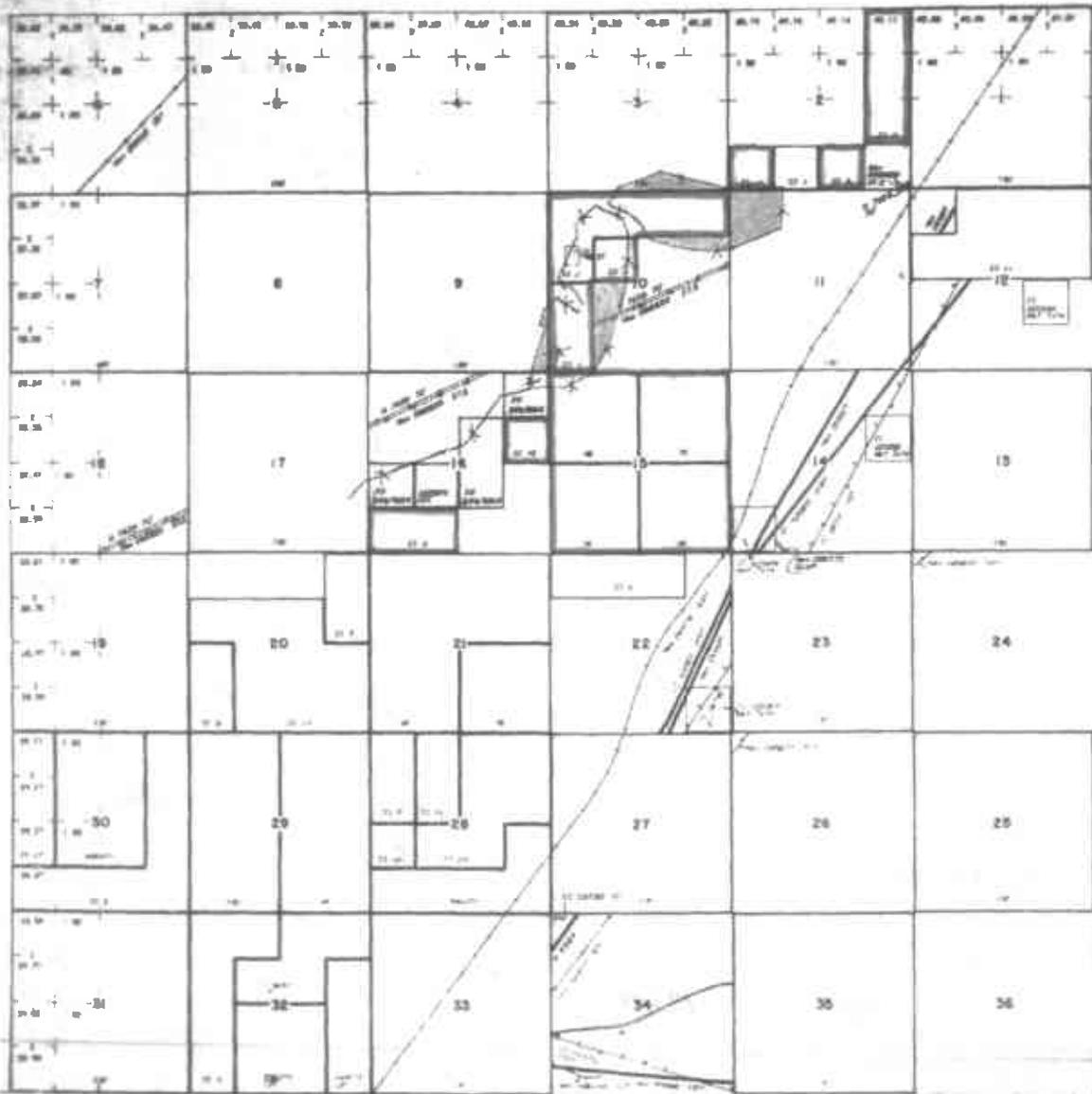
THE PERMITTEE IS REQUIRED TO PERFORM NORMAL MAINTENANCE ON THE RANGE IMPROVEMENTS AS PER THEIR SIGNED COOPERATIVE AGREEMENTS/SECTION 4 PERMITS PRIOR TO TURNING OUT IN A PASTURE OR USE AREA SCHEDULED FOR LIVESTOCK USE.

THE PERMITTEES CERTIFIED ACTUAL USE REPORT, BY PASTURE/USE AREA, IS DUE 15 DAYS AFTER THE END OF THE AUTHORIZED GRAZING PERIOD.

ALLOTMENT SUMMARY (AUMS)

<u>ALLOTMENT</u>	<u>ACTIVE AUMS</u>	<u>SUSPENDED AUM</u>	<u>PERMITTED USE</u>
00104 COAL CANYON-POKER	2588	0	2,588

TOWNSHIP 28 NORTH RANGE 32 EAST OF THE MOUNT DIABLO MERIDIAN, N
 PERRIS COUNTY
 WHITTAKER 6P 1887



Fenced Federal land
 Not Fenced Federal land
 A. E. Dunham Private land

SCALE
 30 CHAINS TO THE INCH

FORM NO. 4-1248
(September, 1957)

Rye Patch

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Operator Duncan A.E.

Address Lovelock, Nev.

Area _____

State NEVADA

Grazing District N-2

DEPENDENT PROPERTY RECORD

Units) _____

Allotment _____

Township R8N

Range 32E

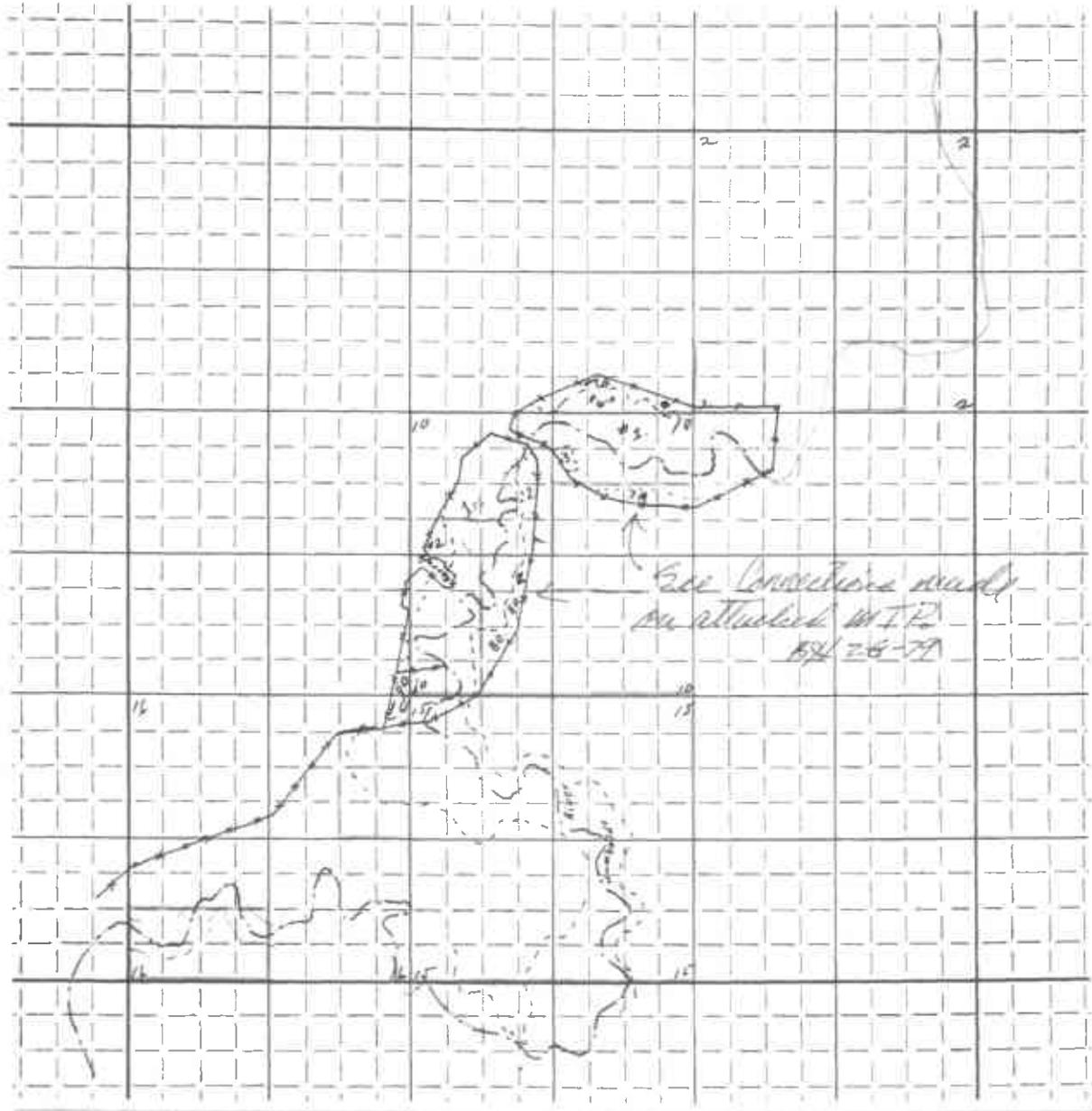
Compiled by _____

Date 11/4/69

Date _____

*151
152*

A.E. Duncan
(Operator's Signature)



DM 4-1-1048
September, 1957)

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Operator DUNCAN A.E.

Address LOVELOCK, NEV

Area _____

State NEVADA

Grazing District _____

Compiled by _____

ESF
HFR

A.E. Duncan
(Operator's Signature)

Unit(s) _____

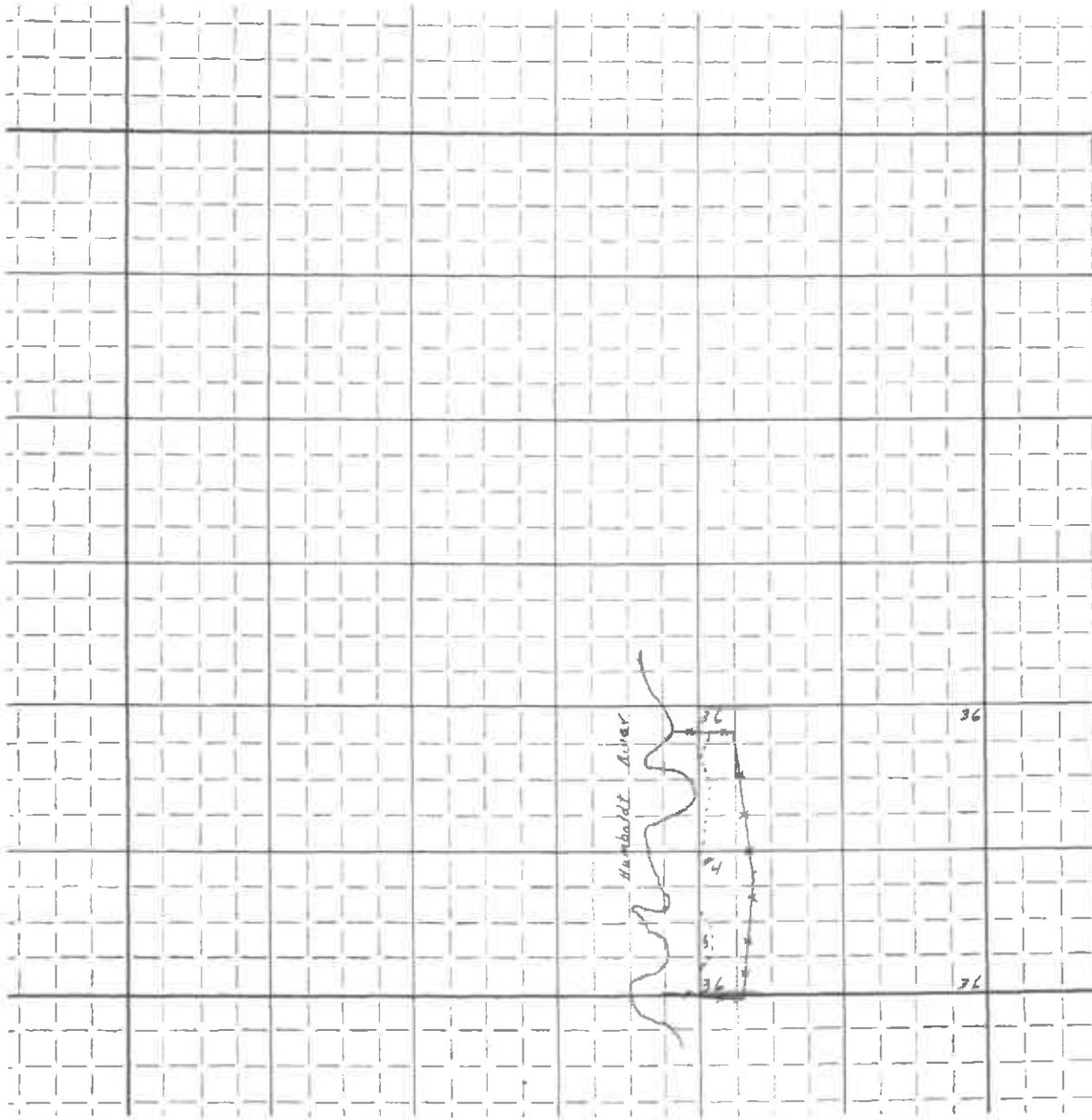
Allotment _____

Township 29N

Range 32E

Date 11/14/69

Date _____



Form 4-1249
September, 1957)

Py Patch

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Operator Duncan A.E.
Address Lovelock, Nev.

Unit(s) _____

Allotment _____

DEPENDENT PROPERTY RECORD

Township 28N

Range 32E

County _____

State Nevada

Mining District N-2

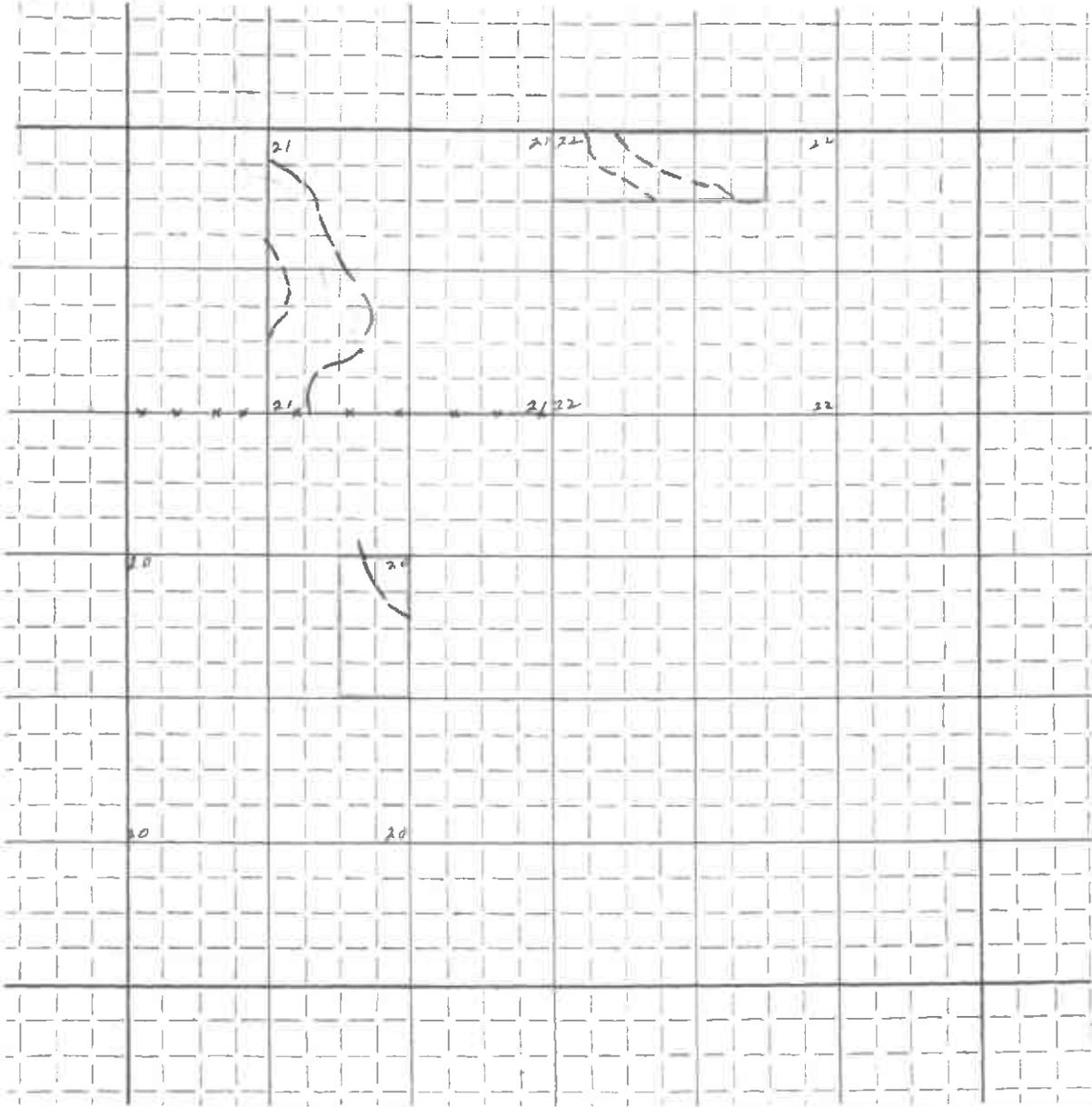
Date 11/14/69

Compiled by _____

Date _____

D.A. Duncan

(Operator's Signature)



Form 4-1248
(September, 1957)

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Operator DUNCAN A.E.
Address LOVELOCK, NEV.

County
State Nevada
Mining District N-2

DEPENDENT PROPERTY RECORD

Units)

Allotment

Township 29N

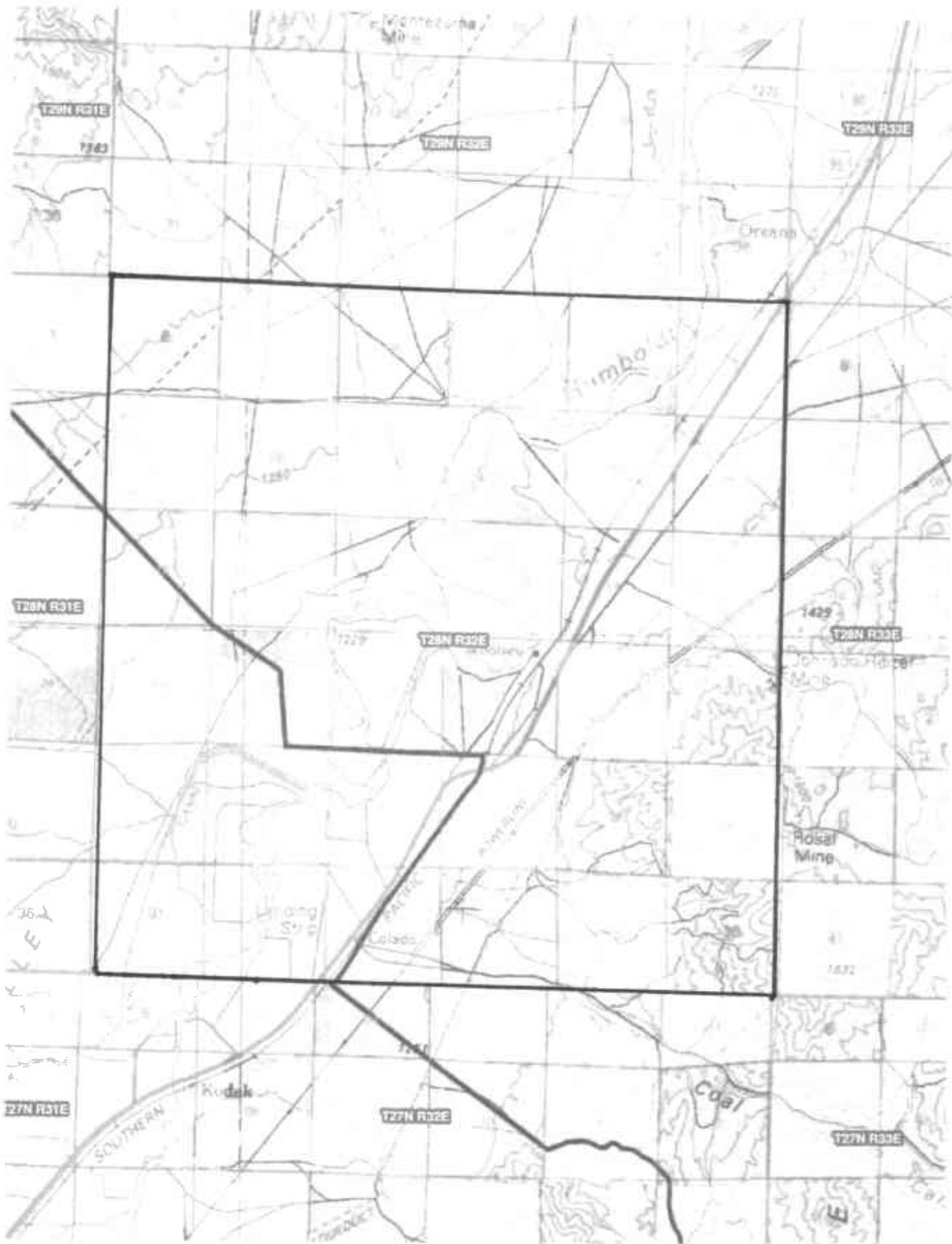
Range 33E

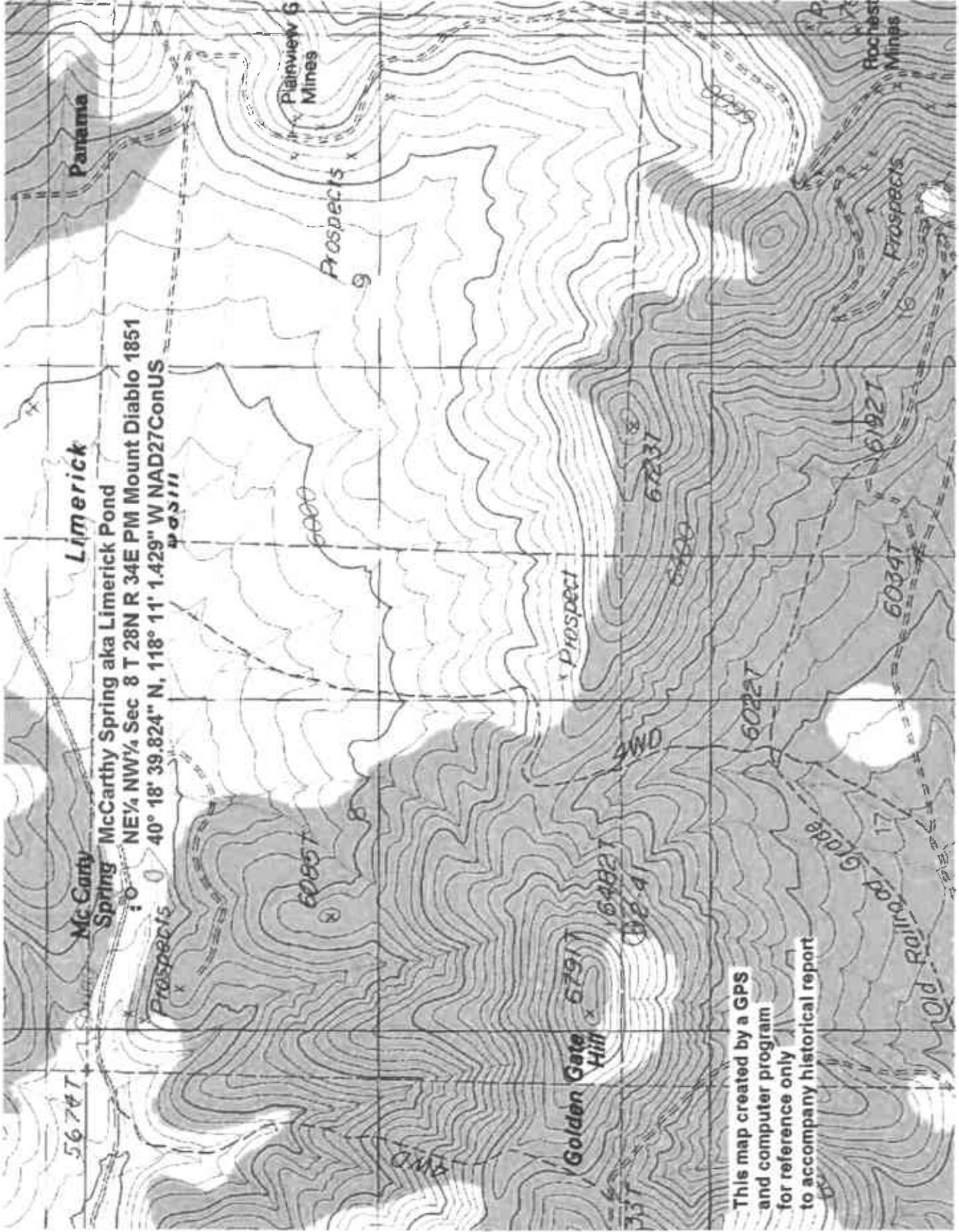
Compiled by

Date 11/4/69

D. E. Duncan
(Operator's Signature)

	6		6		5		3
	6		6		3		3
	18		18		22		22
	18		18		22		22





This map created by a GPS and computer program for reference only to accompany historical report

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.
	..... acres in the	of Sec.	T.	R.	E.

Remarks:
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was about 10 acres.

(16) The water claimed has ~~(has not)~~ been used for irrigation each and every year since the right was initiated.
Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was not used were.....
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, appending a sheet if necessary

(18) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of Humboldt County, said record being at page..... of Book..... of..... and being a claim for.....

..... of water for the irrigation of.....
acres of land in the following legal subdivisions:.....

Note—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation: *for domestic purposes and for stock*

(21) Remarks: *I claim a riparian title to 80 acres of land.*

J. J. McBarth

Subscribed and sworn to before me this *8th* day of *March*, 191*3*

A. C. Baker

Notary Public in and for the County of *Humboldt*

My commission expires *March 25 1915*

This part of form to be left blank by claimant

Filing Serial No. 01231

STATE OF NEVADA

Proof of Appropriation of
Water for Irrigation

Water Source

Through

Claimant

Filed in the Office of the State Engineer on

..... 191

State Engineer

Certificate No. issued hereunder

..... 191

Form No. 1000-7-18-11

01237

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES
FILED
May 7 1918
STATE ENGINEER'S OFFICE

From Spring S. E 1/4 Sec. 1 Township 26 North Range 33 East M. D. B. & M.
Name of natural water course

Through Troughs at Spring for Stock
Name of ditch, pipe line, etc.

....., the undersigned, being first
duly sworn, deposes and says that the statements herein contained relative to the appropriation of water by
him.....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.

(1) Name of claimant John J. McCarthy
Address Lovelock....., County of Humboldt
State of Nevada.....

(2) The means of diversion employed is Troughs
Dam and ditch, pipe line, flume, etc.

(3) The water is impounded in Troughs
Troughs, reservoirs, tanks, etc.

(4) The construction of the ditch or other works was begun 35 years
and completed.....

(5) The nature of the claimant's title to the land upon which the works are located is
has used the waters of this spring for about Thirty five years
for watering stock.....

(6) The claimant's water right was (was not) recorded in the office of the County Recorder of
Humboldt.....County, at Page 464.....of Book I.....of Notices.....

(7) The approximate number of animals watered by the claimant during the first year was 100.....
and said watering was conducted for an approximate period of Thirty.....days during
each of the following months March, April, May, June, July, August,
September, October and part November.....



(8) The approximate number of animals watered by claimant in subsequent years was as follows:

about one hundred head of cattle and horses every year

(9) The amount of water which it has been necessary to divert for the said purpose has been

one tenth cubic feet per second.

48 million inches equals 1 cubic foot per second

(10) The water is diverted from its source at Spring feet from

True bearing to nearest 5 minutes distance

the in S.E. 1/4 of Section 1, T. 29 N., R. 33 E.

Mount Diablo Base and Meridian.

Note—Information under (10) must invariably be given when a public corner is within 8 miles, unless the State Engineer consents to some other form of description.

(11) The works are located at S.E. 1/4 S.E. 1/4

Describe as within a 40-acre subdivision of public survey or by a tie in same manner as under (10)

Remarks: The Subscriber has used the waters of this spring for 35 years

past, for watering stock by means of Troughs and ditch, about

1000 ft. and developed same

On Aug 15th 1906 subscriber recorded the appropriation thereof

and endeavored to make a legal appropriation thereof

John J. McCarthy

Subscribed and sworn to before me this 28th day of April 1913

Robert H. Young (SEAL)

Notary Public in and for the County of

Humboldt

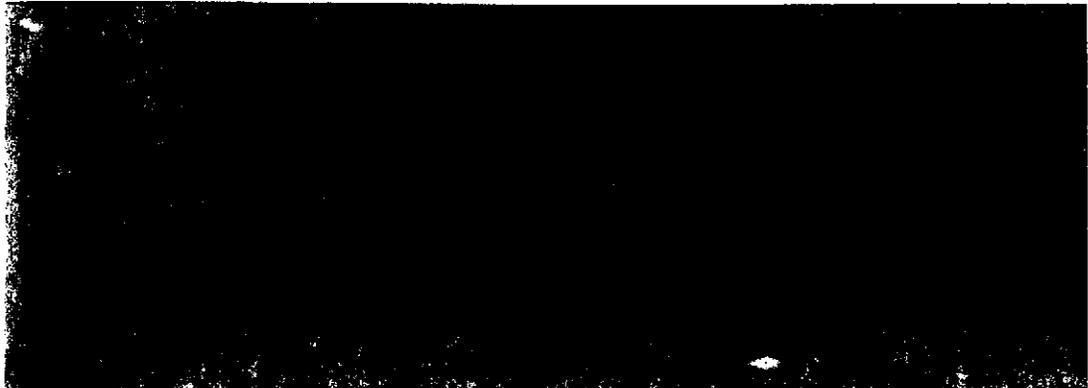
My Commission expires May 16th, 1915

Remarks:.....
.....
.....
.....
.....
.....
.....
.....

Subscribed and sworn to before me this.....day of....., 192...

Notary Public in and for the County of.....

My commission expires....., 192...



This part of form to be left blank by claimant

Filing Serial No. 21237

STATE OF NEVADA

Proof of Appropriation of
Water for Stock Purposes

Water Source.....

Through.....

Claimant.....

Filed in State Engineer's Office on

192.....

State Engineer:

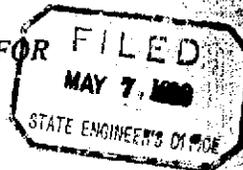
Certificate No. issued hereunder

192.....

Form No. Aa 500-6-1-35

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES



From Spring S E 1/4 Sec 76 North Range 33 East T. 8 N. 70 W ^{Township}
Through Troughs at Spring for Stock _{Name of natural water source}
_{Name of ditch, pipe line, etc.}

the undersigned, being first
duly sworn, deposes and says that the statements herein contained relative to the appropriation of
water by him 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

(1) Name of claimant John J. McCarthy
Address Lovelock, County of Nevada
State of Nevada

(2) The means of diversion employed is Troughs
_{Dam and ditch, pipe line, flume, etc.}

(3) The water is impounded in Troughs
_{Troughs, reservoirs, tanks, etc.}

(4) The construction of the ditch or other works was begun some years 35 years
and completed

(5) The nature of the claimant's title to the land upon which the works are located is
has used the waters of this spring for about
thirty five years for watering stock

(6) The claimant's water right was ~~was not~~ recorded in the office of the County Recorder of
Nevada County, at page 464 of Book I of Notices

(7) The approximate number of animals watered by the claimant during the first year was 100
and said watering was conducted for an approximate period of thirty days during each
of the following months March, April, May, June, July,
August, September, October and part November

(8) The approximate number of animals watered by claimant in subsequent years was as follows:
about one hundred head of cattle and
horses every year

(9) The amount of water which it has been necessary to divert for the said purpose has been about
one half cubic foot cubic feet per second.
40 miners inches equal 1 cubic foot per second

(10) The water is diverted from its source at Spring True bearing to nearest 5 minutes distance feet
from the in S.E. 1/4 corner of Section 1, T. 28 N, R. 33

E., Mount Diablo Base and Meridian.

NOTE—Information under (10) must invariably be given when a public corner is within 5 miles, unless the State Engineer consents to some other form of description.

(11) The works are located at S.E. 1/4 S.E. 1/4.
Describe as within a 40 acre subdivision of public survey or by a tie in same manner as under (10)

Remarks:

The Subscriber has used the water of this Spring for 35 years past for watering stock by means of troughs and ditches about 1000 ft. and developed same. On Aug 15th 1906 subscriber recorded the appropriation thereof and endeavored to make a legal appropriation thereof.

John G. McArthur

Subscribed and sworn to before me this 28th day of April, 1913

Robert Young Johnson

Notary Public in and for the County of Humboldt

My Commission expires May 16th, 1915

This part of form to be left blank by claimant

Filing Serial No. 01237
01237
STATE OF NEVADA

Proof of Appropriation of
Water for Stock Purposes

Water Source SPRING,

Through Ditch & Troughs,

Claimant John J. McCarthy.

Filed in State Engineer's Office on

May 7, 1913

W. H. KEARNEY,
State Engineer

Certificate No. _____ issued hereunder

_____ 1913

ASSIGNED

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Serial No. 9495

Date of first receipt and filing in State Engineer's office JUL -7 1931
Returned to applicant for correction
Corrected application filed

The undersigned E. P. Walker
of Lovelock, County of Pershing, State of Nevada, hereby make application for

permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.) No corporation

1. The source of the proposed appropriation is 2 springs McCarthy Springs
Name of stream, lake, or other source

2. The amount of water applied for is one second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Mining Milling and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
Approximately in NE 1/4 NW 1/4 Section 8, T. 28 N; R. 34 E. M.D.B. & M.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is
(b) Description of land to be irrigated
Describe by local subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about and end about, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is horsepower.
(e) Works to be located in portions of sections 4 and 8 T. 28 N; R. 34 E., M.D.B. & M.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.
(f) Point of return of water to stream Section 8, T. 28 N; R. 34 E;
Describe in same manner as point of diversion.
(g) State number and kinds of animals to be watered
(h) Use will begin about Jan. 1 and end about Dec. 31, of each year.
Month Month

(i) Remarks



DESCRIPTION OF PROPOSED WORKS

Dams pump and pipe lines

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

- 5. Estimated cost of works \$5000.00
- 6. Estimated time required to construct works Works partly constructed, will require approximately 4 years to complete
- 7. Remarks

For use of applicant

E. P. Walker, Applicant.

By

Compared BD-CT

This sheet inspected

Engineer.

PROTESTED 8/29/31-by-A. B. PRUETT,--LOWER ROCHESTER, PERSHING CO.,--NEVADA.----21790
 AMENDED PROTEST FILED 10--2--31--BY A. B. PRUETT,--LOWER ROCHESTER, PERSHING CO.,--NEVADA.
 PROTESTED 10-4-31-by-PETER SERENA-and-ANTHONY DUCCHINI, STATE ENGINEER, J. MURPHY, ATT'Y. LOVELOCK 21847
 APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application,

and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all prior rights and specifically subject to any stockwatering rights that Serena and Duccini have on the source. It is understood that the one second foot of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. Accurate measurements of the water placed to a beneficial use must also be included in the proof of such use when filed. In accordance with the office finding dated Jan. 19, 1934, actual

construction work is to commence not later than June 1, 1934, and the permit to be subject to immediate cancellation at any time upon a showing that permittee is not proceeding in good faith to perfect the proposed appropriation. The State reserves the right to regulate the use of water herein granted at any and all times.

Work must be prosecuted with reasonable diligence and be completed on or before June 1, 1936

Proof of completion of work shall be filed before July 1, 1936

Application of water to beneficial use shall be made on or before June 1, 1937

Proof of the application of water to beneficial use must be filed with State Engineer on or before July 1, 1937

Map Filed July 26, 1931

WITNESS MY HAND AND SEAL this 14th day

JUN -1 1934

Proof of completion of work filed JUL -9 1936

of February 1934

Proof of Beneficial use filed JUL -1 1937

Certificate No 2752. Issued July 23, 1936 for 2.044 cfs for mining, milling & domestic

Received July 26, 1946 P. 123

State Engineer.
 By *[Signature]*
 Assistant State Engineer

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, J. A. McPherson, Mining Engineer, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from

McCarthy Springs

through pipe lines for mining, milling and domestic

purposes. The point of diversion of water from the source is as follows: In the NE 1/4 NW 1/4 Section 8, T. 28 N., R. 34 E., M.D.M. or at points from which the N 1/2 corner of said Section 8 bears N. 39° 56' E., 692.5 feet and N. 75° 14' E., 879.5 feet situated in Pershing County, State of Nevada.

Now Know YE. That the State Engineer, under the provisions of Section 72, Chapter 128, Statutes of 1931, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator E. P. Walker

Post-office address Lovelock, Nevada

Amount of appropriation 0.044 c.f.s.

Period of use, from March 1st to January 1st of each year

Date of priority of appropriation July 7, 1931

Description of works of diversion, manner and place of use:

The upper McCarthy Spring is developed by a short tunnel. A 2" and 1 1/2" pipe conducts water to an open reservoir about 50' by 25' in size, thence through 300' of 3" and 2" pipe to a wooden storage sump at the washing plant. Water is then pumped some 600' to a 30,000 gallon mill storage tank by a 3" centrifugal pump a 3" pipe. Place of use is in the NE 1/4 NW 1/4 and NW 1/4 NE 1/4 of said Section 8.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, ALFRED MERRITT SMITH, State Engineer

of Nevada, have hereunto set my hand and the seal of my office, this

23rd day of July, A. D. 19 46

Alfred Merritt Smith
State Engineer.

Compared VS - BT

Recorded July 26 1946 B.A. 1 Page 123

Pershing County Records

ASSIGNED

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Serial No. 9690

Date of first receipt and filing in State Engineer's office AUG 22 1933
Returned to applicant for correction _____
Corrected application filed _____

The undersigned Dr. P. M. Willemin
Name of applicant
of Alameda, County of Alameda
State of California, hereby make s application for
permission to appropriate the public waters of the State of Nevada, as
hereinafter stated. (If applicant is a corporation, give date and place
of incorporation.) _____

1. The source of the proposed appropriation is McCarthy Springs (2)
Name of stream, lake, or other source
2. The amount of water applied for is One One-second-foot equals 40 miners' inches second-feet.
3. The water to be used for Mining, Milling and Domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
NE 1/4 NW 1/4 Sec. 8, T. 28 N., R. 34 E. M. D. B. & M.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

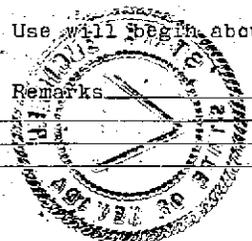
- (a) Number of acres to be irrigated is _____
- (b) Description of land to be irrigated _____
Describe by legal subdivision, or if on unsurveyed land it should
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about _____ and end about _____, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is _____ horsepower.
- (e) Works to be located Portions of Sec. 4 and Sec. 8 T. 28 N., R. 34E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner. M. D. B. & M.
- (f) Point of return of water to stream Not returned
Describe in some manner as point of diversion.
- (g) State number and kinds of animals to be watered _____
- (h) Use will begin about Jan 1st and end about Dec. 31st of each year.
Month Month

(i) Remarks _____



DESCRIPTION OF PROPOSED WORKS

Water of Springs to be developed by trenching and pumped through pipeline to place of use.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

- 5. Estimated cost of works \$5000.00
6. Estimated time required to construct works 2 years
7. Remarks

Dr. F. M. Willemin, Applicant.

By

Compared D.M.M. & C.T.

This sheet inspected

Engineer.

Protested December 20, 1933 by E. P. Walker.

Protested December 30, 1933 by Serena & Duccini.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second.

Actual construction work shall begin on or before July 1, 1936

Proof of commencement of work shall be filed before August 1, 1936

Work must be prosecuted with reasonable diligence and be completed on or before July 1, 1938

Proof of completion of work shall be filed before August 1, 1938

Application of water to beneficial use shall be made on or before

July 1, 1939

Proof of the application of water to beneficial use must be filed with State Engineer on or before August 1, 1939

Map Filed NOV 21 1933

Proof of commencement of work filed NOV 1 1936
Proof of completion of work filed MAY 21 1940

WITNESS MY HAND AND SEAL THIS 29th day of April 1936

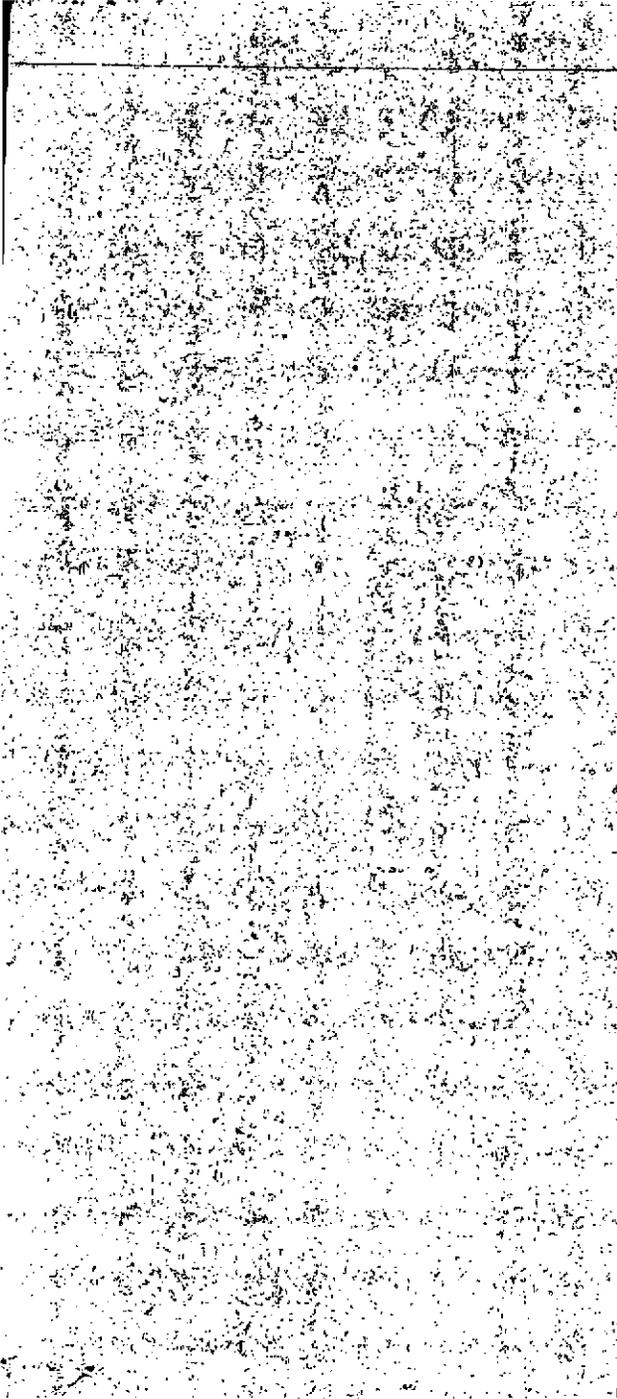
Cancelled APR 6 1942 because of failure of applicant to comply with the provisions of paragraph

Alfred Merritt Smith, State Engineer

Alfred Merritt Smith, State Engineer. (Seal and signature)

This permit is issued subject to all prior rights. It is understood that the 1.0 cubic foot of water per second herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. It is further understood that this permit applies only to the waters of the lower McCarthy Springs in the bottom of Limerick Canyon and lying southerly of the main traveled road.

In accordance with the findings of the State Engineer dated February 25, 1936, this permit is subject to immediate cancellation at any time upon a showing that permittee is not proceeding in good faith and with reasonable diligence to perfect the proposed appropriation. The State Reserves the right to regulate the use of the water herein granted at any and all times.



AMENDED

15254

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Serial No.

Date of first receipt and filing in State Engineer's office AUG 11 1953
Returned to applicant for correction
Corrected application filed SEP 14 1953

The undersigned Michael Tekla
of Lovelock, County of Pershing, State of Nevada, hereby make application for

permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

- 1. The source of the proposed appropriation is McCarty Springs
2. The amount of water applied for is 1.0 second-feet.
3. The water to be used for Mining and Milling
4. The water is to be diverted from its source at the following point: In NW 1/4 Sec. 8 T. 28 N., R. 34 E. at a point which bears S 73° 26' E. 2362 feet from the Northwest Corner of Sec. 8, T. 28 N., R. 34 E.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is
(b) Description of land to be irrigated
(c) Use will begin about and end about, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION

- (d) Power to be developed is horsepower.
(e) Place of use NE 1/4 NW 1/4 NW 1/4; NE 1/4 NW 1/4; NW 1/4 NE 1/4; N 1/4 SW 1/4 NE 1/4; S 1/4 NE 1/4 NE 1/4; N 1/4 SE 1/4 NE 1/4; of Sec. 8, T. 28 N., R. 34 E.
(f) Point of return of water to stream None
(g) State number and kinds of animals to be watered
(h) Use will begin about Jan. 1 and end about Dec. 31, of each year.
(i) Remarks Water will be ponded below spring and pumped in pipe lines to various locations of sluice boxes for placer mining.

DESCRIPTION OF PROPOSED WORKS

Water is to be diverted by the construction of a dam and conveyed to
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water
placer operation and likely will be later used in operation of a mill.
is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

- 5. Estimated cost of works \$500.00
- 6. Estimated time required to construct works Three months
- 7. Remarks Additional time would naturally be necessary to divert
water for mill operation.
For use of applicant

s/ Michael Tekla, Applicant.

By

Compared A.P. - J.R.

This sheet inspected

Protested Nov. 17, 1953 by Theresa J. Walker, Engineer.

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use must be filed with State Engineer on or before

SEP 14 1953

WITNESS MY HAND AND SEAL this day

Withdrawn by applicant SEP 3 1954 of State Engineer

State Engineer

OK
1-27-11
358 c of I
5/24
11-2-10-act

Ver # 2

UNITED STATES
DEPARTMENT OF THE INTERIOR
DIVISION OF GRAZING CONTROL

Application for Grazing Permit

RECEIVED
APR 10 1935
U.S. DEPT. OF THE INTERIOR
DIVISION OF GRAZING CONTROL
018787

Date _____ 19__

We, Petr Sergen and Anthony Daccini of Lovelock, Nevada, Box 306
(Name of applicant) (Address)

hereby apply for a permit to graze 600 cattle: 25 horses:

_____ sheep: _____ goats upon lands of the United States within
No. 2.

the Nevada Grazing District, in common with other users, or

(if an individual allotment of range is desired, describe the area

either by Section, Township and Range, or by natural boundaries)

In common with other users, beginning at the north boundary line of town-
ship 29 N.R. 33 E. lying west of the Humboldt river; and the north boundary
line of Sections 13, 14, 15, 16, 17, and 18, in T. 29 N.R. 34 E. to the north
boundary line of Sections 35 and 36, T. 29 N.R. 32 E. lying west of the
Humboldt river, and the North boundary line of Sections 31, 32, 33, 34, 35 and
36, T. 29 N.R. 33 E. and the North boundary line of Sections 31, 32, 33, 34,
and 36, T. 29 N.R. 34 E. and the West half Townships 30 and 31 N.R. 33 E.

An individual allotment to all of the land South of the line
used in common with other users, said lands lying south of said boundary
line in T. 29 N.R. 32 E. lying East of the Humboldt River, and T. 29 N.R. 33 E.,
and T. 29 N.R. 34 E., and T. 28 N., R 32 E. lying East of the Humboldt River,
T. 29 N.R. 33 E. T. 28 N.R. 34 E. T. 27 N. R 33 E., and T. 27 N.R. 34 E. N.D.B
M.

0 18787

Date 19

We, Peter Sergio and Anthony Duccini of Levelock, Nevada, Box, 303
(Name of applicant) (Address)

horses: 25

600

cattle: 25

[Faint, mostly illegible handwritten text, possibly describing land or grazing details.]

My brands and earmarks are

crop and two splite in left ear.

1. Are you a citizen of the United States? yes By birth? no
by naturalization? yes Serena 1919 Duccini 1919
(If by naturalization, state when naturalize.)

If not a citizen, have you filed the necessary declaration of intention to become such?..... When?..... Where?.....

2. Are you interested, directly or indirectly, in any grazing permit held or applied for by any other person, firm, or corporation on this or any other grazing district? If so, give name of permittee and nature and extent of your interest. No

MINUTE PROPERTY RECORD
Township
Address
Series

3. Are you the owner, lessee, entryman, bona fide occupant or settler
(Cross out words not needed) upon any ranch property? YES Describe such
property by legal subdivisions of the public lands surveys: SW¹/₄ Sec. 26 T. 29 N.
R. 34 E. NE¹/₄, SE¹/₄ Sec. 15, T. 27 N. R. 31 E, E¹/₂ of NW¹/₄ of NE¹/₄; NE¹/₄ of NW¹/₄
of NE¹/₄ Sec. 24 T. 27 N. R. 31 E.
Leased: (Plot holdings on accompanying diagram.)
NW¹/₄; E¹/₂ NE¹/₄ sec. 14 T. 27 N. R. 31 E. M.D.B. & N.
How many acres of this are now under cultivation? 327

How many acres are grazing land? 90
Where located? Sec. 26 T. 29 N. R. 34 E. Sec. 15, T. 27 N. R. 31 E. Sec. 24
T. 27 N. R. 31 E. leased lands, section, township and range.)
Sec. 14 T. 27 N. R. 31 E.
How much of the above ranch land is used in connection with the stock to be
grazed? all

4. How many tons of hay are produced on the above-described lands during
800 tons on land owned and under option-400 tons to our
an average year? part on leased land. Other forage crops: corn, silage
How many tons of grain? none

5. Where do you reside? Ranch, 3 miles east of Lovelock, Pershing Co.
(Give city, town, or location of ranch.) Nevada

6. Do you own or control any source of water supply needed or used for
livestock purposes? YES Describe it: McCarthy, Spring, Limerick Canyon;
Rochester,
Sec. 8 T. 29 N. R. 34 E. Spring, Rochester, Canyon, Sec. 14 T. 29 N. R. 33 E.
Devil Canyons, Sec. 20 T. 29 N. R. 34 E.

Where located The right to use above springs for stockwatering, granted
by State Engineer,

Water controlled by us and predecessors prior to State Engineer's Act, in
Devil, Horse, Sacramento, Spring Valley, South American and American Canyons;
Black Knob Spring where government troughs were placed during last year.

Period of use

ttler
such
T. H. H.
of Nev.

8. Have you previously used the lands covered by this application for grazing permit? If so, how many years and what is the usual period of use each year? have used lands for grazing for 21 years, predecessors but not under grazing permit (since 1898)
How many stock have you grazed thereon during the average year? 800

9. How many head of livestock do you own? cattle: 380
horses: 25 sheep; goats. Does any other person own an interest in the stock to be grazed under the permit herein requested? no If so, give name, nature and extent of interest, We were obliged to reduce a number of our cattle and since then we have cared for about 200 head belonging to C. & L. Arabio, Lovelock, Nev. and a few other small owners.

10. How many range stock do you usually run under normal weather and economic conditions? from 500 to 800 head

11. How many milch cows do you keep? 16 How many work horses? 8

12. If running cattle, do you operate on a cow and calf, steer, or mixed basis? mixed basis

13. Do you feed your stock in winter? yes

If so, where? Lovelock Valley, Nev. ranches owned and leased, and pasture purchased from farmers in Lovelock.
How long? November to March.

How many tons of hay or forage per head is fed? 1/2 to 3/4 ton together with pasture.

14. If you do not winter feed, where do you winter your stock?

(If public land or national forest, give location; if private land, give section, township and range.)

15. State your usual method of handling stock the year round?
cattle driven to range about Mar 1 each year, bringing beef to Home
ranch about August, depending on season, and balance in Sept. or
October, depending on season.

16. If stock are trailed from one range to another in your system of
operation, describe routes used.

I certify that all of the foregoing answers and statements are true and
correct to the best of my knowledge and belief.

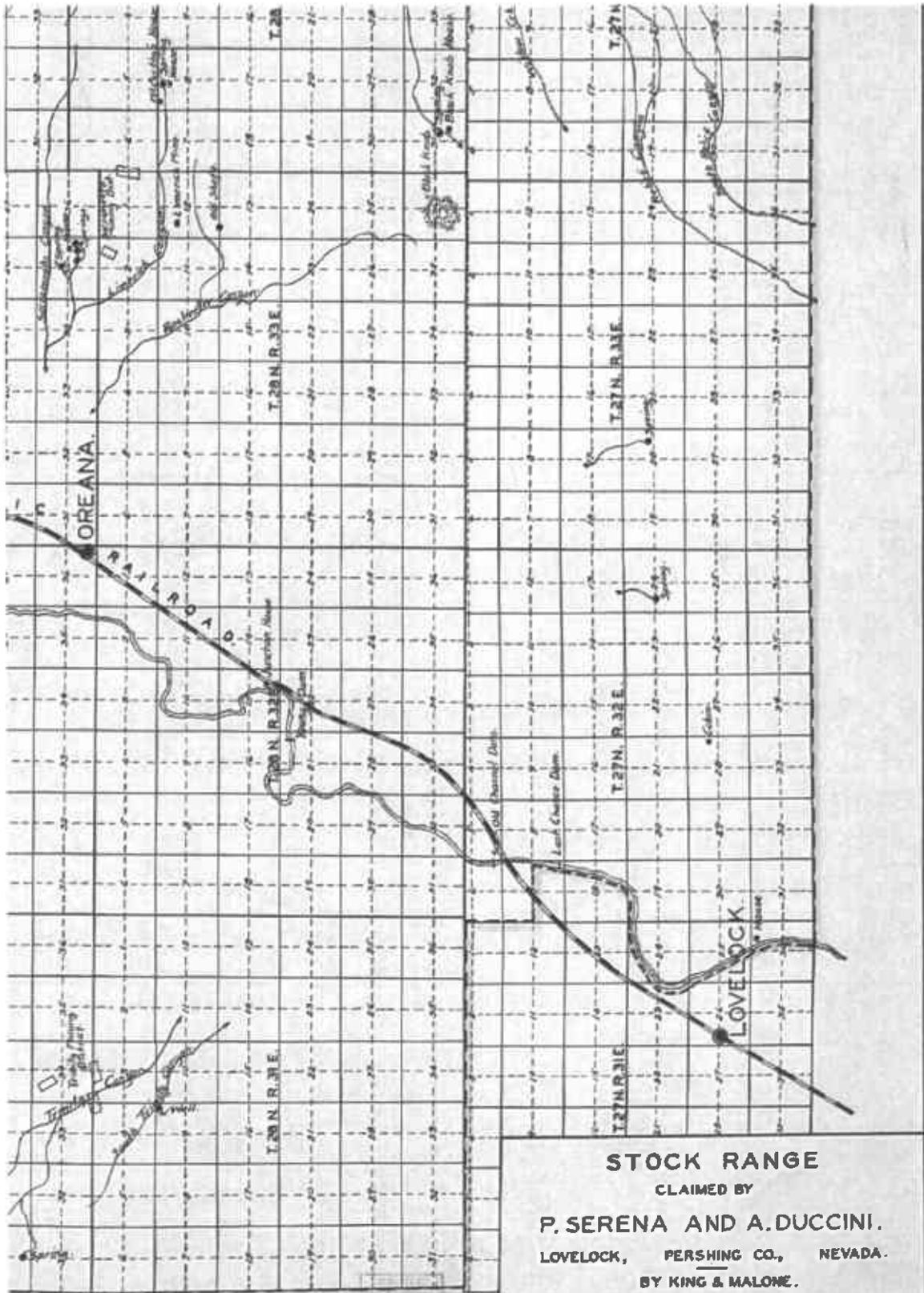
Peter Serena and Anthony Duccini

By Peter Serena
(Signature of applicant)

April 9th, 1935

(Date)

NOTE: Animals which are under six months old at the time of entry and
which are the natural increase of stock to be grazed under the permit applied
for will not be counted and therefore should not be included in this application.



STOCK RANGE
 CLAIMED BY
P. SERENA AND A. DUCCINI.
 LOVELOCK, PERSHING CO., NEVADA.
 BY KING & MALONE.
 ENGINEERS. RENO, NEVADA.
 JOB-245. FILE-N-79.

390-34

UNITED STATES
DEPARTMENT OF THE INTERIOR

DIVISION OF INVESTIGATIONS

OFFICE OF SPECIAL AGENT IN CHARGE

355 Post Office Building
Salt Lake City, Utah
February 4 , 1937

Carson City 018787
Grazing District Nevada No. 2
Peter Serena and Anthony Duccini
DI 9359
Supplemental
Leo J. Foley
Special Agent

Copy to the Director of Grazing
Through: The Director of Investigations

FEB 7 1937

Approved:

J. W. ...
Special Agent in Charge

Mr. L. R. Brooks,
Acting Regional Grazier,
Division of Grazing,
Department of the Interior,
Reno, Nevada.

Sir:

Referring to the application of Peter Serena and Anthony Duccini of Lovelock, Nevada for a permit to graze cattle in Nevada No. 2 Grazing District, during the 1937 season and for the purpose of clarifying applicants' commensurate set-up, water supply, range use, etc., I now submit the following information supplementing the attached report on form DG Survey 1 to 5 inclusive.

Anthony Duccini sold his half interest in the livestock, real estate, etc. to Serena in January, 1935. Mr. Serena now operates this unit as an individual.

QUALIFICATIONS

Peter Serena filed declaration of intention to become a citizen No. 546, at Winnemucca, Nevada on March 14, 1917 and was admitted to citizenship on March 22, 1922 in the District Court of Pershing County at Lovelock, Nevada, Certificate No. 1373561.

He entered the livestock business at Rochester, Nevada in 1913, purchasing livestock, brands, and range rights from others with long prior use on the range applied for. He has since been in business continuously using the range applied for since 1913.

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The applicant shows ownership of 350 cattle and 25 horses. In an affidavit made before me Mr. Serena stated "By the end of 1925 I had 450 to 500 head of cattle. I sold down some and in the spring of 1930 began with 250 head. I ran from this number to 300 head until the fall of 1934. Since then I have averaged from 250 to 275 head."

The County Assessor's records at Lovelock, Nevada disclose the following: In 1930 Serena and Duccini owned 8 work horses, 2 saddle horses, 10 milk cows, 10 sheep, 128 stock cattle. In 1931 they owned 16 work horses, 2 milk cows, 10 sheep and 102 stock cattle. In 1932 they owned 102 stock cattle. In 1933, 8 work horses, 3 saddle horses, 15 sheep and 132 stock cattle, and the same number in 1934. In 1935 Serena owned 2 work horses, 4 saddle horses, 204 stock cattle. In 1936 he owned 5 horses (work), 5 saddle horses, 4 milk cows, and 205 stock cattle. The average from 1930 to 1934 inclusive was 121 stock cattle; for 1935-1936, 204 stock cattle.

LANDS OWNED AND LEASED

Peter Serena now owns ^{1/2} Sec. 36, T. 29 N., R. 32 E. M.D.M. containing 160 acres classified as third class grazing land. This consists of protected pasture and brush land. Prior to 1928, 20 acres had been cultivated to alfalfa and irrigated. He also owns 30 acres in the NW 1/4 of Sec. 24, T. 27 N., R. 31 E. This is protected pasture classified as third rate grazing. Both tracts lie along the Humboldt River and contain a small percent of meadow, sub-irrigated. The total grazing capacity of these lands is probably 190 animal unit months.

For the past six or seven years he has leased 240 acres in Sec. 14, T. 27 N., R. 31 E. from Mrs. H. Stoker for half the crops raised and half the pasture. An average of 168 acres of this has been in cultivation, the average annual production being about 440 tons of hay of which he gets half. Total animal unit months available (hay at 4 per ton and counting aftermath) on this place is probably a little less than 1000. This lease will not be renewed in 1937.

In May, 1928, Serena and Duccini purchased 194 acres in Sec. 13, T. 27 N., R. 31 E. and owned this tract until January 21, 1935. Serena has leased it from the present owners, Arabio Brothers, for a period of five years beginning January 21, 1935. He gets half the crops raised and all of the pasture. This land is classified as follows: 125 acres cultivated; 50 acres arable, not cultivated, and 19 acres third rate grazing.

The average annual crop production has been for the past five years, according to Serena, 160 tons of alfalfa hay, and 18 tons of feed grains. He has retained and fed to range stock, 5 tons of grain and 142 tons of

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NOT FOR PUBLIC INSPECTION

hay annually. He buys from the owners their half of the crop. Eighteen tons of hay and three tons of grain are fed annually to other than range livestock. Available animal unit months (hay 4 per ton, grain 12 per ton and counting all aftermath and other pasture) on this place are about 800.

Messrs. Serena and Duccini had for the past several years rented supplemental pasture from John Fant, Harry Fuss, W. W. and C. C. Carpenter, and others in the vicinity of Lovelock. Rentals are paid in lump sum for pasture privileges after the owners have used the same lands for their livestock and do not constitute an outright lease of the lands involved. Rental prices for this pasture have varied, the rental paid in 1936 being about \$355. The total animal unit months of pasture carried in this way is not definitely known but it is believed to be about 500. The total animal unit months of feed provided annually for the past five years as indicated above is 2490. From this must be deducted a total of 448, leaving a net of 2042. I have omitted the fact that applicants have sold an average of 112 tons of hay per annum during the same period. For the year 1937 the total provided will be not more than 1042 on all owned and leased lands.

WATER PERMITS

Mr. Serena now holds on the range applied for two developed springs at which pipe and troughs have been installed, sufficient to water 100 head of cattle during the grazing season. These facilities are on the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14, T. 28 N., R. 33 E. and on the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 20, T. 28 N., R. 34 E. His rights are based on permits from the State Engineer's Office of Nevada for .00313 C.F.S. at each spring. The period of use dates to April 24, 1929. Evidence of title consists of permits No. 2199 and No. 2200 dated February 14, 1936. Mr. Serena also claims the right to water 100 cattle at what is known as McCarthy Spring. Water rights for the leased lands under cultivation consist of .815 C.F.S. for each 100 acres under cultivation to harvest crops. These rights are based on determination of the water rights on the Humboldt River and its tributaries made in the spring of 1922 by the State Engineer's Office and by Court decision.

CUSTOMARY LIVESTOCK OPERATIONS

Prior to 1930 the applicants ran stock on the land applied for all year. They brought in beef and "weaner" calves in early September and fed and pastured the beef until sold in February and fed and pastured the "weaners" until early spring. The weaker cows and calves were brought into the valley in October or November and pastured until early spring, the poorest stock being fed partly on hay at times.

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The practice since 1930 has been the same as to the beef and "weaner" calves but all of the stock cattle are now taken from the public range to leased and owned lands generally during October. There is a slight outside drift near the owned and leased lands from January until early spring. The beef and "weaners" have been taken care of on the former home ranch now leased from the present owners by Serena. The stock cattle have been cared for on leased pasture and the Stoker lease which expires on December 31, 1936, the weaker stock being fed when necessary.

RANGE RIGHTS

It is my opinion that the present applicant, Peter Serena, has full prior right to the range applied for in view of his long continued prior use. In this connection J. E. Thornton of Unionville, Nevada has protested in writing against the use of the public range applied for in part by this applicant. However, from all information available, after interviewing several persons, I am of the opinion that Serena's prior use of the range cannot be questioned.

As to his present commensurability, it would appear that on date of this investigation, about the middle of December, 1936, he had six months feed and pasture for about 175 head of cattle.

Please note affidavit of Serena, copy of which is attached hereto.

Yours very truly,


Leo J. Foley
Special Agent

LJF/dk

CONFIDENTIAL
NOT FOR PUBLIC INSPECTION

C O P Y

STATE OF NEVADA)
) SS.
County of Pershing)

I, Peter Serena, post office Lovelock, Nevada, upon oath depose and say: I am applicant and licensee in Carson Grazing Application 018787, Nevada District No. 2.

I began running cattle on the public domain area included in my 1936 license as far back as 1913, and have grazed cattle on this area each and every year since.

I began with 10 to 12 head. By 1918 I had 60 to 75 head. By 1924 I had about 200 head. By the end of 1925 I had 450 to 500 head. In the fall of 1927 I sold down to about 200 to 250 cattle. I began with 250 head in the spring of 1930. I ran from this number to 275 to 300 head until the fall of 1934. Since then I have averaged from 250 to 275 head.

Prior to 1930 I ran my stock cattle out on the range the entire year. Late in August, or in early September I usually brought the beef cattle and weaners to my home place and put them on pasture and in fields. I then took the poorer cows off the range either in November, or December, and ran them on leased pasture in the valley near Lovelock. The rest, about 75% of the total, stayed out on the range all winter. Since about the fall of 1929 I have taken all my stock off the range by November 1 to 15th, and have wintered them in the valley on owned lands and leased lands.

During the period from 1913 to the present time, my cattle have grazed over the following described public domain areas:

Tps. 28 & 29 N., and the E $\frac{1}{2}$ of T. 30 N., in R. 31 E. N.D.M.
Tps. 27 to 30 N. inclusive, R. 32 and 33 E.
The westerly portion of T. 31 N., R. 33 E. and
Tps. 27 to 29 N. inclusive, R. 34 E. and T. 31 N., R. 32 E.

These cattle range mostly east of the Humboldt River but have, from time to time, drifted west of this river.

Referring again to priority of use on this range. While I began my livestock operations in 1913, the men from whom I first bought cattle, my predecessors, ran cattle on this range from about 1874 to 1913. When I bought from them, I took over their brand, all of their cattle and any and all right, title and interests accruing in and to the range described

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which they then possessed through long and continued use. Prior to July, 1929, I filed notice of range claim for this area with the State Engineer's Office, claim No. 194, under.

The foregoing statement was read to me by H. J. Murrish, my attorney, and fully understood by him. It is true in substance and fact. I sign the same of my own free will.

(Signed) Peter Serena

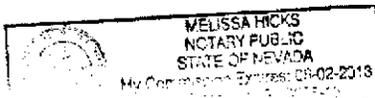
Subscribed and sworn to before me this 15th day of December, 1936, in office of H. J. Murrish, Lovelock, Nevada.

(Signed) Leo J. Foley

Special Agent
Division of Investigations

State of Nevada
County of Pershing

I Certify that this is a true and correct
copy of a document in the possession
of Ruth Danner
Dated 12/9/2011



Melissa Hicks

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