

THE STATE OF NEVADA
 PROOF OF SUBSISTING RIGHT OF WATER FOR
 STOCK WATERING PURPOSES

Pursuant to N.R.S. 533.492

(1) Name of Claimant **The William Max Spratling Living Trust dated February 9, 2001**

(Street and No. or P. O. Box No.) **c/o William Craig Spratling, P.O. Box 4** of [City or town] **Deeth** (State and Zip Code No.) **Nevada 89823**

(2) Source of water [Name of natural water Source] **Pole Creek and its tributaries**

(3) The water is diverted by (Dam, ditch, pipe line, natural channel, spring area, etc.) **Spring areas and channels and ditch**

(4) The water is diverted at the following point(s) [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.]

The beginnings of the reach consists of 26 points located as follows:

1. Pole Creek 1 - A point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T41N, R62E, MDM from which the southeast corner of Section 17, T41N, R62E, MDM bears S83°27'48"E a distance of 8,309.66 feet, more or less, and
2. Pole Creek 2 - A point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, T41N, R62E, MDM from which the northeast corner of Section 20, T41N, R62E, MDM bears N73°45'38"E a distance of 8,816.65 feet, more or less, and
3. Pole Creek 3 - A point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T41N, R61E, MDM from which the southeast corner of Section 30, T41N, R62E, MDM bears S68°31'34"E a distance of 8,450.92 feet, more or less, and
4. Pole Creek 4 - A point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T41N, R62E, MDM from which the northeast corner of said Section 20 bears N38°41'36"E a distance of 6,555.16 feet, more or less, and
5. Pole Creek 5 - A point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, T41N, R61E, MDM from which the southeast corner of Section 30, T41N, R62E, MDM bears S54°18'07"E a distance of 11,004.98 feet, more or less, and
6. Pole Creek 6 - A point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T41N, R61E, MDM which the southeast corner of Section 30, T41N, R62E, MDM bears S71°13'50"E a distance of 12,375.22 feet, more or less, and
7. Pole Creek - A point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T41N, R62E, MDM from which the northeast corner of Section 20, T41N, R62E, MDM bears N58°53'14"E a distance of 7,585.22 feet, more or less, and
8. Meadow Creek 1 - A point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T41N, R61E, MDM from which the northwest corner of Section 21, T41N, R61E, MDM bears N64°16'51"W a distance of 13,328.18 feet, more or less, and
9. Meadow Creek 2 - A point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T41N, R61E, MDM the southeast corner of Section 30, T41N, R62E, MDM bears S69°34'26"E a distance of 12,863.54 feet, more or less, and
10. Meadow Creek 3 - A point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T41N, R61E, MDM from which the northwest corner of Section 21, T41N, R61E, MDM bears N42°02'39"W a distance of 12,808.66 feet, more or less, and
11. Meadow Creek 4 - A point within Lot 1 of Section 33, T41N, R61E, MDM from which the northwest corner of Section 21, T41N, R61E, MDM bears N23°58'19"W a distance of 12,287.80 feet, more or less, and
12. Trough Canyon 1 - A point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T41N, R61E, MDM from which the northeast corner of said Section 12 bears N45°48'25"E a distance of 2,760.86 feet, more or less, and
13. Trough Canyon 2 - A point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T41N, R61E, MDM from which the northeast corner of Section 12, T41N, R61E bears N18°42'09"E a distance of 8,531.44 feet, more or less, and
14. Trough Canyon 3 - A point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T41N, R61E, MDM from which the northeast corner of Section 20, T41N, R62E, MDM bears N87°42'04"E a distance of 12,214.47 feet, more or less, and
15. Trough Canyon 4 - A point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T41N, R61E, MDM from which the northeast corner of Section 20, T41N, R62E, MDM bears N83°19'33"E a distance of 13,982.96 feet, more or less, and
16. Trough Canyon 5 - A point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T41N, R61E, MDM from which the northwest corner of Section 21, T41N, R61E, MDM bears N73°31'44"W a distance of 10,574.97 feet, more or less, and
17. High Spring - A point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T41N, R61E, MDM from which the northeast corner of Section

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- 12, T41N, R61E, MDM bears N16°32'31"E a distance of 9,824.83 feet, more or less, and
18. Pole Creek Ditch - A diversion from Pole Creek to a ditch at a point within the SE¼NE¼ of Section 7, T40N, R61E, MDM from which the west one-quarter corner of Section 30, T41N, R61E, MDM bears N09°14'38"W a distance of 15,925.90 feet, more or less, and
 19. Butte to Pole - A point within the NW¼NW¼ of Section 11, T40N, R61E, MDM from which the southeast corner of Section 31, T41N, R62E, MDM bears N68°33'27"E a distance of 19,338.98 feet, more or less, and
 20. Butte to Pole 2 - A point within the SW¼SE¼ of Section 3, T40N, R61E, MDM from which the southeast corner of Section 31, T41N, R62E, MDM bears N73°43'34"E a distance of 20,744.18 feet, more or less, and
 21. Butte to Pole 3 - A point within the SE¼SW¼ of Section 3, T40N, R61E, MDM from which the west one-quarter corner of Section 30, T41N, R61E, MDM bears N49°06'17"W a distance of 20,882.16 feet, more or less, and
 22. Butte to Pole 4 - A point within the NW¼SE¼ of Section 4, T40N, R61E, MDM from which the west one-quarter corner of Section 30, T41N, R61E, MDM bears N44°59'05"W a distance of 16,767.04 feet, more or less, and
 23. Butte to Pole 5 - A point within the NE¼NE¼ of Section 9, T40N, R61E, MDM from which the west one-quarter corner of Section 30, T41N, R61E, MDM bears N42°35'14"W a distance of 19,024.16 feet, more or less, and
 24. Butte to Pole 6 - A point within the NW¼SW¼ of Section 3, T40N, R61E, MDM from the west one-quarter corner of Section 30, T41N, R61E, MDM bears N51°32'23"W a distance of 18,463.08 feet, more or less, and
 25. Butte to Pole 7 - A point within the NW¼SE¼ of Section 2, T40N, R61E, MDM from which the southeast corner of Section 31, T41N, R62E, MDM bears N74°33'41"E a distance of 15,826.52 feet, more or less, and
 26. Butte to Pole 8 - A point within the NW¼SW¼ of Section 1, T40N, R61E, MDM from which the southeast corner of Section 31, T41N, R62E, MDM bears N74°36'40"E a distance of 13,531.69 feet, more or less.

From each point of beginning described above down each tributary and main channel of Pole Creek to the point of ending of Pole Creek within the SW¼SE¼ of Section 12, T40N, R60E, MDM from which the west quarter corner of Section 30, T41N, R61E bears N08°57'22"E a distance of 18,841.54 feet and the point of ending of the Pole Creek Ditch being within SE¼SW¼ of Section 18, T40N, R61E, MDM from which the southwest corner of Section 31, T40N, R61E, MDM bears S06°29'54"W a distance of 16,942.94 feet, more or less.

(5) The water is impounded in [Troughs, tanks, pools, reservoir, natural channel, etc.] **Pools, Spring Areas and Channels**

(6) The construction of the ditch or other works was begun [Date] **-0-** and completed [Date] **-0-**

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is:
[Patented, deeded, public domain with grazing permit, etc.]

Public land upon which claimant holds a grazing permit.

Township 41 North, Range 61 East, MDM

Section 12: SW¼NE¼; NE¼SW¼; NW¼SE¼; SE¼SW¼
 Section 13: NW¼NW¼; NE¼SW¼; S¼SW¼
 Section 14: NE¼NE¼; S¼N¼; NW¼SW¼
 Section 21: S¼SE¼
 Section 22: E¼NW¼; SW¼NW¼; NW¼SW¼; E¼SE¼
 Section 23: N¼NE¼; SW¼NE¼; SE¼NW¼; N¼SW¼; SW¼SW¼
 Section 24: W¼NE¼; NW¼; E¼SW¼; E¼SE¼
 Section 26: N¼; N¼S¼; SW¼SW¼; S¼SE¼
 Section 28: E¼W¼; NE¼SE¼
 Section 32: Lot 16
 Section 34: Lot 1, 2, 6, 7, 11, 12, 13, 14, 15
 Section 36: Lot 6

Township 41 North, Range 62 East, MDM

Section 18: SE¼SW¼

Township 40 North, Range 61 East, MDM

Section 2: Lots 1 and 2; SW¼NE¼; S¼NW¼; S¼NW¼; NE¼SW¼; NE¼SW¼; S¼SW¼; NW¼SE¼
 Section 4: Lot 4; SW¼NW¼; N¼SW¼; NW¼SE¼
 Section 7: S¼NE¼; SE¼NW¼; Lot 3; E¼SW¼; NW¼SE¼
 Section 8: NW¼NE¼; S¼NE¼; SE¼NW¼; NE¼SE¼

Private lands of other owners than claimant within claimants grazing allotment.

Township 41 North, Range 61 East, MDM

Section 36: Lot 5

Township 41 North, Range 62 East, MDM

Section 20: S $\frac{1}{2}$ SW $\frac{1}{4}$
Section 29: W $\frac{1}{2}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30: E $\frac{1}{2}$ SE $\frac{1}{4}$; Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$

Township 40 North, Range 60 East, MDM

Section 12: S $\frac{1}{2}$ SE $\frac{1}{4}$
Township 40 North, Range 61 East, MDM

Section 18: E $\frac{1}{2}$ SW $\frac{1}{4}$

Deeded lands of claimant

Township 41 North, Range 61 East, MDM

Section 15: N $\frac{1}{2}$ SE; SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 27: NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 33: Lots 1, 2, 7, 8, 9, 10, 13, 14, 15, 16
Section 35: Lots 1, 2, 3, 6, 7, 8, 10, 11, 14
Section 36: Lots 1 and 2

Township 41 North, Range 62 East, MDM

Section 19: Lots 1, 2, 3, and 4; SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 30: SW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 40 North, Range 61 East, MDM

Section 1: Lot 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 2: Lots 3 and 4
Section 3: Lots 1, 2, 3; S $\frac{1}{2}$ N $\frac{1}{2}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$
Section 5: S $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 8: NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 9: N $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$
Section 11: NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 18: E $\frac{1}{2}$ NW $\frac{1}{4}$

(8) The claimant's water right was **not** recorded in the office of the County Recorder of **Elko** County, at Page ____ of Book ____ of ____.

(9) The items of evidence for the numbers of livestock and date of are: **Affidavit of Walter I. Leberski.**

(10) The approximate number of animals watered by the claimant during the first year (Date) **1890** was **2,700** cattle, _____ horses _____ sheep or [other] _____
The watering was conducted during each of the following months: **March 1 through December 31**

(11) The approximate number of animals watered by the claimant in subsequent years was as follows: [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]

The approximate number would vary depending upon available forage, but not less than 2,700 cattle.

(12) The amount of water which has been necessary to be diverted for this purpose has been (448.83 gal per minute equals 1 cubic foot per second) **0.0844 cubic feet per second.**

(13) The works are located at [Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.]
A small stock pond in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T41N, R61E, MDM.

Remarks [Improvements, title, etc]

This claims for numbers of livestock and priority of use is based primarily on the affidavit of Walter I. Leberski. This affidavit points out the complex history of the area of use and waters of the claimant due to the number of past livestock operators in the area and numerous purchases of portions of those historical operations. This affidavit shows early use of the source by E.P. Hardesty for a reported number of 2,000 cattle in 1872 to 800 in 1890. Many of the subsequent operators were successors of Hardesty and may have augmented the high numbers of livestock reported in 1872 prior to 1905. The successor operators were Badt, Weeks, Conway, Steele, Agee, Truett and Anderson and they were assessed in excess of 2,900 head of cattle by 1903. In addition, the claimant acquired a portion of L.L. Bradley operation and the area of use claimed by John and Robert Marble as shown on their filed range claim map. Bradley was assessed for 1,750 cattle. In addition the claimant acquired all of the property of the Estate of Samuel McMullen and Isaac Griswold for a total of 620 cattle and their area of use as recognized by the Bureau of Land Management as being within the allotment of the claimant.

Priorities indicated range from 1972 to possibly 1903 for the higher numbers shown in the affidavit. However, as the major portion of the use is based on McMullen, Bradley, Griswold and Hardesty, a conservative priority or 1890 is claimed.

The exhibits attached to the affidavit, repeatedly state large numbers of livestock being grazed in the area of the claimants present allotment. With the passage of the Taylor Grazing Act and subsequent management of the area by the Bureau of Land Management, these numbers have been greatly reduced and the number of livestock set forth in the claim are near the number presently permitted within the allotment area of the claimant. For that reason, the number of livestock claimed is considered to be greatly reduced from the number of livestock which grazed the area prior to 1905 and are conservative.

This claim is one source of stockwater of several within the grazing area of the claimant. The consumption of water by livestock within that area is not additive from all sources and the total combined duty of water from all sources does not exceed that amount sufficient to water 2,700 head of cattle.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by **The William Max Spratling Living Trust** dated February 9, 2001 are full and correct to the best of his knowledge and belief. **The original Trustee of the William Max Spratling Living Trust was William Max Spratling, now deceased, and pursuant to the terms of the trust, William Craig Spratling is the successor Trustee.**

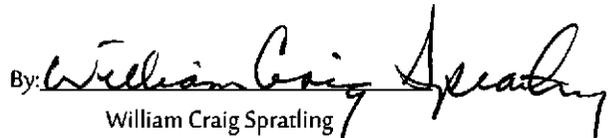
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

CLAIMANT:

The William Max Spratling Living Trust

Dated February 9, 2001

Telephone No.:

By: 
William Craig Spratling
Trustee

Telephone No.: 775-752-3794

Subscribed and sworn to before me on this 9th day of JANUARY, 2014

Sharon S. Mathias

NOTARY PUBLIC

Notary Public in and for the County of ELKO

My Commission expires



\$60 FILING FEE MUST ACCOMPANY PROOF