Serial No. 010500

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] **Tabor Creek and its tributaries**

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

(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.]

From the three segments of Tabor Creek through claimants grazing allotment, as follows:

Segment 1 - Black Butte Pasture North

Throughout the reach of Tabor Creek with the beginning of the reach being four points described as follows:

1. Tabor Creek Start - A point within the NE¼NE¼ of Section 16, T41N, R61E, MDM from which the west one-quarter corner of said Section 16 bears S71°00'42"W a distance of 4,651.41 feet, more or less, and
2. Tabor 1 - A point within the SW¼NE¼ of Section 15, T41N, R61E, MDM from which the west one-quarter corner of Section 16, T41N, R61E, MDM bears S86°15'03"W a distance of 8,117.38 feet, more or less
3. Tabor 2 - A point within the NE¼NE¼ of Section 21, T41N, R61E, MDM from which the northwest corner of said Section 21 bears N84°45'11"W a distance of 5,250.73 feet, more or less, and
4. Tabor 3 - A point within the SW¼NW¼ of Section 28, T41N, R61E, MDM from which the northeast corner of Section 20, T41N, R61E, MDM bears N02°49'53"W a distance of 7,846.53 feet, more or less.

Thence from the above described points down the channel of Tabor Creek and its tributaries to the point of ending, being a point within Lot 2 of Section 31, T41N, R61E, MDM from which the west one-quarter corner of Section 30, T41N, R61E, MDM bears N35°30'40"W a distance of 4,896.66 feet, more or less.

Segment 2 - West Tabor Segment

Beginning within the channel of Tabor Creek, said channel lying within the NE¼NW¼ of Section 35, T39N, R60E, MDM from which the southwest corner of said Section 35 bears S22°34'56"W a distance of 5,084.53 feet, more or less, thence down the channel to a point within Lot 1 of Section 3, T38N, R60E, MDM from which the northeast corner of said Section 3 bears S89°42'00"E a distance of 778.40 feet, more or less, being the point of ending.

Segment 3 - Spratling Allotment

Beginning at a point in the channel of Tabor Creek within the SE¼SE¼ of Section 20, T38N, R60E, MDM from which the southeast corner of said Section 20 bears S03°50'53"E a distance of 428.54 feet, more or less, then down the channel to the point of ending being within SE¼SE¼ of Section 29, T38N, R60E, MDM from which the southeast corner of said Section 29, bears S89°38'00"E a distance of 1,289.63 feet, more or less.

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(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.]

Segment 1 - Black Butte Pasture North

Deeded land owned by claimant

Township 41North , Range 61East, MDM

Section 15: SW¼NE¼; S½NW¼; N½SW¼

Deeded land owned by others within grazing allotment of claimant

Township 41 North , Range 61East, MDM

Section 16: NE¼NE¼; S½NE¼

Public land upon which claimant holds a grazing permit

Township 41 North, Range 61 East, MDM

Section 16: W½SE¼
Section 20: SE¼SE¼
Section 20: NE¼NE¼; W½NE¼; E½NW¼; N½SW¼;SW¼SW¼
Section 28: SW¼NW¼
Section 29: NE¼; SW¼NE¼; SE¼NW¼; S½
Section 30: E½SE¼; SW¼SE¼
Section 31: Lot 2

Segment 2 - West Tabor Segment

Public land upon which claimant holds a grazing permit

Township 39 North , Range 60 East, MDM

Section 35: E½NW¼; SW¼NW¼; W½SW¼

Segment 3 - Spratling Allotment

Public land upon which claimant holds a grazing permit

Township 38 North , Range 60East, MDM

Section 20: SE¼SE¼
Section 28: NW¼NW¼
Section 29: E½NE¼; SE¼

(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.]
None.

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

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

SHARON S. MATHIAS
NOTARY PUBLIC-STATE of NEVADA
Elko County • Nevada
CERTIFICATE # 99-4277-6
APPT. EXP. OCT. 25, 2015

$60 FILING FEE MUST ACCOMPANY PROOF

SHARON S. MATHIAS
NOTARY PUBLIC-STATE of NEVADA
Elko County • Nevada
CERTIFICATE # 99-4277-6
APPT. EXP. OCT. 25, 2015