

Cliven Bundy's great-grandparents on his mother's side were some of the original settlers in the Bunkerville/Mesquite area. The Abbotts and Leavitts arrived in 1877<sup>1</sup> along with other settlers including the Bunkers. The Leavitts brought some cattle, but left them with the failed cooperative (unity order) in Bunkerville in 1880. He moved his family to Mesquite, where his family engaged in subsistence farming, and pursued work delivering the mail full time for the next four years, and for another 14 years in Littlefield, AZ.<sup>2</sup> While there is evidence he owned a property he referred to as the Leavitt Ranch as early as 1895, and had cattle to divide among his children when he sold the ranch in 1905, there is no mention of cattle ranching in this time period elsewhere in his biography.<sup>3</sup> None of his children who remained in the area were ranchers according to US Census records, but farmers.<sup>4</sup> Yet Leland Whitmore, who ran cattle out of his ranch in St. Thomas, on Gold Butter, listed his profession as "rancher."<sup>5</sup>

The Abbotts were farmers who stayed in Bunkerville.<sup>6</sup> Cliven's mother was born to an Abbott, and her father was John Jensen, a farmer from Mesquite.<sup>7</sup> None of these maternal relatives or their descendants ranched in the area continuously since 1877 until Cliven's father arrived there in 1949. In fact, the claim that his ancestors have been ranchers in the area since 1877 fails with these first settlers within three years of their arrival in the area.<sup>8</sup>

Cliven's great grandfather, Abraham Bundy, spent two years in Bunkerville beginning in 1894, picking cotton and performing other farm labor for Stephen Bunker, who had converted him to the LDS faith. He then moved to Beaver Dam, AZ, near Littlefield, 20 miles away, built a home and lived there until 1901. He then spent three years in Sonora, Mexico. When he returned, he moved to Edwall, WA, from there to LaGrande, OR, then back to Beaver Dam in 1918, and finally to Mount Trumbull, AZ, where he founded Bundyville, now a ghost town.<sup>9</sup> A decade long drought, combined with overgrazing of the marginal forage in the Arizona Strip, of which Bundyville was a part, forced the federal government, under the Taylor Grazing Act, to reduce the number of cattle grazing there.<sup>10</sup>

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<sup>1</sup> "Dudley Leavitt, Pioneer to Southern Utah" (1942), and Myron Abbott diary (available at the Virgin Valley Heritage Museum, Mesquite, NV)

<sup>2</sup> "Dudley Leavitt, Pioneer to Southern Utah" (1942)

<sup>3</sup> "Dudley Leavitt, Pioneer to Southern Utah" (1942)

<sup>4</sup> US Census records for Dudley Leavitt's children, Alonzo Thomas, Ira, Jeremy, Hubert Arthur and Aaron Huntsman, 1900 - 1930

<sup>5</sup> US Census records for Leland Whitmore, 1930

<sup>6</sup> Myron Abbot diary (available at the Virgin Valley Heritage Museum, Mesquite, NV)

<sup>7</sup> Margaret Bodel Jensen family genealogy, 1920 & 1930 Mesquite Census Records

<sup>8</sup> "Dudley Leavitt, Pioneer to Southern Utah (1942), Myron Abbott diary (available at the Virgin Valley Heritage Museum, Mesquite, NV)

<sup>9</sup> "Far from Cactus Flat", Lyman Hafen, pg. 203

<sup>10</sup> [http://grandcanyonhistory.clas.asu.edu/sites\\_adjacentlands\\_blmarizonastrip.html](http://grandcanyonhistory.clas.asu.edu/sites_adjacentlands_blmarizonastrip.html)

The history of the former Bunkerville, Gold Butte and Billy Goat Peak allotments belongs to the Whitney family, who still maintain a ranch east of Billy Goat Peak,<sup>11</sup> which has traded ownership with the Nay family several times.<sup>12</sup> It is the Nay family's pre-1905 vested water rights that Bundy has claimed as his own, filing multiple applications, along with Keith Nay (a Whitney relative by marriage), for water permits with the State Water Bureau in 1997, three years after he lost his grazing permit,<sup>13</sup> and predicated on the false claim that he has "grazing rights" on the former Bunkerville allotment.<sup>14</sup> These vested water rights claims are unadjudicated (not decreed or determined),<sup>15</sup> because the Water Bureau and the State Engineer have not had an opportunity to review them and make an administrative finding, nor has the court had a chance to review and approve or deny the claims.<sup>16</sup> Bundy cannot show beneficial and continuous use of the vested water rights because his family were not using the springs at issue prior to 1905, the Whitneys and/or Nays were.<sup>17</sup> The necessary documents (report of conveyance form & supporting documentation) proving a purchase of Nay's vested water rights are not on file with the Water Bureau, so Bundy's claim that he inherited or purchased all the water rights he claims appears false.<sup>18</sup> Coincidentally, Nay died less than a month after the applications were filed.<sup>19</sup> Bundy could have petitioned for adjudication at any time in the last two decades to defend his claim, which will be considered abandoned in 2028 if he does not petition for adjudication by the end of 2027.<sup>20</sup>

Water rights are particular to a specific location, such as a spring, and use, such as livestock watering, not established by residence in the general area.<sup>21</sup> Use by his wife's ancestors for farming do not establish water rights for livestock watering. Cliven's father, David Ammon Bundy, came to Bunkerville in 1948, purchasing 160 acres from Raoul and Ruth Leavitt for \$10.

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<sup>11</sup> Web blog: "Save Gold Butte" <http://www.savegoldbutte.com/2010/03/authors-personal-connection-with-gold.html>

<sup>12</sup> "My Experiences About the Nay Ranch", Earl Nay, June 5, 1994 (available at the Virgin Valley Heritage Museum, Mesquite, NV)

<sup>13</sup> State of Nevada Division of Water Resources water permit applications V08974 - V08984

<sup>14</sup> State of Nevada Division of Water Resources water permit applications V08974 - V08984; and letter from BLM dated 1/21/2011

<sup>15</sup> State of Nevada Division of Water Resources water permit applications V08974 - V08984

<sup>16</sup> Nevada Revised Statutes 533.090 et. Seq.

<sup>17</sup> Web blog: "Save Gold Butte" <http://www.savegoldbutte.com/2010/03/authors-personal-connection-with-gold.html>

<sup>18</sup> State of Nevada Division of Water Resources water permit applications V08974 - V08984

<sup>19</sup> State of Nevada Division of Water Resources water permit applications V08974 - V08984 (Oct. 20, 1997); Deed conveying Nay Ranch to Marilyn Nay and terminating joint tenancy with Keith Nay (deceased Nov. 18, 1997).

<sup>20</sup> Nevada Revised Statutes 533.324 et seq., Appropriation of Public Water Rights; and SB270 (2017)

Southern Nevada Water Authority, "Nevada Water Law", [https://www.snwa.com/ws/groundwater\\_law.html](https://www.snwa.com/ws/groundwater_law.html)

<sup>22</sup> (second cousin in-law, and Bureau of Reclamation employee) <sup>23</sup>, with ditch and irrigation water rights, but not to any other springs or water sources in the area. <sup>24</sup> He was reportedly able to secure a BLM grazing permit using his 160 acres as the base property. Grazing permit files are not available under the FOIA process until trial is completed. A history of grazing permits does not convey a right, as the enabling legislation makes clear: “Grazing permits or leases convey no right, title, or interest held by the United States in any lands or resources” <sup>25</sup>, and as the 9<sup>th</sup> Circuit ruled. <sup>26</sup> The holding in this case is controlling within the 9<sup>th</sup> circuit federal court district, which includes Nevada.

The Bundy’s home was the first structure built on that property, and was finished in 1951. <sup>27</sup> David reportedly obtained a grazing permit for the Bunkerville allotment in 1952, and began grazing cattle in 1953. This is not verifiable without access to sealed BLM files (see above). David was an operating engineer (heavy equipment operator) by profession. He worked on the ranch on weekends and holidays, until he retired in 1976, as cattle and the farm did not provide sufficient income to provide for his family. <sup>28</sup> In 1994, David and Bodell Bundy placed the property in a trust. Cliven Bundy does not own the property, although he may be a trustee for the trust which owns the property. He did not “inherit” these water rights. <sup>29</sup> Cliven’s claim that his maternal grandmother “settled” the property is also demonstrably false. Samuel Darling received a land patent for the property in 1916. <sup>30</sup>

In summary, the claim that Cliven’s family have been ranching in the area for 140 years is false, even if you include his in-law’s history in the area. There is no proof or even hint of constant use of the former Bunkerville allotment as range by the Bundys or relatives during this time period up until the early 1950’s. Bundy has no true claim to any vested water rights in his name, but the trust does have water rights to irrigation water (not livestock watering) from the irrigation ditch which Cliven can use to benefit the trust’s fields if he is a trustee. The Bundys have at best a two-year history of cotton picking, followed by a 54 year absence from the area, then a 64 year history of grazing cattle on the former Bunkerville allotment, at least 24 of those illegally.

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<sup>22</sup> Deed executed Jan. 5, 1948, and recorded in Book 54, Page 241 of Clark County Recorder’s ledger. Document #194801050274942.

<sup>23</sup> \* Need Diary citation, Census citation

<sup>24</sup> Deed executed Jan. 5, 1948, and recorded in Book 54, Page 241 of Clark County Recorder’s ledger. Document #194801050274942.

<sup>25</sup> 43 CFR 4130(c)

<sup>26</sup> *United States v. Estate of Hage*, 810 F.3d 712, 721 (9th Cir. 2016), cert. denied

<sup>27</sup> Permit on file with Clark County

<sup>28</sup> “Mesquite Flats: A History of Virgin Valley”, Vincent L. Leavitt, 1994, pg. 166

<sup>29</sup> Quitclaim deed from David and Bodell Bundy to the David A bundy and Bodell Bundy Revocable Trust, its trustees, or their successors in trust as trustees, executed April 6, 1994, and recorded as document #199407050000595.

<sup>30</sup> Clark County land patent records, available on BLM website. Accession number 523793.

