

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 Middle Dirt Tank, Black Canyon Springs
Name of natural water source

(3) The water is diverted by:
Natural spring into dirt tank

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

(4) The water is diverted at the following point(s):
SW1/4NW1/4, Sec 22, T29N, R31E, 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 Dirt tank
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun Natural spring prior to 1905, dirt tank 1950s
and completed Natural spring prior to 1905, dirt tank 1950s Date
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is:
The land was grazed by claimant's predecessors as part of the public domain. This property comprises a portion of claimant's grazing license and allotment.

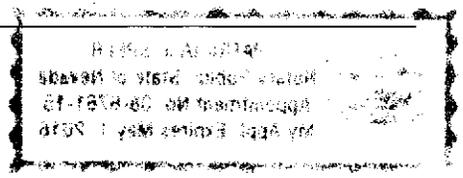
Patented, deeded, public domain with grazing permit, etc.

(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 1865
Date
was 100 cattle _____ horses _____ sheep or wildlife (describe)

The watering was conducted during each of the following months:
Unknown



4-13
RE

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:
100 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

0.0031 cubic feet per second.

448.83 gallons per minute equals 1 cubic foot per second

(12) The works are located at:

SW1/4NW1/4, Sec. 22, T29N, R31E, 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

Name of Claimant

By Abigah E. Duncan

Telephone No. (775) 273-0855

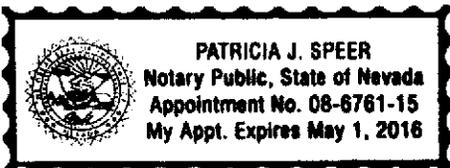
Abigah E. Duncan

PO Box 532

Lovelock, NV 89419

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

STATE ENGINEERS OFFICE
2013 APR -1 PM 6:50
PERSHING COUNTY

**AFFIDAVIT OF WATER USE
ABIGAH E. DUNCAN
RE: MIDDLE BLACK CANYON SPRING**

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 is 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. One of the primary water sources for stock use, which supports my grazing rights under Grazing Permit #00104 on the Coal Canyon Poker Allotment, is known as the Middle Black Canyon Spring and Dirt Pond.
18. The Middle Black Canyon Spring and Dirt Pond is located in the SW1/4NW1/4 Sec 22 T29N R31E MDM. Exhibit 5.
19. Stock water from the middle dirt pond is diverted from the natural spring and delivered into a big dirt pond at SW1/4NW1/4 Sec 22 T29N R31E MDM.



20. Water from Middle Black Canyon Spring comes out of the bank and flows naturally into an earthen pond in the SW1/4NW1/4 Sec 22 T29N R1E MDM. The over flow from the pond flows eastwardly down the wash. Cattle can water in the pond and up and down the wash.
21. Construction of the delivery and impoundment structures associated with the Middle Black Canyon Spring was done sometime in the 1950s. William "Bill" Able, the current permittee at that time and before me, made improvements to the dirt tank by making it wider and deeper. Construction of the described works was completed in cooperation with the BLM.
22. Prior to the new delivery and impoundment, water was used by the stock in the natural stream channel. The stock use first began prior to 1864. In that year, J.B. Brown utilized water from then unnamed spring, now The Middle Dirt Pond in Black Canyon, for watering of his cattle.
23. As explained in the Coal Canyon Poker Brown Water Use History, submitted concurrently herewith, Granite Springs was expressly included in an 1880 deed from Peter Andrews to Peter Marker, predecessor owners of land currently owned by the Duncan Family 2002 Trust. Exhibit 6.

24. Since 1962 I, or my son Dan, have made continuous use of water from the middle dirt pond for stock water use.
25. Every other year, we use this source of water. Generally up to 100 head of cattle water at this spring.
26. We have used water in this manner from the middle dirt pond every other year in conjunction with our grazing permit from 1962 to the present day.
27. There is little maintenance needed for this spring. The water flows year round into this earthen pond and down the wash.

DATED this 24 day of March, 2013.

Abigail Elum Duncan
Abigail Elum Duncan

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



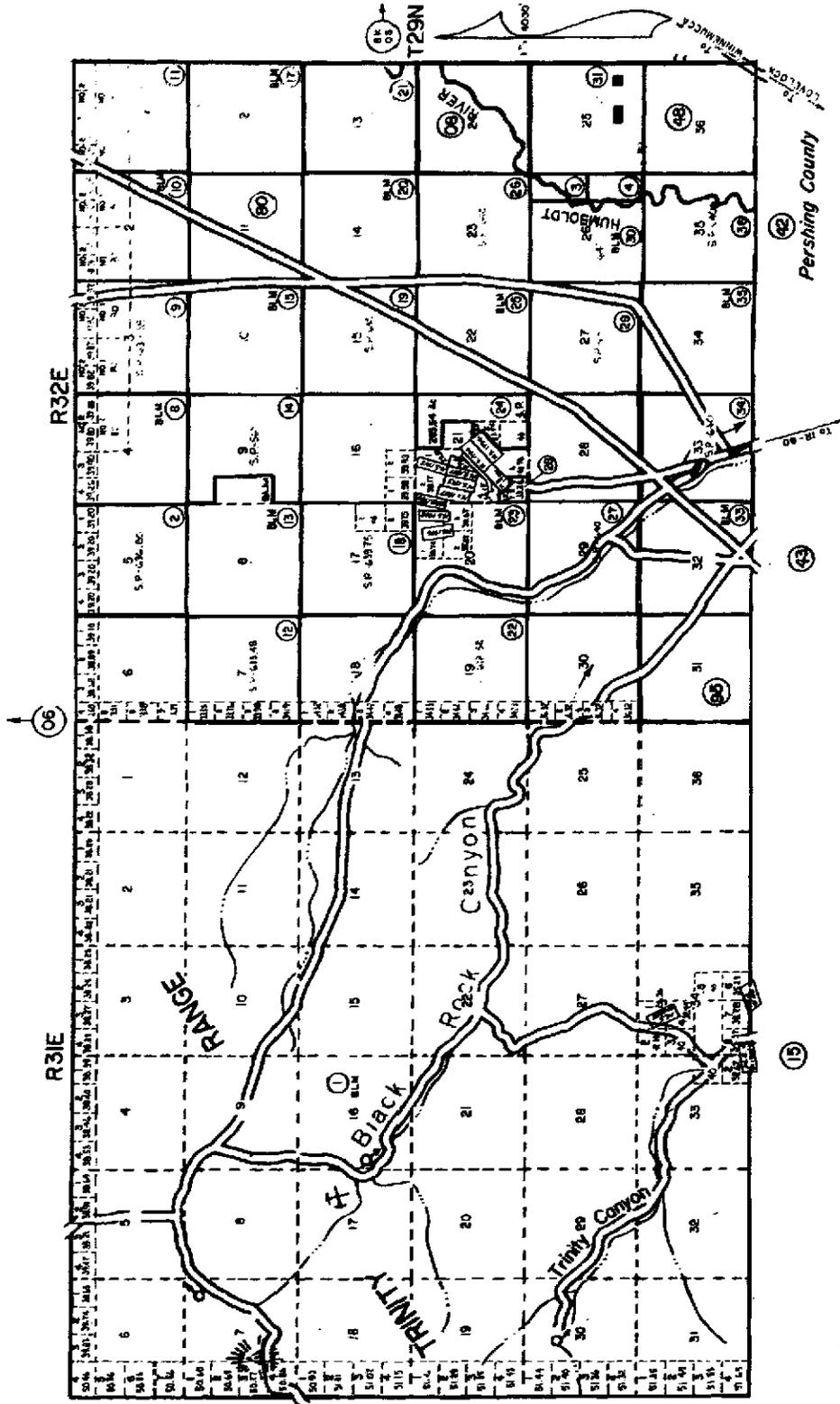
Patricia Speer
Notary Public for Nevada
My commission expires: May 1, 2016

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

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03-07
03-07

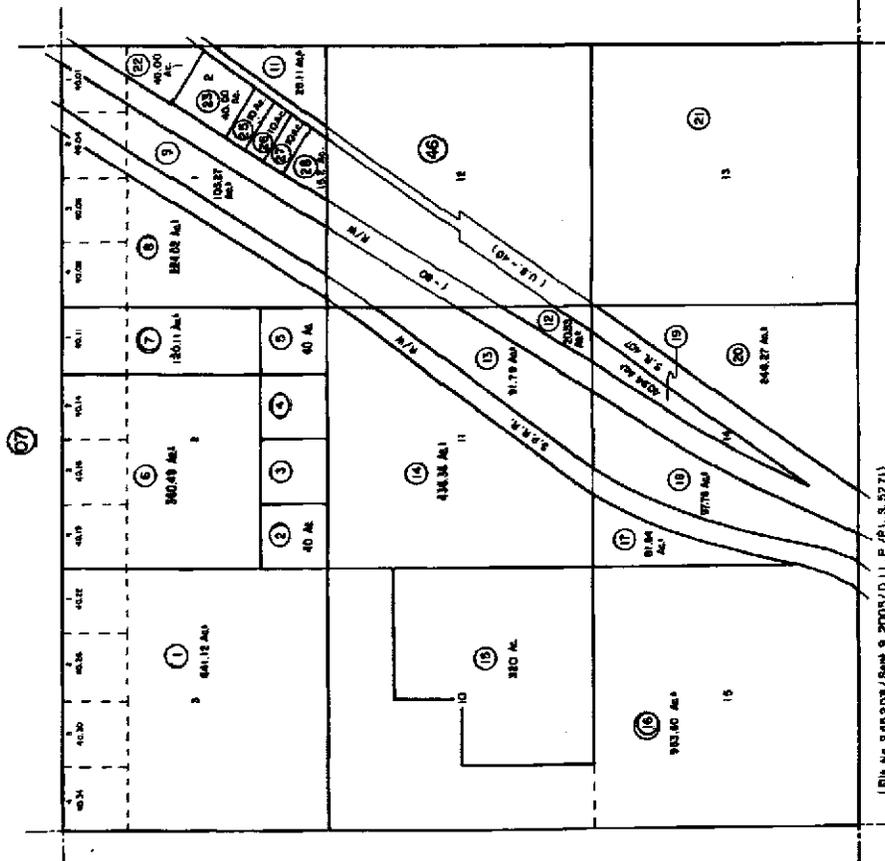


NTC/DOAS/73

*** THIS IS AN UNOFFICIAL COPY ***

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

03-42



BR
06

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 prohibited. This map was approved by the Dept. of Taxation, Division of Assessment Standards.

(File No. 246203/Spk. 8, 2005/D.L.P./P.L.S. 5271)
(File No. 246410/04c. 22, 2005/PA/P.L.S. 5271)

REV/DMS/JUN 06/DAT
REV/DMS/OCT 05/DAT
DOT/DMS/FEB 88/DA

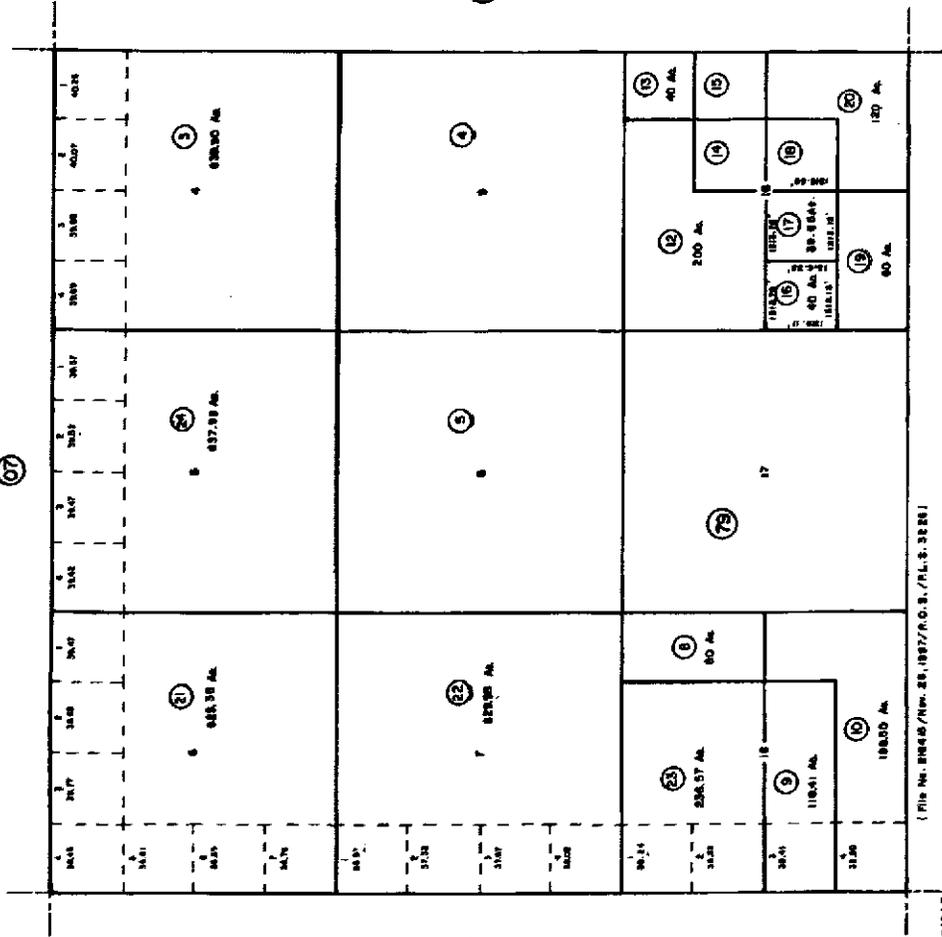
PERSHING COUNTY

*** THIS IS AN UNOFFICIAL COPY ***

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

1/20 1977, 11/26/81, 11/26/81, 11/26/81, 11/26/81

03-43
03-43



NOTE: This plot is for assessment only and should not be used for any other purpose. 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. 80648/Nov. 23, 1997/R.O.S./P.L.S. 3 2 81

REV/DMS/AUG 07/04 T
REV/DMS /JAN 05/04 T
REV/DMS /JAN 05/04 T
REV/DMS /FEB 05/04

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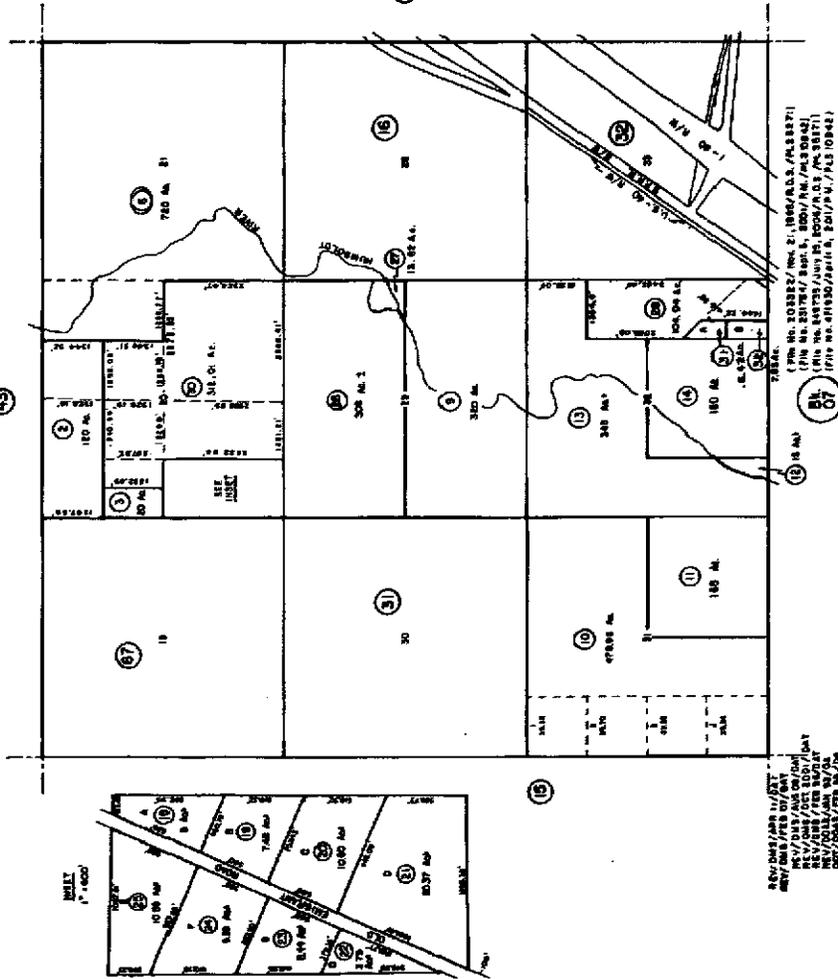
T. 28 N., R. 32 E., M. D. B. & M.
T. 28 N., R. 32 E., M. D. B. & M.

03-44

NOTE: This plot is for assessment use only and does not represent a survey. No liability is assumed for any error or omission. The sole purpose of this plot is for assessment purposes in accordance with the standards of Taxation, Division of Assessment Standards.



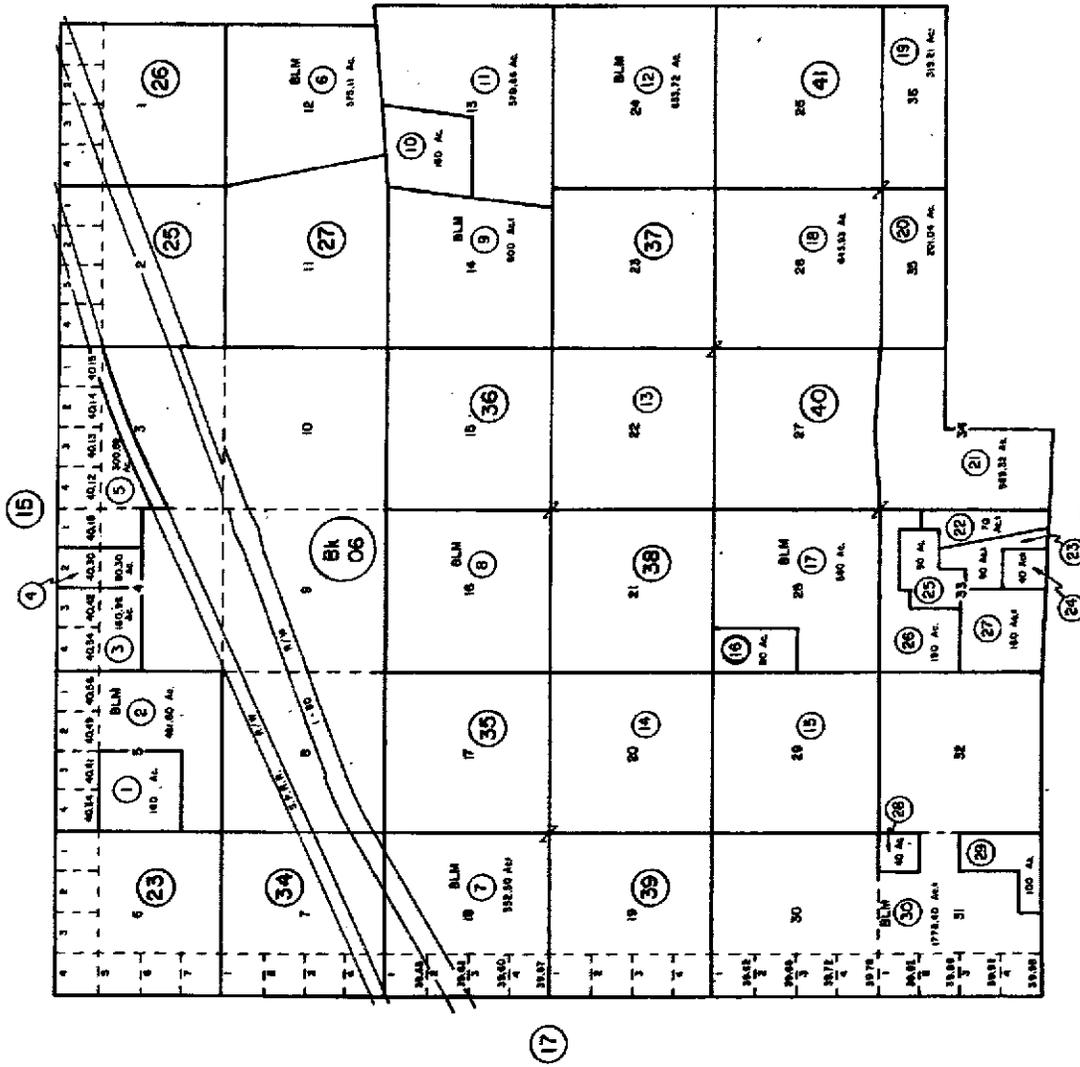
PERSHING COUNTY



REVISED/REV. 11/1/01
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 REVISED/REV. 11/1/01

T32N, R34E

08 - 2c



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

Marvin Myers
Elkinsville Star Route
Elko, Nevada 89415

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	2,590 AUMs

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	6,413 AUMs

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, Inley, 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
Gas 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
Em. 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>[Signature]</i>	7-12-67
(Signature of Applicant)	(Date)
<i>[Signature]</i>	7-21-67
<i>[Signature]</i>	7-21-67
(Signature of Applicant)	(Date)
Star Sheep Co. by <i>[Signature]</i> Belgarone	7-8-67
<i>[Signature]</i>	7-28-67
(Signature of Applicant)	(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 Muttieberry Canyon for approximately 6 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.

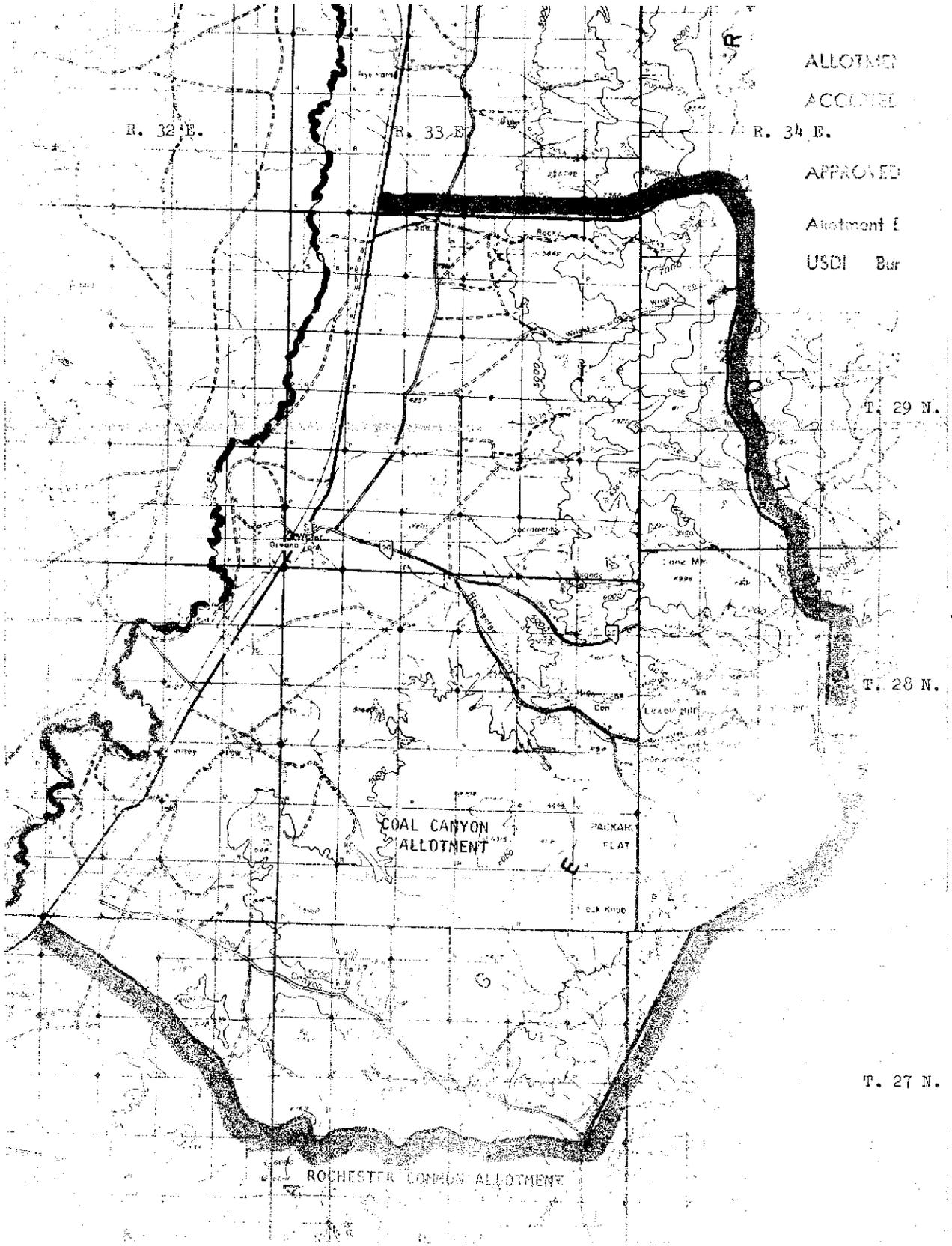
Special Conditions:

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 Belzarena 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.

NHA add T.B. L.D.



ALLOTMENT
 ACCORDED
 R. 34 E.
 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.

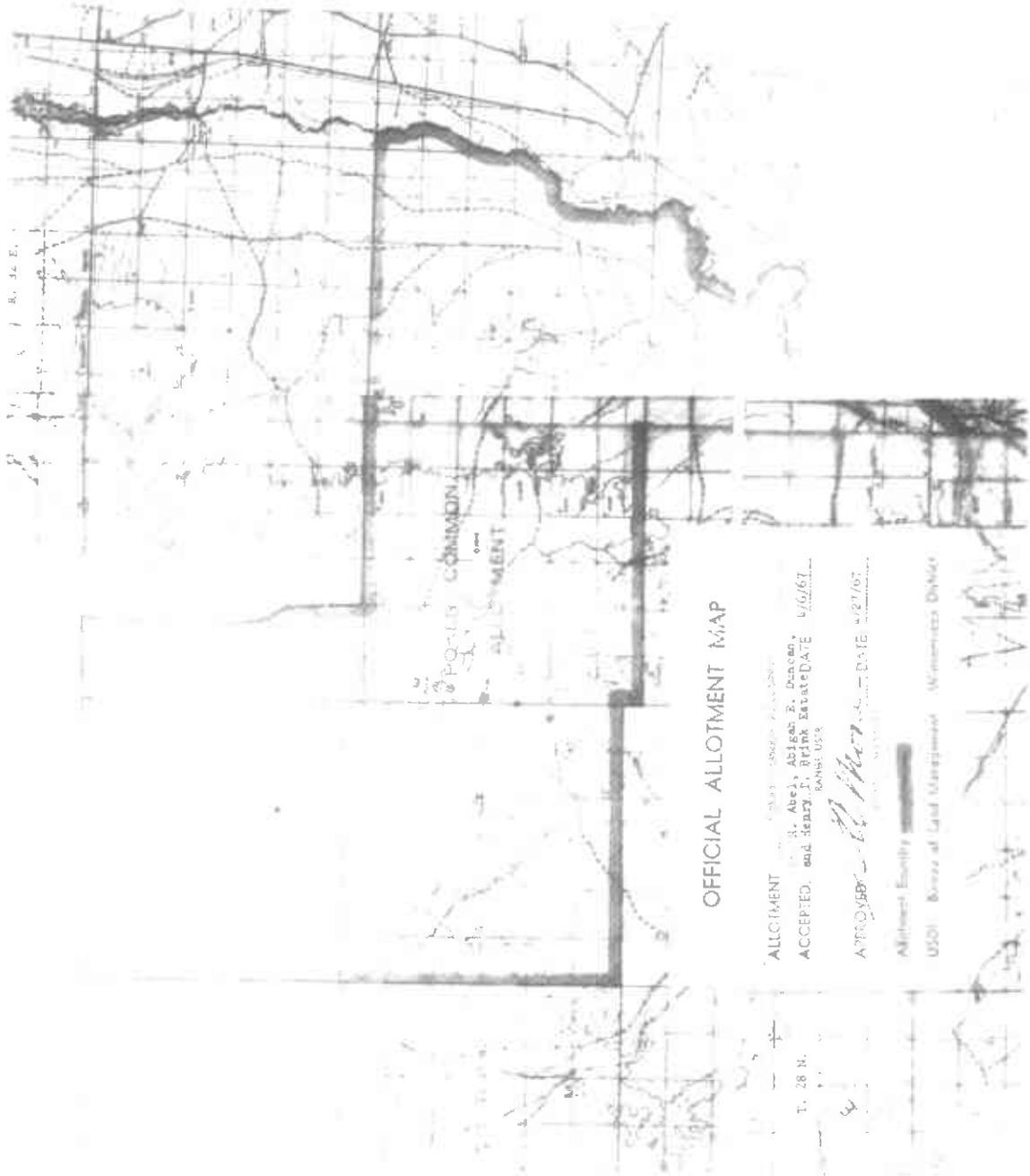
Further it will be agreed as staked on the ground.

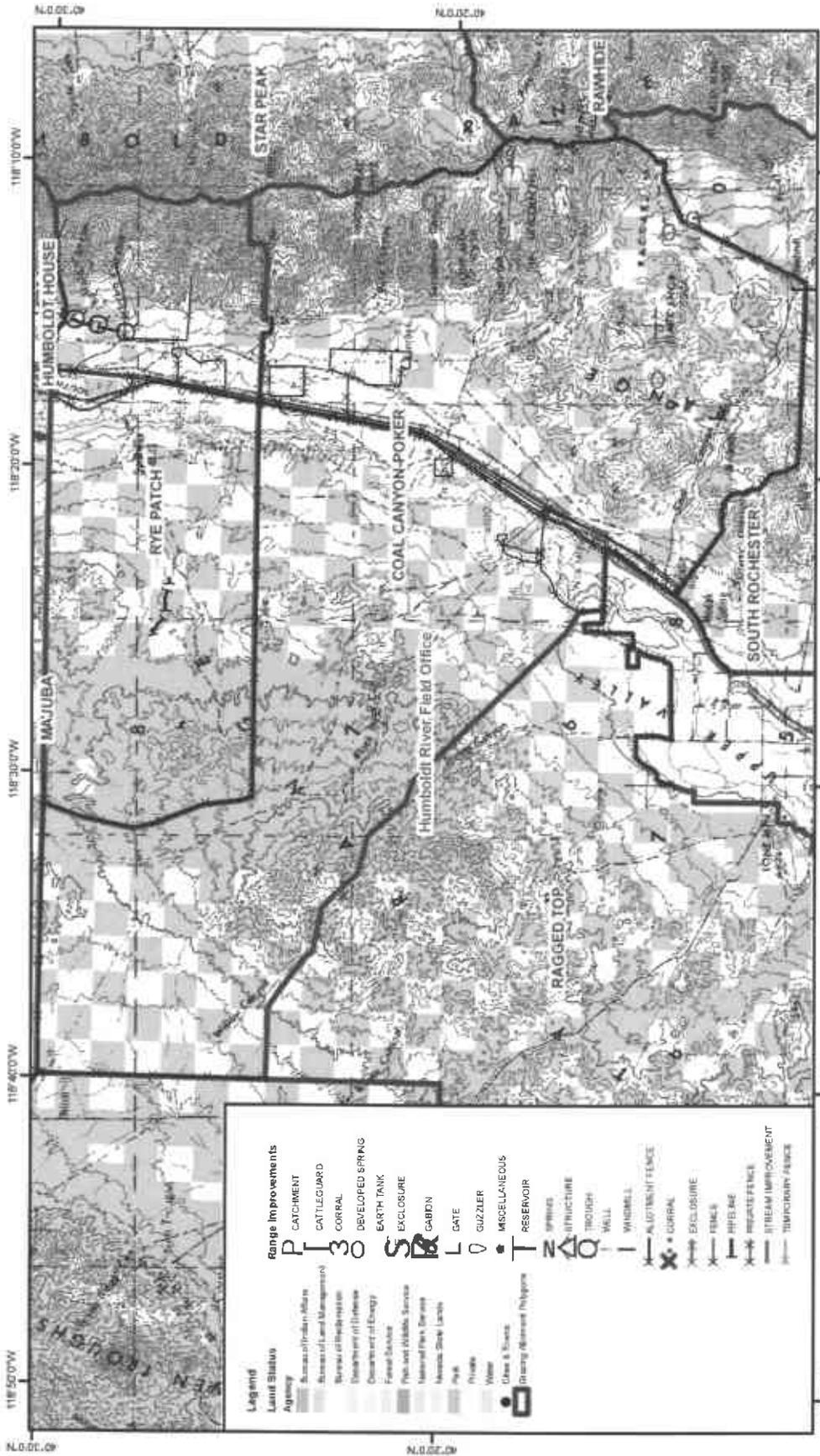
Special Stipulation

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 Elum Duncan - 678 AUMs
- C. Henry T. Brink Estate - 126 AUMs

2174 Abel
Ab Duncan
Prot. J. D. Duncanson
Henry T. Brink
John D. Duncanson





Legend

Land Status	Range Improvements
<ul style="list-style-type: none"> Agency Bureau of Indian Affairs Bureau of Land Management Bureau of Reclamation Department of Defense Department of Energy Federal Reserve Private Land Wildlife Service National Park Service Marine State Lands Public Private Water Open & Vacant Boundary of Allotment Polygons 	<ul style="list-style-type: none"> CATCHMENT CATTLEGUARD CORRAL DEVELOPED SPRING EARTH TANK ENCLOSURE GABION GATE GUZZLER MISCELLANEOUS RESERVOIR SPRINGS INFRASTRUCTURE TRAIL TROUGH WELL WINDMILL ALLOTMENT FENCE CORRAL ENCLOSURE FENCE OFFROAD PERMANENT FENCE STREAM IMPROVEMENT TEMPORARY FENCE

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

All accuracy is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data and is not intended for use in any other application. This product was developed through digital means and may be updated without notification.



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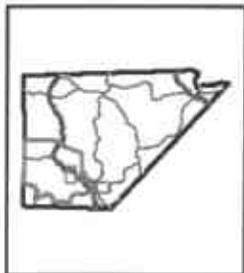


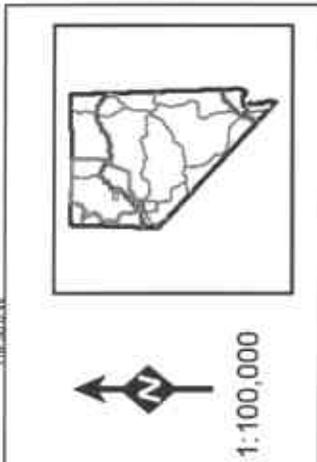
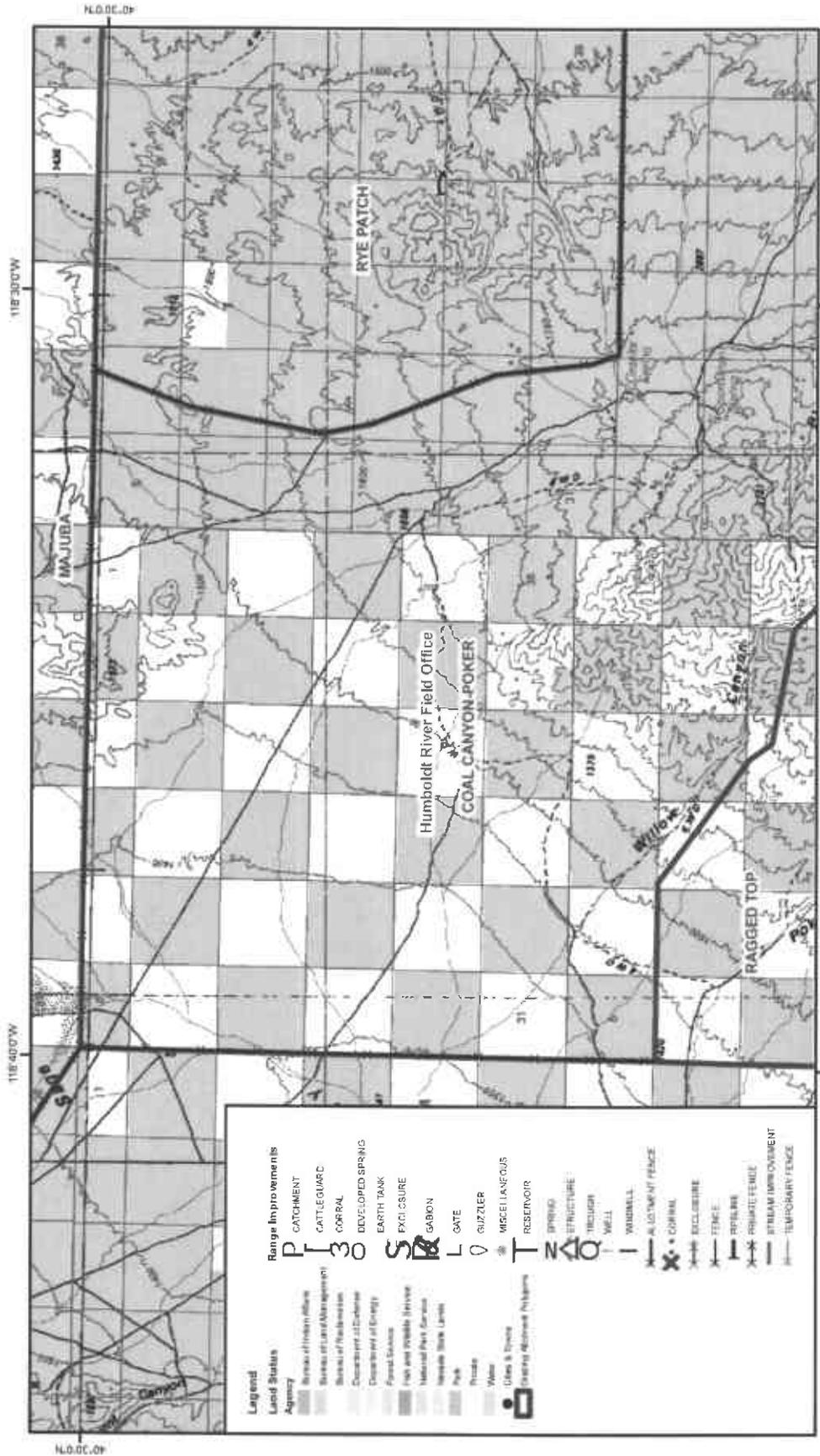
A. E. DUNCAN PERMIT

Map Name : Coal Canyon-Poker Brown Grazing Allotment

Range Specialist Name: W. Barry

Map Date: May 24, 2012



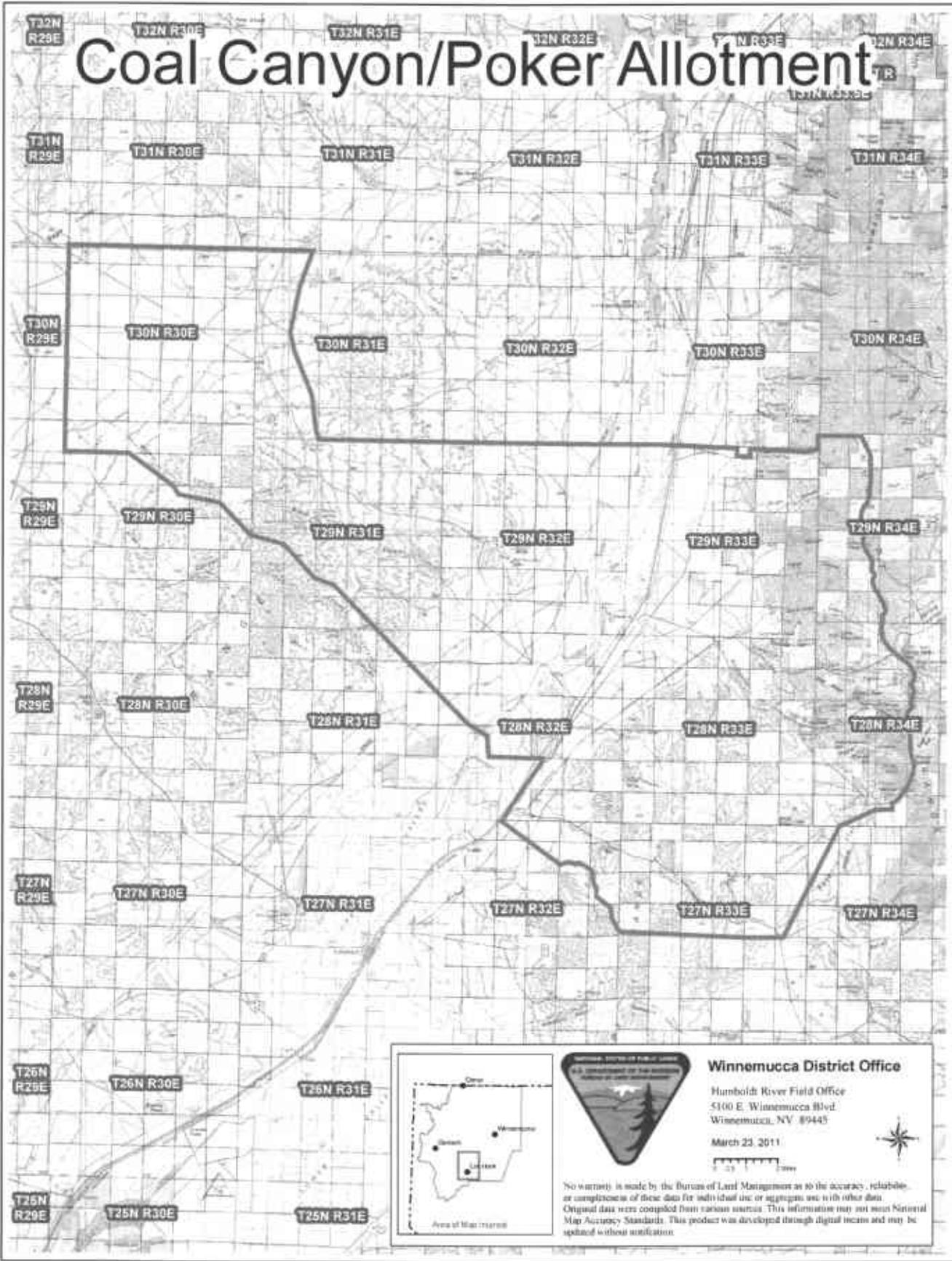


A. E. DUNCAN PERMIT
Map Name : Coal Canyon-Poker Brown
Grazing Allotment
Range Specialist Name: W. Barry
Map Date: May 24, 2012

Winnemucca District Office
 Humboldt River Field Office
 5100 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 user assumes all liability for any errors or omissions that may occur in the use of these data. This information may not meet National Map Accuracy Standards. This information was developed through digital means and may be updated without notification.

Coal Canyon/Poker Allotment



CASE FILE COPY

AUTH NUMBER: 2702031
DATE PRINTED: 3/16/2006

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 02/28/2016

ABIGAIL 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		493 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
		493 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

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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. Non-compliance 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 counting 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-discrimination clause set forth in Executive Order 11246 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 or 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 306 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 to arise therefrom; 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. Hines* DATE: 4-19-2006
APPROVED:
BLM AUTHORIZED OFFICER: *Alan S. Hines* DATE: 6-29-06

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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.

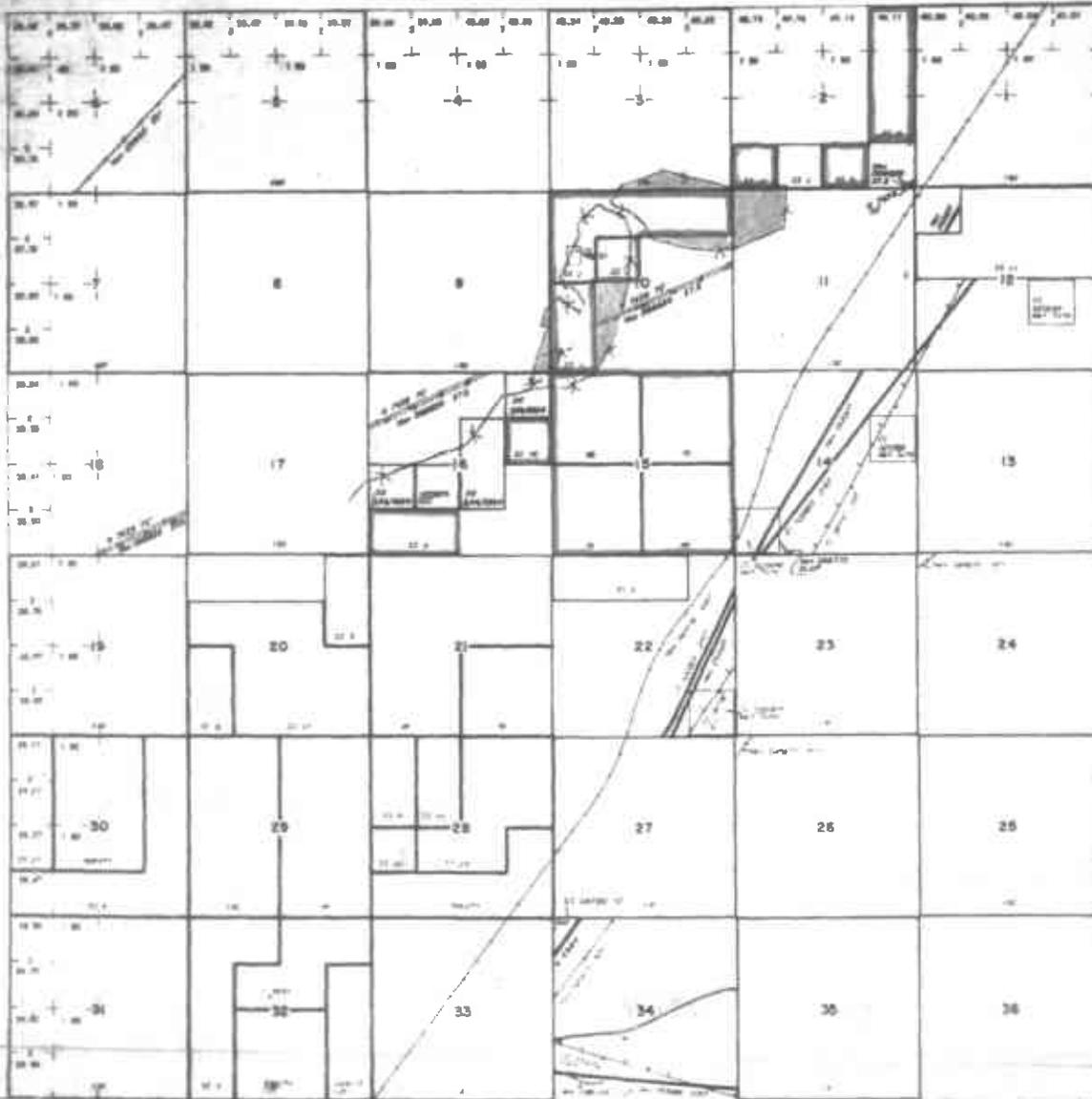
THE PERMITTEES CERTIFIED ACTUAL USE REPORT, BY PASTURE/USE AREA, IS DUE 15 DAYS AFTER THE END OF THE AUTHORIZED GRAZING PERIOD.

ALLOTMENT SUMMARY (AUMS)

<u>ALLOTMENT</u>	<u>ACTIVE AUMS</u>	<u>SUSPENDED AUM</u>	<u>PERMITTED USE</u>
00104 COAL CANYON-POKER	2568	0	2,568

TOWNSHIP 28 NORTH RANGE 32 EAST OF THE MOUNT DIABLO MERIDIAN, N

PERKINS COUNTY
WYOMING



- ★ Fenced Federal Land
- ▣ Not Fenced Federal Land
- ▣ A.E. Duran Private Land

SCALE
30 CHAINS TO THE MILE

FORM NO. 4-1243
(September, 1957)

Pye P20in

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Operator *Duncan A. E.*
Address *Lovelock, Nev.*

Units) _____

Allotment _____

Area _____

DEPENDENT PROPERTY RECORD

Township *R8N*

State *Nevada*

Range *32E*

Grazing District *N-2*

Compiled by _____

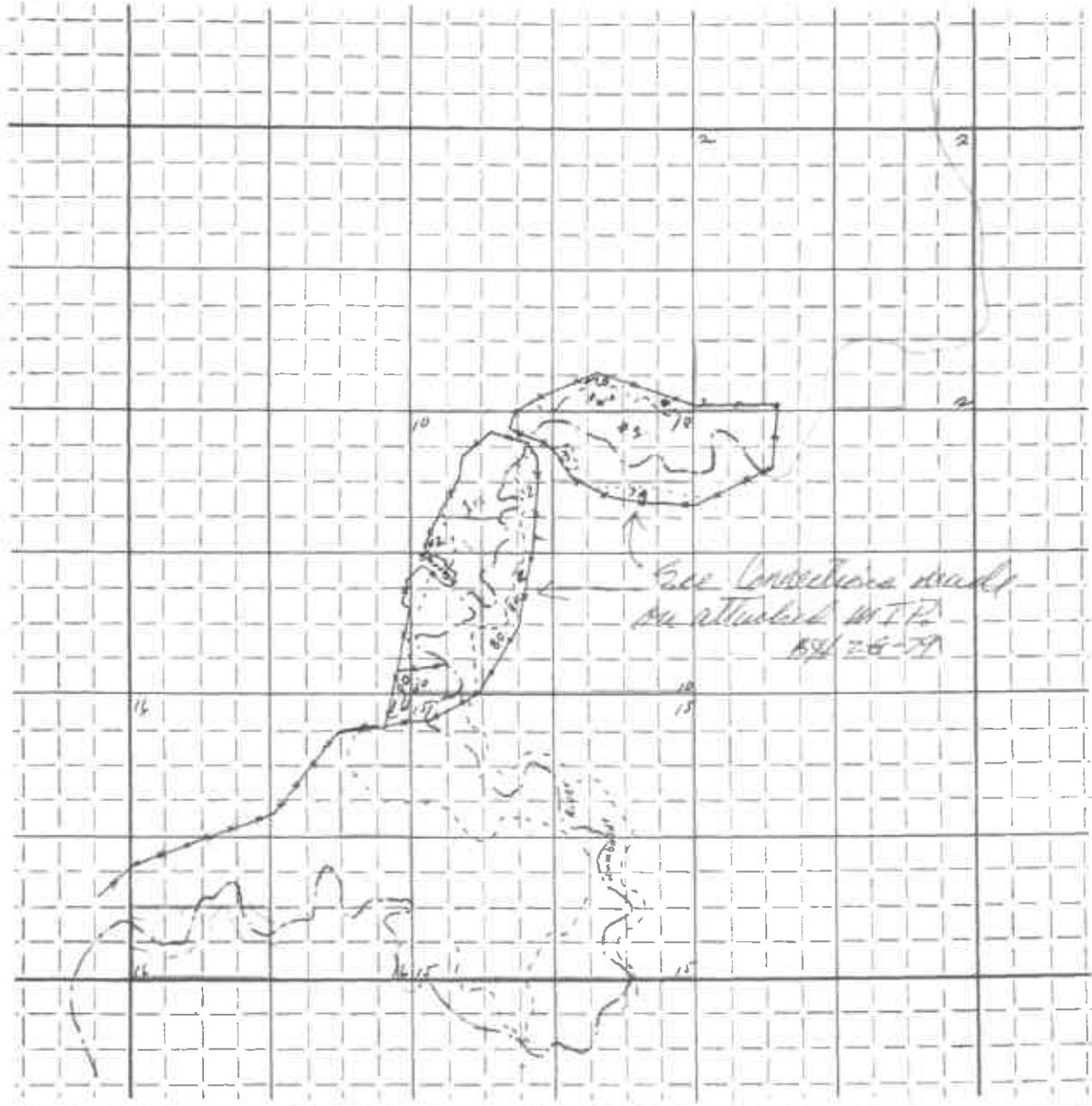
Date *11/4/69*

10/1
11/1

A. E. Duncan

(Operator's Signature)

Date _____



DRM No 4-1249
September, 1957)

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Operator DUNCAN A.E.
Address LOVELOCK, NEV

Unit(s) _____

Allotment _____

Area _____

State NEVADA

Township 29N

Range 32E

Grazing District _____

DEPENDENT PROPERTY RECORD

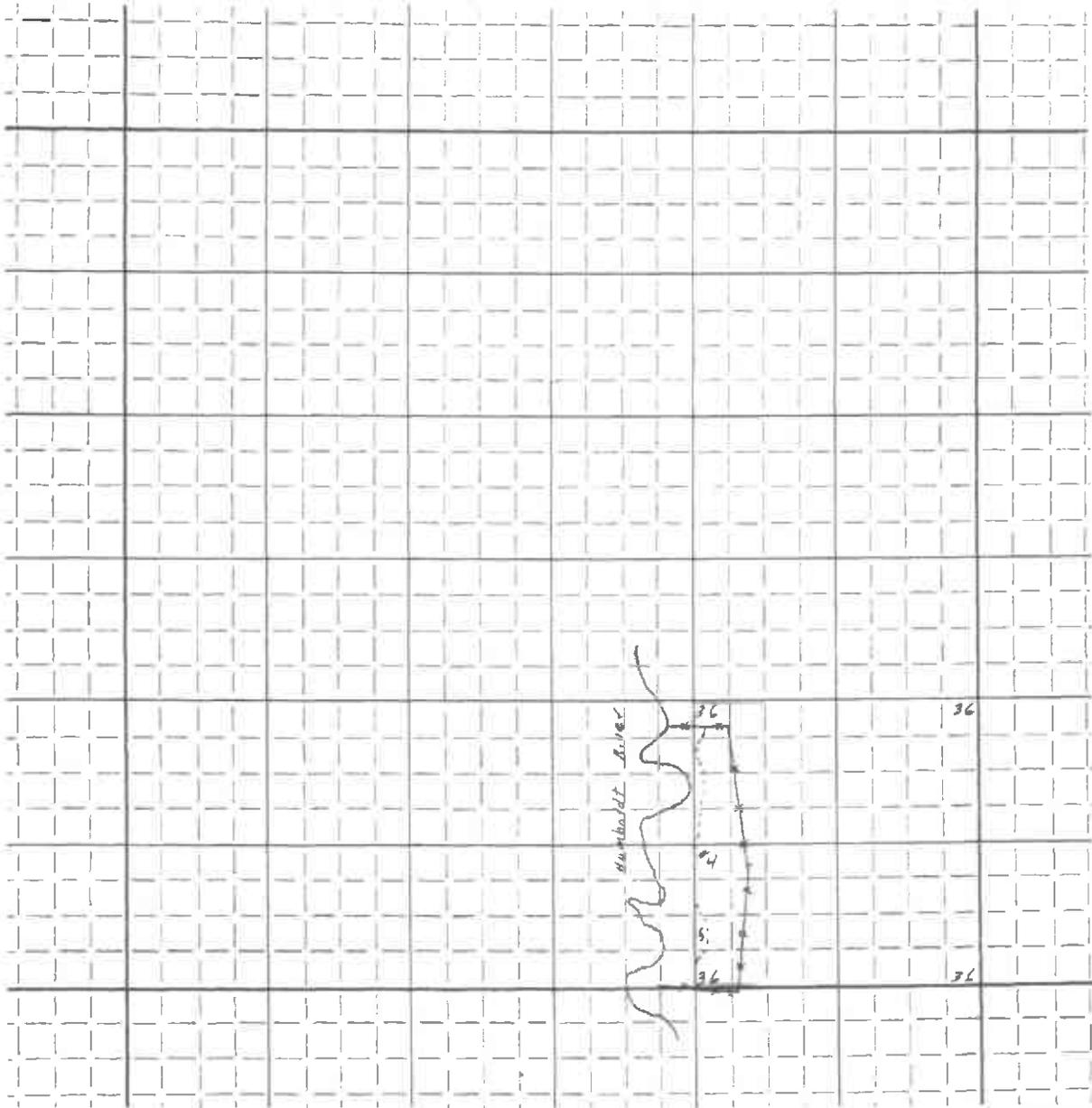
Compiled by _____

Date 11/14/69

ES
112

A.E. Duncan
(Operator's Signature)

Date _____



Form 4-1249
(September, 1957)

Pg 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

State _____

County Nevada

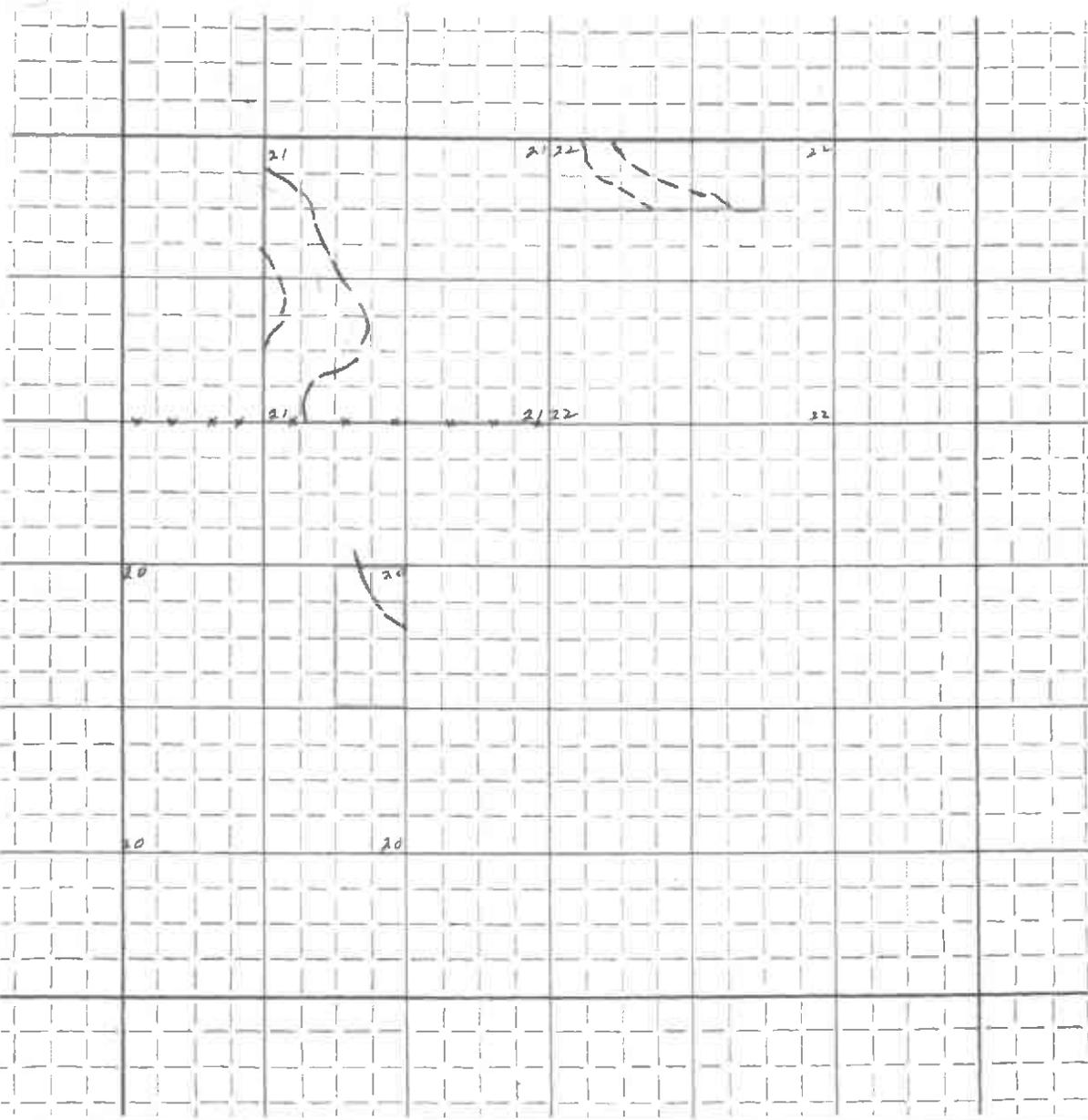
Sectioning District N.R.

Date 11/4/69

Compiled by _____

Date _____

A.E. Duncan
(Operator's Signature)



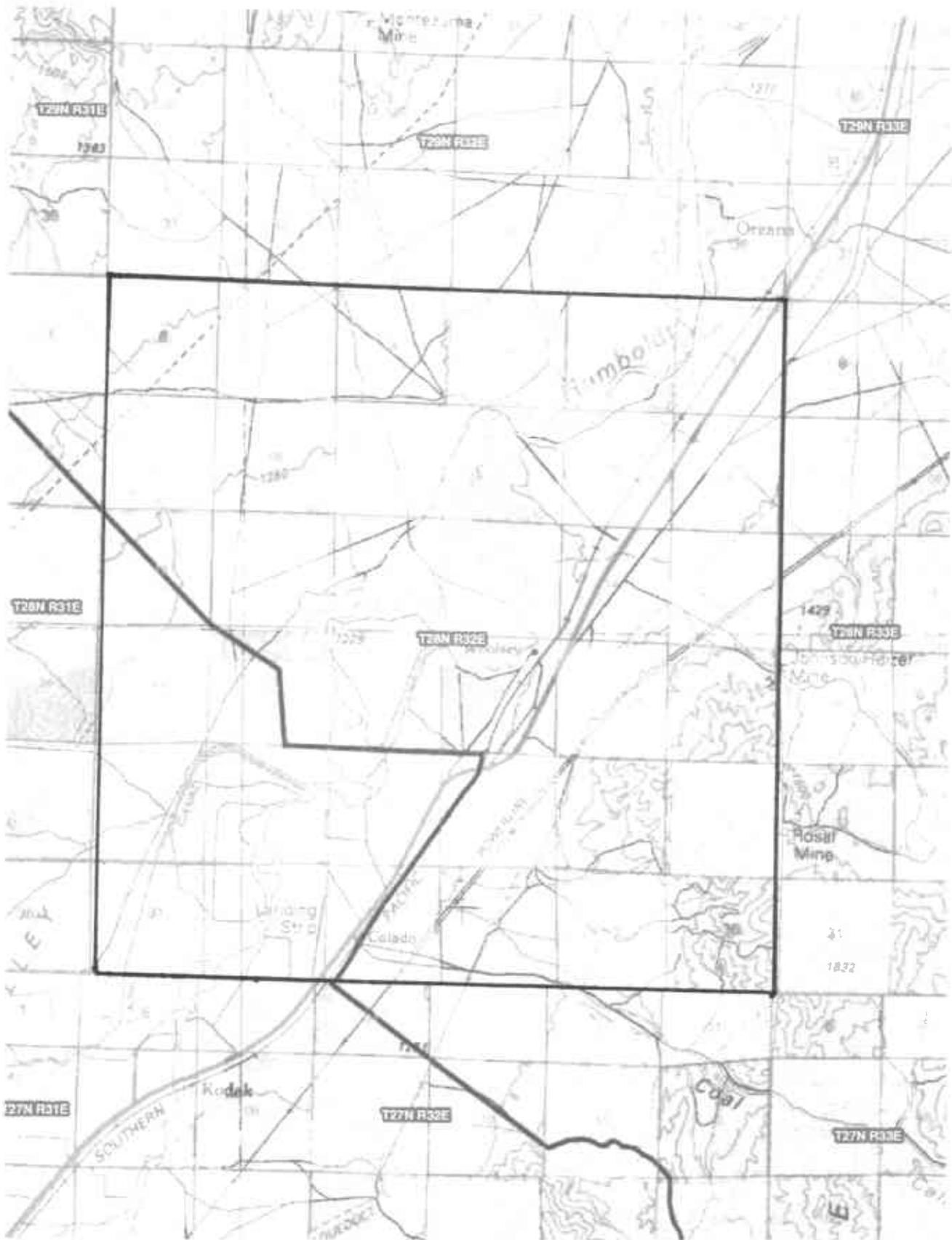
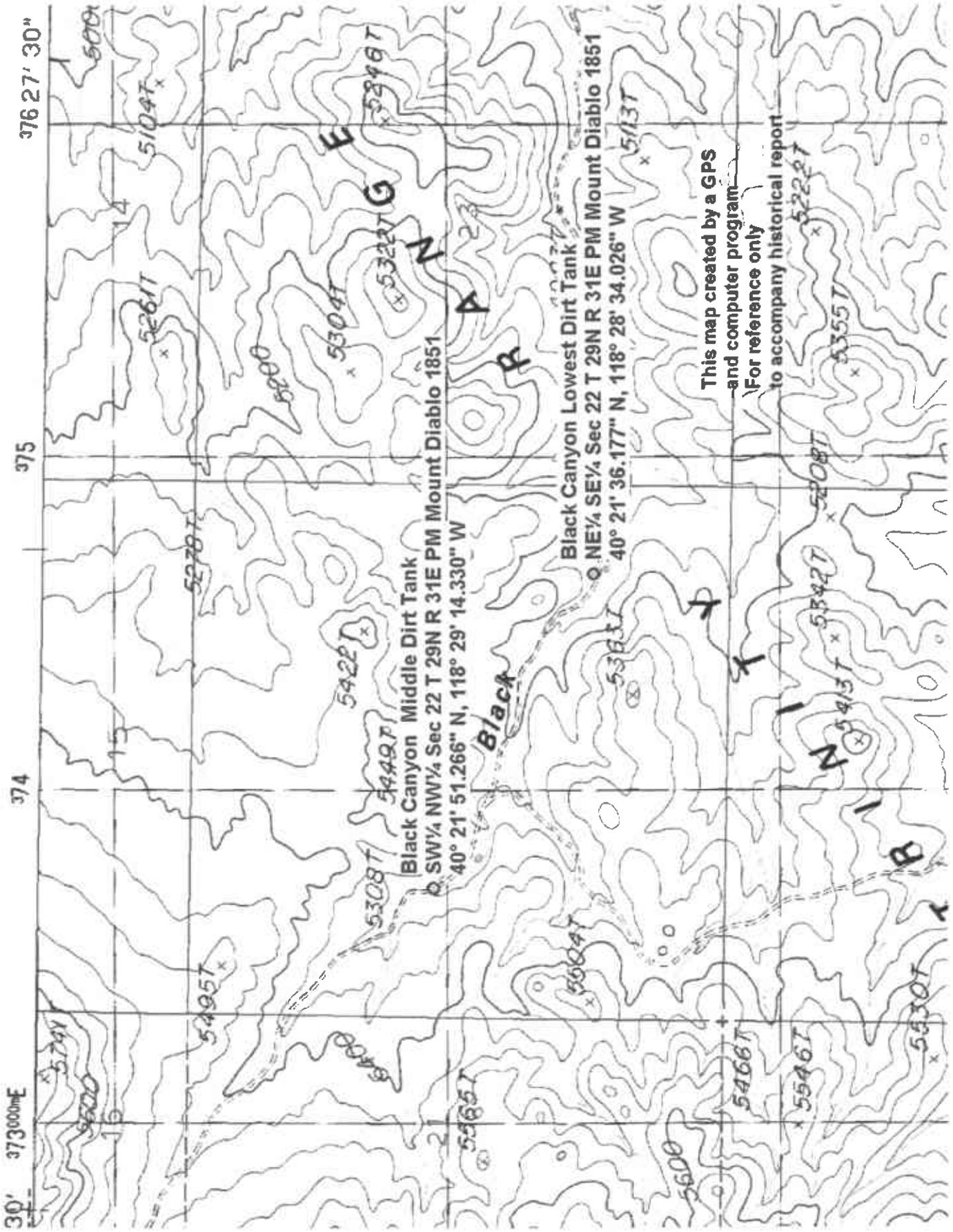


Exhibit 4
Page 9 of 9



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

P. 445
Bk 23

This Indenture made the Twelfth day of
June in the year of our Lord one thousand
eight hundred and Eighty, Between Peter
Andrews of Occanee County of Kentucky at State of
Kentucky the Party of the first Part and M. B. Smith
of Washoe City County of Washoe State aforesaid
the Party of the Second Part Witnesseth that the
said Party of the first Part for and in
consideration of the sum of Two hundred (\$200.00)
Dollars gold coin of the United States of America
to him in hand Paid by the said Party of the second
Part the receipt whereof is hereby acknowledged
both by their respective grant bargain sell and convey
into the said Party of the second Part and
to his heirs and assigns forever all right
title and interest estate claim and demands
both in Law and Equity in and to the
following mentioned and described tracts pieces
of Parcels of Land and all Springs water rights
locations and Claims thereon situate lying and
being in the County of Kentucky at State of Kentucky
and more particularly understood known and
described, as follows to wit the said Acres and
Premises being the Cattle Range and water
rights locations and Claims of said first
Party and known as the East Range of said first
Party situate of Occanee on the Mountains east
of the Kentucky River in the County of Kentucky
aforesaid and also the Cattle Range known
as the West Range in the Trinity Mountains north
of Occanee in the County of Kentucky aforesaid
and the said Springs and water rights among them
as Trinity Springs Wood Ranch Springs and
Spring Blossom Occanee Springs Cattle Springs

P. 446
8223

Camp Springs, Dulles Camp Springs, Little Spring
Dug Springs, Summit Springs, Grand Springs, Buffalo
Springs, Willow Canon Springs, Cedar Spring and
Willow Canon also are lying in the second section
west of Willow Canon Little Spring in quarter
Poster Spring and Spring Poster Basin Spring and
also Tumble Spring on Grand Canon the said springs
and water rights and all lands hereon in the corners
expressed and all ditches flumes and tunnels
through what the notes of said Springs are
constructed; the said lands and premises and
springs being of Record in the Office of the County
Recorder of the County of Humboldt as far as to
which said reference is hereby made for a more
certain description of the lands Springs and
Premises hereby conveyed by said first Party to
said second Party together with all and singular
the tenements hereditaments and appurtenances thereto
belonging or in anywise appertaining and the revenues
and profits thereon and revenues rents issues
and profits thereof to have and to hold all and
singular the said Premises together with the
appurtenances unto the said Party of the second
Part and to his heirs and assigns forever
In witness whereof the said Party of the first
Part has hereunto set his hand and seal
the day and year first above written
Signed sealed and
delivered in the presence of

Jas Morgan

} Peter Anderson (Seal)

State of Nevada } ss
County of Humboldt }

On this 30th day of June

30 23
0 117

A D One thousand eight hundred and twenty
appeared before me H. C. Emmons a Notary Public
traveling in said County duly commissioned
and sworn Peter Andrews who subsequently
passed to me to be the identical person
described in and who executed the conveyed
Instrument by me duly sworn over that the
said Peter Andrews acknowledged to me
that he executed the same freely and
voluntarily and for the uses and purposes
 therein mentioned I in witness hereof Shuce
the County of Nevada do hereby certify and
offer as my official seal the day
and place in this certificate first
above written H. C. Emmons

H. C. Emmons
Notary Public
St. Paul
Nevada

Notary Public

Recorded at the Request of H. C. Emmons
July 1st 1880 at 20 minutes Past 1 P.M.
A. F. Morrison
County Clerk