

BLM-033

Sadler-Bailey-Brown et al Allotment

The following described allotment comprises the common allotment for Sadler Brothers, Mary and Wilfred Bailey, George Brown, Roy Young, Ernest Merkley and Sons and the Pedro Corta Estate:

Beginning at a point on the drainage divide of the Sulphur Spings Mountains near the NW corner of Sec. 10, T. 23 N., R. 52 E., MDM, thence eastward down the ridge, to the NW corner of Sec 12, T. 23 N., R. 52 E., thence in a straight line, a distance of about two and one-half ($2\frac{1}{2}$) miles just outside the Romano Ranch fences to the north quarter corner of Sec. 19, T. 23 N., R. 53 E., MDM, thence south just outside the Romano Ranch fences a distance of three (3) miles to the north quarter corner of Sec. 6, T. 22 N., R. 53 E., MDM, thence eastward in a straight line along the north boundary of T. 22 N., a distance of two and one-half ($2\frac{1}{2}$) miles to the NW corner of Sec. 3, T. 22 N., R. 53 E., MDM, thence northeasterly, a distance of two and three-quarter ($2\frac{3}{4}$) miles to the graded road that crosses the valley at a point on that road in the $NW\frac{1}{4}SW\frac{1}{4}$ Sec. 23, T. 23 N., R. 53 E., MDM, thence in a northerly direction through the center of the dry lake bed, a distance of about sixteen (16) miles to a point in the $SE\frac{1}{4}$ of Sec. 36 T. 26 N., R. 53 E., thence in a northeasterly direction in line with and along the existing fence known as the North Diamond fence, a distance of about four (4) miles to the point at which the fence corners near the north quarter corner of Sec. 27, T. 26 N., R. 54 E., MDM, thence along the fence in a southeasterly direction a distance of about two and one-half ($2\frac{1}{2}$) miles to the top of the drainage divide at a point in the $SW\frac{1}{4}SE\frac{1}{4}$ Sec. 25, T. 26 N., R. 54 E., MDM, thence north along the drainage divide, which is the Diamond Valley Unit line and the District line, a distance of about two miles to a point on the drainage divide, which is at the Elko-Eureka county line near the NE corner of Sec. 24, T. 26 N., R. 54 E., MDM, thence west along the county (and District) line about eleven and one-half ($11\frac{1}{2}$) miles to the top of the drainage divide near the NW corner of Sec. 19, T. 26 N., R. 53 E., MDM, which is the corner common to the Diamond Valley and Roberts Creek Units and the Elko District, thence south along the drainage divide of the Sulphur Springs Mountains, a distance of about two (2) miles to a point just above Telegraph Canyon, thence eastward on the ridge above the Telegraph Canyon road, a distance of about

one and one-half (1½) miles to the NE corner of Sec. 31, T. 26 N., R. 53 E., MDM, thence southeasterly around the fenced field and patented land at the Flynn Ranch (Parman) to the SE corner of Sec. 6, T. 25 N., R. 53 E., MDM, thence westerly up the ridge to the top of the drainage divide to a point in the SE¼ of Sec. 1, T. 25 N., R. 52 E., MDM, thence south along the drainage divide a distance of about thirteen (13) miles to the point of beginning.

It was further agreed by Corta livestock in a meeting with Range Conservationist of Battle Mountain District on May 11, 1965, that his sheep use in the Diamond Valley Unit will be made in the Railroad Canyon area, entirely east of the mouth of the canyon as it opens into Diamond Valley. This use will be made during the period of time April 20 to May 15 annually.

General Conditions

We the undersigned, stipulate that the Federal range area within this described allotment constitutes our apportioned share of the available Federal range forage within the Diamond Valley grazing unit of the Battle Mountain District.

It is also agreed that in the event of the increase or diminution of the Federal range forage within this allotment for any past, present, or future cause whatsoever, the resultant adjustment of grazing privileges will be made within this allotment and will not affect grazing privileges in adjoining allotments, or be a cause for the amendment of this agreement, or a readjudication of the range.

This agreement shall be binding on heirs or assignees of all licensees or permittees who are party to this agreement unless otherwise altered or changed by the mutual consent of the undersigned licensees or permittees or their heirs or assignees, with the concurrence of the Bureau of Land Management.

Special Conditions

In addition to those conditions spelled out in the Hunter-Ithurralde allotment, it shall be recognized that Labarrys shall be permitted to trail across the head of Walters Canyon to make use in the North Spring allotment area and that the sheep will be limited to this high country within the described boundaries of the North Spring allotment area.

E. P. Labarry
Hay Ranch (Lucky C)

4-5-65
Date

John H. Hunter
John & Kay Hunter
Kay Hunter

3-25-65
Date

James Ithurralde
James Ithurralde

3-24-65
Date

Joseph W. Batcheller
Romano Ranch (Batcheller)

Mar 23, 1965
Date

Raymond Labarry
Labarry & Labarry

Mar 25, 1965
Date

Louis Maggini Estate
By Robert, Trust Officer

March 30, 1965
Date

Ted M. Thompson
Ted Thompson

May 23, 1965
Date

Milfred Bailey
Mary & Milfred Bailey

May 27, 1965
Date

Sadler Bros. by Floyd Sadler
Sadler Brothers

May 28, 1965
Date

George Parman
Jewelle Parman & George Parman

5-21-65
Date

SEE ATTACHMENT "A"

Roy Young

Date

SEE ATTACHMENT "A"

Ernest Merkley & Son

Date

Henry Corra
Pedro Corra Estate

May 11, 1965
Date

George Brown
George Brown

May 11, 65
Date

Edward A. Melka
Edward A. Melka

3-25-65
Date

See Advisory Board Minutes -
Approved Battle Mountain District Advisory Board

June 10, 1965

Jesse K. Lowe
Concur District Manager

12/13/65
Date



United States Department of the Interior



Bureau of Land Management

Battle Mountain Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
(775)635-4000 Fax(775)635-4034

In Reply Refer to:
4160.1
(NV-062.8)

Cert. Mail # Z 188 116 021
Return Receipt Requested

JAN 5 2000

Wilfred Bailey
HC62 Box 129
Eureka NV, 89316

FINAL MULTIPLE USE DECISION FOR THE NORTH DIAMOND ALLOTMENT

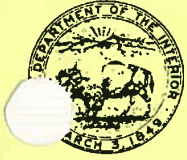
The Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry. The Record of Decision for the Shoshone-Eureka Environmental Impact Statement and the Resource Management Plan (RMP) was issued in March 1986. The Record of Decision for the RMP was issued in November 1987. These documents establish the multiple use goals and objectives which guide management of the public lands on the North Diamond allotment. The Rangeland Program Summary (RPS) was issued in December 1988, which further specifically identified the allotment specific objectives for the North Diamond allotment.

As identified in the Shoshone-Eureka RMP and the RPS, monitoring was established on the North Diamond allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established in the RPS and standards for Rangeland Health approved by the Secretary of the Interior on February 12, 1997. Monitoring data has been collected between 1988 and 1998. These data have been analyzed, through the evaluation process, to determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

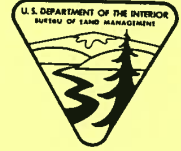
The Northeastern Great Basin Area's Standards are listed below:

Standard 1. Upland Sites: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Standard 2. Riparian and Wetland Sites: Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.



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Battle Mountain, Nevada 89820
(775)635-4000 Fax(775)635-4034

In Reply Refer to:

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(NV-062.8)

Cert. Mail # Z 188 116 014
Return Receipt Requested

Lundahl Research Ranch
3230 North, 1200 East
Logan, UT 84341

FINAL MULTIPLE USE DECISION FOR THE NORTH DIAMOND ALLOTMENT

The Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry. The Record of Decision for the Shoshone-Eureka Environmental Impact Statement and the Resource Management Plan (RMP) was issued in March 1986. The Record of Decision for the RMP was issued in November 1987. These documents establish the multiple use goals and objectives which guide management of the public lands on the North Diamond allotment. The Rangeland Program Summary (RPS) was issued in December 1988, which further specifically identified the allotment specific objectives for the North Diamond allotment.

As identified in the Shoshone-Eureka RMP and the RPS, monitoring was established on the North Diamond allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established in the RPS and standards for Rangeland Health approved by the Secretary of the Interior on February 12, 1997. Monitoring data has been collected between 1988 and 1998. These data have been analyzed, through the evaluation process, to determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

The Northeastern Great Basin Area's Standards are listed below:

Standard 1. Upland Sites: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Standard 2. Riparian and Wetland Sites: Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.

Standard 3. Habitat: Habitats exhibit a healthy, productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet the life cycle requirements of threatened and endangered species.

Standard 4. Cultural Resources: Land use plans will recognize cultural resources within the context of multiple use.

The specific multiple use objectives for the North Diamond allotment are listed below:

Land Use Plan/Rangeland Program Summary (RPS) Objectives

Vegetation and Ecological Condition

1. Utilization not to exceed 50% on key species by seed dissemination, and 60% by the end of the grazing year.

Livestock Existing Use/Management Objective

1. Existing use: 4,151 AUMs cattle.
2. In the long term, manage use at 4,151 AUMs in conformance with other objectives of the RMP.

Wildlife Management Objectives

1. Utilization of key browse species not to exceed 50% in terrestrial big game habitat areas.
2. Existing big game use (AUMs): 436. In the long term, provide habitat to support 423 AUMs (forage needs for reasonable numbers) of big game use, in conformance with the objectives of the RMP.
3. Manage rangeland habitat to maintain or enhance sagegrouse strutting and nesting areas, in conformance with other objectives of the RMP.

Wild Horse and Burro Management Objectives

1. Initially manage to provide 48 AUMs of forage for 4 horses within the Diamond Herd Management Area. 2.1% of the herd management area is within this allotment.
2. Maintain or improve wild horse habitat in a condition which enhances or preserves their wild and free roaming behavior, in conformance with other objectives of the RMP. (For example the absence of fences which disrupts normal distribution and movement patterns.)
3. Maintain or improve wild horse habitat by ensuring free access to water, in conformance with other objectives of the RMP.

Special Status Species

There are no known listed, proposed, or candidate species within the allotment.

Through the consultation, cooperation, and coordination process (CCC), two protests of the Proposed Multiple Use Decision (PMUD) were received from Eureka County and E. Cordell Lundahl, listing the following point(s) of protest:

1. Failure to adequately address Eureka's comments dated November 27, 1998 on the Diamond Mountain Complex. Of particular concern are the methodology and conclusions regarding

utilization maps, stocking rates, ecological condition and trend, season of use and wildlife and riparian recommendations.

The previous point(s) of protest and comments received following the protest period and during the tour of the Diamond Mountain Complex and meetings with the affected permittees have been considered in developing the Final Multiple Use Decision. The BLM has properly followed procedures in data collection as outlined in the Nevada Rangeland Monitoring Handbook and "Sampling Vegetation Attributes, Interagency Technical Reference, 1996", Riparian Area Management, Process for Assessing Proper Functioning Condition, TR 1737-9, 1993", Riparian Area Management, Process for Assessing Proper Functioning Condition for Lentic Riparian-Wetland Areas, TR 1737-11, 1994" and "BLM Manual 1630- Big Game Studies".

As a result of the evaluation and input received from the permittee(s) and interested publics I have determined the following standards and/or objectives have not been met:

Standard 1. Upland Sites is not being met. Average utilization exceeded 60% by the end of the grazing year. When utilization exceeds 60% appropriate litter and live vegetation become limiting for upland sites to reach their potential. In addition production (DPC) and frequency data showed appropriate types of vegetation are not present or occur in low percentages.

Standard 2. Riparian and Wetland Sites is not being met. There are no lotic riparian areas in the North Diamond allotment. The majority of the lentic riparian areas were determined to be functional-at-risk with a static or downward trend.

Standard 3. Habitat is not being met. Vegetative structure in 1998 showed 100% of the bitterbrush to be mature or decadent with 0% recruitment. In addition, production (DPC) and frequency data showed the appropriate types of vegetation are not present or occur in low percentages.

Through the allotment evaluation process it was determined that changes in existing livestock and wild horse management are needed to meet multiple use objectives established by the LUP and Standards for Rangeland Health as outlined for the Northeastern Great Basin Area. It was determined that wildlife were not contributing to the non-attainment of these objectives or Standards, therefore, no wildlife decision is necessary. As a result of the evaluation conclusions and after consideration of input received through the CCC process, my final decision is:

LIVESTOCK GRAZING MANAGEMENT DECISION

Changes in permitted use are identified below:

From:

<u>Allotment</u>	<u>Livestock</u>		<u>Season of Use</u>	<u>%PL</u>	<u>AUMs</u>
	<u>Kind</u>	<u>Number</u>			
North Diamond Bailey	Cattle	125	05/01-09/30	100	629
	Cattle	62	12/01-01/15	100	94
	Total				723

Lundahl						
Josephine Seeding	Cattle	50	05/01-06/21	100	85	
	Cattle	50	10/26-12/16	100	85	
Lonetree/Sadler	Cattle	41	05/01-06/19	100	67	
	Cattle	45	10/26-12/15	100	75	
Sokol FRF	Cattle	37	06/20-08/19	100	74	
N. Diamond Native	Cattle	587	06/20-10/25	100	<u>2,470</u>	
	Total					2,856

To:

<u>Allotment</u>	Livestock		<u>Season of Use</u>	<u>%PL</u>	<u>AUMs</u>
	<u>Kind</u>	<u>Number</u>			
North Diamond					
Bailey	Cattle	104	05/01-09/30	100	523
	Cattle	53	12/01-01/15	100	78
N. Diamond "Y"	Cattle	14	05/01-01/15	100	<u>122</u>
	Total				723

Lundahl						
Josephine Seeding	Cattle	50	05/01-06/21	100	85	
	Cattle	50	11/15-01/05	100	85	
Lonetree/Sadler	Cattle	41	05/01-06/19	100	67	
	Cattle	45	10/26-12/15	100	75	
Sokol FRF	Cattle	37	11/15-01/15	100	74	
N. Diamond Native	Cattle	422	05/01-10/25	100	<u>2,470</u>	
	Total					2,856

Cattle grazing in the North Diamond Native will be done in accordance with the following 2-year schedule:

Even Years	Odd Years
South of Josephine Seeding 05/01-07/15	North of Josephine Seeding 05/01-07/15
North of Josephine Seeding 07/16-10/25	South of Josephine Seeding 07/16-10/25

In addition to the permitted use above, the following additional terms and conditions shall be made part of all grazing permits in the North Diamond allotment:

Bailey Permit

This permit reflects your adjusted grazing permitted use based upon the "Allotment Evaluation" for this allotment. The term of this permit shall be for ten years. The terms and/or conditions of this permit shall be amended or changed when additional and/or new monitoring data reflects the need to do so.

The terms and conditions of this permit must be consistent with the Standards and Guidelines approved February 12, 1997 for the Northeastern Great Basin Resource Advisory Council (RAC) area.

November use in Garcia Flat Seeding will be no more than 3-days.

Key species at the 6 KMAs are to meet or make significant progress towards DPC. (2 KMAs in the Bailey use area and 4 KMAs in the Lundahl use area).

Utilization of "Key Forage Species" will not exceed 50% by seed dissemination or 60% by the end of the grazing year.

In accordance with 43 CFR 4130.8-1(f): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10% of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR sec. 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR sec. 4140.1 and 4160.1-2.

In accordance with 43 CFR 4130.3-2(d): Actual use information, for each use area, will be submitted to the authorized officer within 15 days of completing grazing use as specified on the grazing permit and/or grazing licenses.

In accordance with 43 CFR 4120.3-1(a): Range improvements shall be installed, used, and maintained, and/or modified on the public lands, or removed from the public lands, in a manner consistent with multiple use management.

In accordance with 43 CFR 4130.3-2(c): In order to improve livestock and rangeland management on the public lands, all salt and/or mineral supplements will not be placed within 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision.

In accordance with 43 CFR 4130.3-2(h): All grazing permittees shall provide reasonable access across private and/or leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.

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 43 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 by the authorized officer.

Lundahl Permit

This permit reflects your adjusted grazing permitted use based upon the "Allotment Evaluation" for this allotment. The term of this permit shall be for ten years. The terms and/or conditions of this permit shall be amended or changed when additional and/or new monitoring data reflects the need to do so.

The terms and conditions of this permit must be consistent with the Standards and Guidelines approved February 12, 1997 for the Northeastern Great Basin Resource Advisory Council (RAC) area.

Cattle grazing in the North Diamond Native will be done in accordance with the grazing schedule identified in the Final Multiple Use Decision for the North Diamond Allotment, dated 01/05/00.

Key species at the 6 KMAs are to meet or make significant progress towards DPC. (2 KMAs in the Bailey use area and 4 KMAs in the Lundahl use area)

Utilization of "Key Forage Species" will not exceed 50% by seed dissemination or 60% by the end of the grazing year.

No cattle grazing in critical big game habitat (around KMA ND-5) after 08/15.

In accordance with 43 CFR 4130.8-1(f): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10% of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR sec. 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR sec. 4140.1 and 4160.1-2.

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The following range improvements will be developed on the North Diamond allotment:

- 1a. Construct fence around Tunnel Spring. (Lundahl)
- 1b. Reconstruct fence and pipeline at Josephine Spring. (Lundahl)
- 2a. Construct 4-5 reservoirs in the Sulphur Springs Range. (Bailey & Lundahl)
- 2b. Construct pipeline from Williams Spring in Union Mountain to a trough in the Northern Portion of North Diamond.
3. Develop seeding in Diamond Valley. (Bailey)

RATIONALE: Through the allotment evaluation and multiple use decision process it was determined that the following standards and/or objectives are not being met:

Standard 1. Upland Sites is not being met. Average utilization exceeded 60% by the end of the grazing year. When utilization exceeds 60% appropriate litter and live vegetation become limiting for upland sites to reach their potential. In addition production (DPC) and frequency data showed appropriate types of vegetation are not present or occur in low percentages.

Standard 2. Riparian and Wetland Sites is not being met. There are no lotic riparian areas in the North Diamond allotment. The majority of the lentic riparian areas were determined to be functional-at-risk with a static or downward trend.

Standard 3. Habitat is not being met. Vegetative structure in 1998 showed 100% of the bitterbrush to be mature or decadent with 0% recruitment. In addition, production (DPC) and frequency data showed the appropriate types of vegetation are not present or occur in low percentages.

In order to ensure significant progress is being made towards achieving these standards the following management actions will be implemented: 1. adjust season of use; 2. rotate late spring/early summer grazing between the northern and southern portion of the North Diamond allotment; 3. no cattle grazing in critical wildlife habitat (around KMA, ND-5) after 08/15; 4. develop water sources to improve cattle distribution; 5. develop or re-develop fences around Tunnel and Josephine springs; 6. establish a seeding in Diamond Valley.

The North Diamond allotment has 2 cattle permits, however, no use areas have been defined to each permittee. Defining use areas for each permittee, based upon historical use, will eliminate any possible confusion which may arise in the future. The Bailey use area will contain the area in T26 N, R54E, sec 22, 23 and 26 (North Diamond "Y"). Over utilization has occurred in the Bailey use area of the North Diamond allotment. In order to reduce grazing pressure, 122 AUMs of the Bailey permit will be allocated in the North Diamond "Y". Stocking level for the Lundahl permit was adjusted on a transfer in 1994, therefore further adjustments are not needed at this time. Changes in season of use on the Lundahl use area will provide for growing season rest

and/or improve cattle distribution and handling. Development or range improvements (fence, water) will improve cattle distribution and help improve range condition.

The selected management actions in this multiple use decision are appropriate and will result in significant progress toward fulfillment of the standards and conformance with the guidelines for the Northeastern Great Basin Area.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2 (b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

4110.3-3(a): "After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing §4110.3-2 shall be issued as proposed decisions pursuant to §4160.1, except as provided in paragraph (b) of this section."

4110.4-1: "When lands outside designated allotments becomes available for livestock grazing under the administration of the Bureau of Land Management, the forage available for livestock shall be made available to qualified applicants at the discretion of the authorized officer. Grazing shall be apportioned under §4130.1-2 of this title."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the

public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.”

4130.3-1: “(a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing shall not exceed the livestock carrying capacity of the allotment. (b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or any term or condition of the permit or lease.”

4130.3-2: “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. ...”

4130.3-3: “Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.”

4160.1(a): “Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.”

4160.2: “Any applicant, permittee, lessee or other interested public may protest the proposed decision under §4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.”

4180.1: “The authorized officer shall take appropriate action under subparts 4110, 4120, 4130 and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

(a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

(b) Ecological process, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.

- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.”

4180.2(c): “The authorized officer shall take appropriate action as soon as practicable but not later than the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130 and 4160 of this part that will result in significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.

APPEAL: In accordance with 43 CFR 4160.4: “Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge by following the requirements set out in § 4.470 of this title. As stated in that part, the appeal must be filed within thirty (30) days from receipt of this notice or within 30 days after the date the proposed decision becomes final as provided by § 4160.3(a). Appeals and petitions for stay of the decision shall be filed at the office of the authorized officer. The authorized officer shall promptly transmit the appeal and petition for stay and the accompanying administrative record to ensure their timely arrival at the Office of Hearing and Appeals.” Appeals and petitions for stay shall be filed with Jeffrey A. Weeks, Assistant Field Manager, Renewable Resources, 50 Bastian Road, Battle Mountain, Nevada 89820.

The appeal shall state the reasons, clearly and concisely, why the appellant believes this decision was issued in error. Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant’s success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving ecological balance can be obtained through an Appropriate Management Level (AML) of 2 wild horses or 22 AUMs for that portion of the Diamond Herd Management Area which occurs in the North Diamond allotment.

	Average Actual Use	AML
Wild Horses	^[1]	2
AUMs	^[1]	22

^[1]No census data available on the North Diamond allotment.

RATIONALE: The North Diamond allotment contains a small portion of the Diamond HMA, which is rarely utilized by wild horses. Although wild horse use does not occur in the North Diamond allotment, 22 AUMs are being provided for occasional wild horse use.

AUTHORITY: The authority for this decision is contained in Sec. 3(a), Wild Horse and Burro Act (P. L. 92-195) and Title 43 of the Code of Federal Regulations including, but not limited to the following:

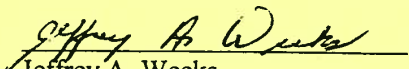
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4700.0-6(d): "In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands."

APPEAL: In accordance with 43 CFR 4770.3 (a) "Any person adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4." Appeals and petitions for stay shall be filed with Jeffrey A. Weeks, Assistant Field Office Manager, Renewable Resources, 50 Bastian Road, Battle Mountain, Nevada 89820. The appeal shall state the reasons, clearly and concisely, why the appellant believes this decision was issued in error. All grounds of error not stated will be considered waived.

Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.


 Jeffrey A. Weeks
 Assistant Field Manager,
 Renewable Resources



United States Department of the Interior



Bureau of Land Management

Battle Mountain Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
(775)635-4000 Fax(775)635-4034

In Reply Refer to:
4160.1
(NV-062.8)

Cert. Mail # Z 188 116 021
Return Receipt Requested

JAN 5 2000

Wilfred Bailey
HC62 Box 129
Eureka NV, 89316

FINAL MULTIPLE USE DECISION FOR THE NORTH DIAMOND ALLOTMENT

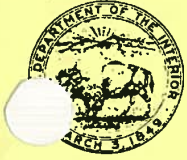
The Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry. The Record of Decision for the Shoshone-Eureka Environmental Impact Statement and the Resource Management Plan (RMP) was issued in March 1986. The Record of Decision for the RMP was issued in November 1987. These documents establish the multiple use goals and objectives which guide management of the public lands on the North Diamond allotment. The Rangeland Program Summary (RPS) was issued in December 1988, which further specifically identified the allotment specific objectives for the North Diamond allotment.

As identified in the Shoshone-Eureka RMP and the RPS, monitoring was established on the North Diamond allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established in the RPS and standards for Rangeland Health approved by the Secretary of the Interior on February 12, 1997. Monitoring data has been collected between 1988 and 1998. These data have been analyzed, through the evaluation process, to determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

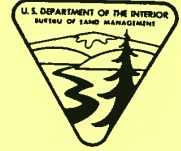
The Northeastern Great Basin Area's Standards are listed below:

Standard 1. Upland Sites: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Standard 2. Riparian and Wetland Sites: Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.



United States Department of the Interior



Bureau of Land Management

Battle Mountain Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
(775)635-4000 Fax(775)635-4034

In Reply Refer to:

4160.1
(NV-062.8)

Cert. Mail # Z 188 116 014
Return Receipt Requested

Lundahl Research Ranch
3230 North, 1200 East
Logan, UT 84341

FINAL MULTIPLE USE DECISION FOR THE NORTH DIAMOND ALLOTMENT

The Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines were approved February 12, 1997. These Standards and Guidelines reflect the stated goals of improving rangeland health while providing for the viability of the livestock industry. The Record of Decision for the Shoshone-Eureka Environmental Impact Statement and the Resource Management Plan (RMP) was issued in March 1986. The Record of Decision for the RMP was issued in November 1987. These documents establish the multiple use goals and objectives which guide management of the public lands on the North Diamond allotment. The Rangeland Program Summary (RPS) was issued in December 1988, which further specifically identified the allotment specific objectives for the North Diamond allotment.

As identified in the Shoshone-Eureka RMP and the RPS, monitoring was established on the North Diamond allotment to determine if existing multiple uses for the allotment were consistent with attainment of the objectives established in the RPS and standards for Rangeland Health approved by the Secretary of the Interior on February 12, 1997. Monitoring data has been collected between 1988 and 1998. These data have been analyzed, through the evaluation process, to determine what changes in existing management are required in order to meet specific multiple use objectives for this allotment.

The Northeastern Great Basin Area's Standards are listed below:

Standard 1. Upland Sites: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate and land form.

Standard 2. Riparian and Wetland Sites: Riparian and wetland areas exhibit a properly functioning condition and achieve state water quality criteria.

Standard 3. Habitat: Habitats exhibit a healthy, productive, and diverse population of native and/or desirable plant species, appropriate to the site characteristics, to provide suitable feed, water, cover and living space for animal species and maintain ecological processes. Habitat conditions meet the life cycle requirements of threatened and endangered species.

Standard 4. Cultural Resources: Land use plans will recognize cultural resources within the context of multiple use.

The specific multiple use objectives for the North Diamond allotment are listed below:

Land Use Plan/Rangeland Program Summary (RPS) Objectives

Vegetation and Ecological Condition

1. Utilization not to exceed 50% on key species by seed dissemination, and 60% by the end of the grazing year.

Livestock Existing Use/Management Objective

1. Existing use: 4,151 AUMs cattle.
2. In the long term, manage use at 4,151 AUMs in conformance with other objectives of the RMP.

Wildlife Management Objectives

1. Utilization of key browse species not to exceed 50% in terrestrial big game habitat areas.
2. Existing big game use (AUMs): 436. In the long term, provide habitat to support 423 AUMs (forage needs for reasonable numbers) of big game use, in conformance with the objectives of the RMP.
3. Manage rangeland habitat to maintain or enhance sagegrouse strutting and nesting areas, in conformance with other objectives of the RMP.

Wild Horse and Burro Management Objectives

1. Initially manage to provide 48 AUMs of forage for 4 horses within the Diamond Herd Management Area. 2.1% of the herd management area is within this allotment.
2. Maintain or improve wild horse habitat in a condition which enhances or preserves their wild and free roaming behavior, in conformance with other objectives of the RMP. (For example the absence of fences which disrupts normal distribution and movement patterns.)
3. Maintain or improve wild horse habitat by ensuring free access to water, in conformance with other objectives of the RMP.

Special Status Species

There are no known listed, proposed, or candidate species within the allotment.

Through the consultation, cooperation, and coordination process (CCC), two protests of the Proposed Multiple Use Decision (PMUD) were received from Eureka County and E. Cordell Lundahl, listing the following point(s) of protest:

1. Failure to adequately address Eureka's comments dated November 27, 1998 on the Diamond Mountain Complex. Of particular concern are the methodology and conclusions regarding

utilization maps, stocking rates, ecological condition and trend, season of use and wildlife and riparian recommendations.

The previous point(s) of protest and comments received following the protest period and during the tour of the Diamond Mountain Complex and meetings with the affected permittees have been considered in developing the Final Multiple Use Decision. The BLM has properly followed procedures in data collection as outlined in the Nevada Rangeland Monitoring Handbook and "Sampling Vegetation Attributes, Interagency Technical Reference, 1996", Riparian Area Management, Process for Assessing Proper Functioning Condition, TR 1737-9, 1993", Riparian Area Management, Process for Assessing Proper Functioning Condition for Lentic Riparian-Wetland Areas, TR 1737-11, 1994" and "BLM Manual 1630- Big Game Studies".

As a result of the evaluation and input received from the permittee(s) and interested publics I have determined the following standards and/or objectives have not been met:

Standard 1. Upland Sites is not being met. Average utilization exceeded 60% by the end of the grazing year. When utilization exceeds 60% appropriate litter and live vegetation become limiting for upland sites to reach their potential. In addition production (DPC) and frequency data showed appropriate types of vegetation are not present or occur in low percentages.

Standard 2. Riparian and Wetland Sites is not being met. There are no lotic riparian areas in the North Diamond allotment. The majority of the lentic riparian areas were determined to be functional-at-risk with a static or downward trend.

Standard 3. Habitat is not being met. Vegetative structure in 1998 showed 100% of the bitterbrush to be mature or decadent with 0% recruitment. In addition, production (DPC) and frequency data showed the appropriate types of vegetation are not present or occur in low percentages.

Through the allotment evaluation process it was determined that changes in existing livestock and wild horse management are needed to meet multiple use objectives established by the LUP and Standards for Rangeland Health as outlined for the Northeastern Great Basin Area. It was determined that wildlife were not contributing to the non-attainment of these objectives or Standards, therefore, no wildlife decision is necessary. As a result of the evaluation conclusions and after consideration of input received through the CCC process, my final decision is:

LIVESTOCK GRAZING MANAGEMENT DECISION

Changes in permitted use are identified below:

From:

<u>Allotment</u>	<u>Livestock</u>		<u>Season of Use</u>	<u>%PL</u>	<u>AUMs</u>
	<u>Kind</u>	<u>Number</u>			
North Diamond Bailey	Cattle	125	05/01-09/30	100	629
	Cattle	62	12/01-01/15	100	94
	Total				

Lundahl						
Josephine Seeding	Cattle	50	05/01-06/21	100	85	
	Cattle	50	10/26-12/16	100	85	
Lonetree/Sadler	Cattle	41	05/01-06/19	100	67	
	Cattle	45	10/26-12/15	100	75	
Sokol FRF	Cattle	37	06/20-08/19	100	74	
N. Diamond Native	Cattle	587	06/20-10/25	100	<u>2,470</u>	
Total						2,856

To:

<u>Allotment</u>	Livestock		<u>Season of Use</u>	<u>%PL</u>	<u>AUMs</u>
	<u>Kind</u>	<u>Number</u>			
North Diamond					
Bailey	Cattle	104	05/01-09/30	100	523
	Cattle	53	12/01-01/15	100	78
N. Diamond "Y"	Cattle	14	05/01-01/15	100	<u>122</u>
Total					723

Lundahl						
Josephine Seeding	Cattle	50	05/01-06/21	100	85	
	Cattle	50	11/15-01/05	100	85	
Lonetree/Sadler	Cattle	41	05/01-06/19	100	67	
	Cattle	45	10/26-12/15	100	75	
Sokol FRF	Cattle	37	11/15-01/15	100	74	
N. Diamond Native	Cattle	422	05/01-10/25	100	<u>2,470</u>	
Total						2,856

Cattle grazing in the North Diamond Native will be done in accordance with the following 2-year schedule:

Even Years	Odd Years
South of Josephine Seeding 05/01-07/15	North of Josephine Seeding 05/01-07/15
North of Josephine Seeding 07/16-10/25	South of Josephine Seeding 07/16-10/25

In addition to the permitted use above, the following additional terms and conditions shall be made part of all grazing permits in the North Diamond allotment:

Bailey Permit

This permit reflects your adjusted grazing permitted use based upon the "Allotment Evaluation" for this allotment. The term of this permit shall be for ten years. The terms and/or conditions of this permit shall be amended or changed when additional and/or new monitoring data reflects the need to do so.

The terms and conditions of this permit must be consistent with the Standards and Guidelines approved February 12, 1997 for the Northeastern Great Basin Resource Advisory Council (RAC) area.

November use in Garcia Flat Seeding will be no more than 3-days.

Key species at the 6 KMAs are to meet or make significant progress towards DPC. (2 KMAs in the Bailey use area and 4 KMAs in the Lundahl use area).

Utilization of "Key Forage Species" will not exceed 50% by seed dissemination or 60% by the end of the grazing year.

In accordance with 43 CFR 4130.8-1(f): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10% of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR sec. 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR sec. 4140.1 and 4160.1-2.

In accordance with 43 CFR 4130.3-2(d): Actual use information, for each use area, will be submitted to the authorized officer within 15 days of completing grazing use as specified on the grazing permit and/or grazing licenses.

In accordance with 43 CFR 4120.3-1(a): Range improvements shall be installed, used, and maintained, and/or modified on the public lands, or removed from the public lands, in a manner consistent with multiple use management.

In accordance with 43 CFR 4130.3-2(c): In order to improve livestock and rangeland management on the public lands, all salt and/or mineral supplements will not be placed within 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision.

In accordance with 43 CFR 4130.3-2(h): All grazing permittees shall provide reasonable access across private and/or leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.

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 43 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 by the authorized officer.

Lundahl Permit

This permit reflects your adjusted grazing permitted use based upon the "Allotment Evaluation" for this allotment. The term of this permit shall be for ten years. The terms and/or conditions of this permit shall be amended or changed when additional and/or new monitoring data reflects the need to do so.

The terms and conditions of this permit must be consistent with the Standards and Guidelines approved February 12, 1997 for the Northeastern Great Basin Resource Advisory Council (RAC) area.

Cattle grazing in the North Diamond Native will be done in accordance with the grazing schedule identified in the Final Multiple Use Decision for the North Diamond Allotment, dated 01/05/00.

Key species at the 6 KMAs are to meet or make significant progress towards DPC. (2 KMAs in the Bailey use area and 4 KMAs in the Lundahl use area)

Utilization of "Key Forage Species" will not exceed 50% by seed dissemination or 60% by the end of the grazing year.

No cattle grazing in critical big game habitat (around KMA ND-5) after 08/15.

In accordance with 43 CFR 4130.8-1(f): Failure to pay grazing bills within 15 days of the due date specified in the bill shall result in a late fee assessment of \$25.00 or 10% of the grazing bill, whichever is greater, but not to exceed \$250.00. Payment made later than 15 days after the due date, shall include appropriate late fee assessment. Failure to make payment within 30 days may be a violation of 43 CFR sec. 4140.1(b)(1) and shall result in action by the authorized officer under 43 CFR sec. 4140.1 and 4160.1-2.

In accordance with 43 CFR 4130.3-2(d): Actual use information, for each use area, will be submitted to the authorized officer within 15 days of completing grazing use as specified on the grazing permit and/or grazing licences.

In accordance with 43 CFR 4120.3-1(a): Range improvements shall be installed, used, and maintained, and/or modified on the public lands, or removed from the public lands, in a manner consistent with multiple use management.

In accordance with 43 CFR 4130.3-2(c): In order to improve livestock and rangeland management on the public lands, all salt and/or mineral supplements will not be placed within 1/4 mile of any riparian area, wet meadow, or watering facility (either permanent or temporary) unless stipulated through a written agreement or decision.

In accordance with 43 CFR 4130.3-2(h): All grazing permittees shall provide reasonable access across private and/or leased lands to the Bureau of Land Management for the orderly management and protection of the public lands.

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 43 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 by the authorized officer.

The following range improvements will be developed on the North Diamond allotment:

- 1a. Construct fence around Tunnel Spring. (Lundahl)
- 1b. Reconstruct fence and pipeline at Josephine Spring. (Lundahl)
- 2a. Construct 4-5 reservoirs in the Sulphur Springs Range. (Bailey & Lundahl)
- 2b. Construct pipeline from Williams Spring in Union Mountain to a trough in the Northern Portion of North Diamond.
3. Develop seeding in Diamond Valley. (Bailey)

RATIONALE: Through the allotment evaluation and multiple use decision process it was determined that the following standards and/or objectives are not being met:

Standard 1. Upland Sites is not being met. Average utilization exceeded 60% by the end of the grazing year. When utilization exceeds 60% appropriate litter and live vegetation become limiting for upland sites to reach their potential. In addition production (DPC) and frequency data showed appropriate types of vegetation are not present or occur in low percentages.

Standard 2. Riparian and Wetland Sites is not being met. There are no lotic riparian areas in the North Diamond allotment. The majority of the lentic riparian areas were determined to be functional-at-risk with a static or downward trend.

Standard 3. Habitat is not being met. Vegetative structure in 1998 showed 100% of the bitterbrush to be mature or decadent with 0% recruitment. In addition, production (DPC) and frequency data showed the appropriate types of vegetation are not present or occur in low percentages.

In order to ensure significant progress is being made towards achieving these standards the following management actions will be implemented: 1. adjust season of use; 2. rotate late spring/early summer grazing between the northern and southern portion of the North Diamond allotment; 3. no cattle grazing in critical wildlife habitat (around KMA, ND-5) after 08/15; 4. develop water sources to improve cattle distribution; 5. develop or re-develop fences around Tunnel and Josephine springs; 6. establish a seeding in Diamond Valley.

The North Diamond allotment has 2 cattle permits, however, no use areas have been defined to each permittee. Defining use areas for each permittee, based upon historical use, will eliminate any possible confusion which may arise in the future. The Bailey use area will contain the area in T26 N, R54E, sec 22, 23 and 26 (North Diamond "Y"). Over utilization has occurred in the Bailey use area of the North Diamond allotment. In order to reduce grazing pressure, 122 AUMs of the Bailey permit will be allocated in the North Diamond "Y". Stocking level for the Lundahl permit was adjusted on a transfer in 1994, therefore further adjustments are not needed at this time. Changes in season of use on the Lundahl use area will provide for growing season rest

and/or improve cattle distribution and handling. Development or range improvements (fence, water) will improve cattle distribution and help improve range condition.

The selected management actions in this multiple use decision are appropriate and will result in significant progress toward fulfillment of the standards and conformance with the guidelines for the Northeastern Great Basin Area.

AUTHORITY: The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses (either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the permitted use specified in a grazing permit or lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180 of this part. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2 (b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization, or when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

4110.3-3(a): "After consultation, cooperation, and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer. Decisions implementing §4110.3-2 shall be issued as proposed decisions pursuant to §4160.1, except as provided in paragraph (b) of this section."

4110.4-1: "When lands outside designated allotments becomes available for livestock grazing under the administration of the Bureau of Land Management, the forage available for livestock shall be made available to qualified applicants at the discretion of the authorized officer. Grazing shall be apportioned under §4130.1-2 of this title."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve management and resource condition objectives for the

public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part.”

4130.3-1: “(a) The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing shall not exceed the livestock carrying capacity of the allotment. (b) All permits and leases shall be made subject to cancellation, suspension, or modification for any violation of these regulations or any term or condition of the permit or lease.”

4130.3-2: “The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands. ...”

4130.3-3: “Following consultation, cooperation and coordination with the affected lessees or permittees, the State having lands or responsible for managing resources within the area, and the interested public, the authorized officer may modify terms and conditions of the permit or lease when the active use or related management practices are not meeting the land use plan, allotment management plan or other activity plan, or management objectives, or is not in conformance with the provisions of subpart 4180 of this part. To the extent practical, the authorized officer shall provide to affected permittees or lessees, States having lands or responsibility for managing resources within the affected area, and the interested public an opportunity to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase or decrease grazing use, or to change the terms and conditions of a permit or lease.”

4160.1(a): “Proposed decisions shall be served on any affected applicant, permittee or lessee, and any agent and lien holder of record, who is affected by the proposed actions, terms or conditions, or modifications relating to applications, permits and agreements (including range improvement permits) or leases, by certified mail or personal delivery. Copies of proposed decisions shall also be sent to the interested public.”

4160.2: “Any applicant, permittee, lessee or other interested public may protest the proposed decision under §4160.1 of this title in person or in writing to the authorized officer within 15 days after receipt of such decision.”

4180.1: “The authorized officer shall take appropriate action under subparts 4110, 4120, 4130 and 4160 of this part as soon as practicable but not later than the start of the next grazing year upon determining that existing grazing management needs to be modified to ensure that the following conditions exist.

(a) Watersheds are in, or are making significant progress toward, properly functioning physical condition, including their upland, riparian-wetland, and aquatic components; soil and plant conditions support infiltration, soil moisture storage, and the release of water that are in balance with climate and landform and maintain or improve water quality, water quantity, and timing and duration of flow.

(b) Ecological process, including the hydrologic cycle, nutrient cycle, and energy flow, are maintained, or there is significant progress toward their attainment, in order to support healthy biotic populations and communities.

- (c) Water quality complies with State water quality standards and achieves, or is making significant progress toward achieving, established BLM management objectives such as meeting wildlife needs.
- (d) Habitats are, or are making significant progress toward being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species.”

4180.2(c): “The authorized officer shall take appropriate action as soon as practicable but not later than the next grazing year upon determining that existing grazing management practices or levels of grazing use on public lands are significant factors in failing to achieve the standards and conform with the guidelines that are made effective under this section. Appropriate action means implementing actions pursuant to subparts 4110, 4120, 4130 and 4160 of this part that will result in significant progress toward conformance with the guidelines. Practices and activities subject to standards and guidelines include the development of grazing-related portions of activity plans, establishment of terms and conditions of permits, leases and other grazing authorizations, and range improvement activities such as vegetation manipulation, fence construction and development of water.

APPEAL: In accordance with 43 CFR 4160.4: “Any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge by following the requirements set out in § 4.470 of this title. As stated in that part, the appeal must be filed within thirty (30) days from receipt of this notice or within 30 days after the date the proposed decision becomes final as provided by § 4160.3(a). Appeals and petitions for stay of the decision shall be filed at the office of the authorized officer. The authorized officer shall promptly transmit the appeal and petition for stay and the accompanying administrative record to ensure their timely arrival at the Office of Hearing and Appeals.” Appeals and petitions for stay shall be filed with Jeffrey A. Weeks, Assistant Field Manager, Renewable Resources, 50 Bastian Road, Battle Mountain, Nevada 89820.

The appeal shall state the reasons, clearly and concisely, why the appellant believes this decision was issued in error. Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant’s success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

WILD HORSE AND BURRO MANAGEMENT DECISION

It has been determined through monitoring that a thriving ecological balance can be obtained through an Appropriate Management Level (AML) of 2 wild horses or 22 AUMs for that portion of the Diamond Herd Management Area which occurs in the North Diamond allotment.

	Average <u>Actual Use</u>	<u>AML</u>
Wild Horses	^[1]	2
AUMs	^[1]	22

^[1]No census data available on the North Diamond allotment.

RATIONALE: The North Diamond allotment contains a small portion of the Diamond HMA, which is rarely utilized by wild horses. Although wild horse use does not occur in the North Diamond allotment, 22 AUMs are being provided for occasional wild horse use.

AUTHORITY: The authority for this decision is contained in Sec. 3(a), Wild Horse and Burro Act (P. L. 92-195) and Title 43 of the Code of Federal Regulations including, but not limited to the following:

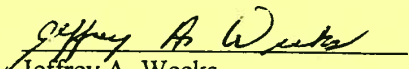
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4700.0-6(d): "In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands."

APPEAL: In accordance with 43 CFR 4770.3 (a) "Any person adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4." Appeals and petitions for stay shall be filed with Jeffrey A. Weeks, Assistant Field Office Manager, Renewable Resources, 50 Bastian Road, Battle Mountain, Nevada 89820. The appeal shall state the reasons, clearly and concisely, why the appellant believes this decision was issued in error. All grounds of error not stated will be considered waived.

Should you wish to file a petition for stay, the appellant shall show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.


 Jeffrey A. Weeks
 Assistant Field Manager,
 Renewable Resources

CASE FILE COPY

AUTH NUMBER: 2703675
DATE PRINTED: 3/2/2011

Form 4130-2a
(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE NV
OFFICE LLNV801000
AUTH NUMBER 2703675
PREFERENCE CODE 03
DATE PRINTED 03/02/2011
TERM 05/01/2011 TO 02/28/2021

GRAZING PERMIT

BUREAU OF LAND MANAGEMENT
MOUNT LEWIS FO
50 BASTIAN RD
BATTLE MOUNTAIN NV 89820

BAILEY FAMILY TRUST
C/O FRED OR CAROLYN BAILEY
PO BOX 29
EUREKA NV 89316

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 GRAZING PERMIT, UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE. CONTACT YOUR LOCAL BLM OFFICE AT 775-635-4000 IF YOU HAVE QUESTIONS.

MANDATORY TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK		GRAZING PERIOD		% PL	TYPE USE	AUMS
		NUMBER	KIND	BEGIN	END			
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		21	CATTLE	11/01	11/30	100	ACTIVE	21
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	BAILEY SDG NO. 1	110	CATTLE	12/15	01/31	100	ACTIVE	174
	BAILEY SDG NO. 2	23	CATTLE	11/01	12/30	100	ACTIVE	45

OTHER TERMS AND CONDITIONS:

IN ACCORDANCE WITH PUBLIC LAW 111-322, AN EXTENSION OF PUBLIC LAW 111-242 CONTINUING APPROPRIATIONS ACT, 2011, THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF SECTION 416, PUBLIC LAW 111-88 AND CONTAINS THE SAME MANDATORY TERMS AND CONDITIONS AS AS THE EXPIRED OR TRANSFERRED PERMIT OR LEASE. THIS PERMIT OR LEASE MAY BE CANCELED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS.

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THE TERMS AND CONDITIONS OF THIS PERMIT MUST BE CONSISTENT WITH THE STANDARDS AND GUIDELINES APPROVED FEBRUARY 12, 1997 FOR THE NORTHEASTERN GREAT BASIN RESOURCE ADVISORY COUNCIL (RAC) AREA.

NOVEMBER USE IN GARCIA FLAT SEEDING WILL BE NO MORE THAN 3 DAYS.

KEY SPECIES AT THE 6 KMAS ARE TO MEET OR MAKE SIGNIFICANT PROGRESS DPC. (2 KMAS IN THE BAILEY USE ARE AND 4 KMAS IN THE LUNDAHL USE AREA)

UTILIZATION OF "KEY FORAGE SPECIES" WILL NOT EXCEED 50% BY SEED DISSEMINATION OR 60% BY THE END OF THE GRAZING YEAR.

CASE FILE COPY

AUTH NUMBER: 2703675
DATE PRINTED: 3/2/2011

IN ACCORDANCE WITH 43 CFR 4130.8-1(F): FAILURE TO PAY GRAZING BILLS WITHIN 15 DAYS OF THE DUE DATE SPECIFIED IN THE BILL SHALL RESULT IN A LATE FEE ASSESSMENT OF \$25.00 OR 10 PERCENT OF THE GRAZING BILL, WHICHEVER IS GREATER, BUT NOT TO EXCEED \$250.00. PAYMENT MADE LATER THAN 15 DAYS AFTER THE DUE DATE, SHALL INCLUDE THE APPROPRIATE LATE FEE ASSESSMENT. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS MAY BE A VIOLATION OF 43 CFR SEC. 4140.1(B) (1) AND SHALL RESULT IN ACTION BY THE AUTHORIZED OFFICER UNDER 43 CFR SECTIONS 4150.1 AND 4160.1-2.

IN ACCORDANCE WITH 43 CFR 4130.3-2(D): ACTUAL USE INFORMATION, FOR EACH PASTURE/USE AREA, WILL BE SUBMITTED TO THE AUTHORIZED OFFICER WITHIN 15 DAYS OF COMPLETING GRAZING USE AS SPECIFIED ON THE GRAZING PERMIT AND/OR GRAZING LICENSES.

IN ACCORDANCE WITH 43 CFR 4120.3-1(A): ALL RANGE IMPROVEMENTS SHALL BE INSTALLED, USED, MAINTAINED, AND/OR MODIFIED ON THE PUBLIC LANDS, OR REMOVED FROM THESE LANDS, IN A MANNER CONSISTENT WITH MULTIPLE-USE MANAGEMENT.

IN ACCORDANCE WITH 43 CFR 4130.3-2(C): IN ORDER TO IMPROVE LIVESTOCK AND RANGELAND MANAGEMENT ON THE PUBLIC LANDS, ALL SALT AND/OR MINERAL SUPPLEMENTS WILL NOT BE PLACED WITHIN 1/4 MILE OF ANY RIPARIAN AREA, WET MEADOW, OR WATERING FACILITY (EITHER PERMANENT OR TEMPORARY) UNLESS STIPULATED THROUGH A WRITTEN AGREEMENT OR DECISION.

IN ACCORDANCE WITH 43 CFR 4130.3-2(H): ALL GRAZING PERMITTEES SHALL PROVIDE REASONABLE ACCESS ACROSS PRIVATE AND/OR LEASED LANDS TO THE BUREAU OF LAND MANAGEMENT FOR THE ORDERLY MANAGEMENT AND PROTECTION OF THE PUBLIC LANDS.

IN ACCORDANCE WITH 43 CFR 4130.3-3: THE AUTHORIZED OFFICER MAY MODIFY TERMS AND CONDITIONS OF THE PERMIT OR LEASE WHEN THE ACTIVE USE OR RELATED MANAGEMENT PRACTICES ARE NOT MEETING THE LAND USE PLAN, ALLOTMENT MANAGEMENT PLAN OR OTHER ACTIVITY PLAN, OR MANAGEMENT OBJECTIVES, OR IS NOT IN CONFORMANCE WITH THE PROVISIONS OF SUBPART 4180 RAC STANDARDS AND GUIDELINES.

PURSUANT TO 43 CFR 10.4(G) THE HOLDER OF THIS AUTHORIZATION MUST NOTIFY THE AUTHORIZED OFFICER, BY TELEPHONE, WITH WRITTEN CONFIRMATION IMMEDIATELY UPON THE DISCOVERY OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). FURTHER, PURSUANT TO 43 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 BY THE AUTHORIZED OFFICER.

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ALLOTMENT SUMMARY (AUMS)

<u>ALLOTMENT</u>	<u>ACTIVE AUMS</u>	<u>SUSPENDED AUMS</u>	<u>TEMP SUSPENDED AUMS</u>	<u>GRAZING PREFERENCE</u>
05473 UNION MOUNTAIN	271	77	0	348
10034 NORTH DIAMOND	723	397	0	1,120

CASE FILE COPY

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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 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 nondiscrimination clauses 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. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items
11. 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.
12. 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 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 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 GRAZING PERMIT:

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES
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ACCEPTED:
SIGNATURE OF PERMITTEE: Frank Bailey DATE: 3/2/11

APPROVED
BLM AUTHORIZED OFFICER: [Signature] DATE: 3/3/11

CASE FILE COPY

AUTH NUMBER: 2703675
DATE PRINTED: 3/2/2011

Form 4130-2a
(February 1999)

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BUREAU OF LAND MANAGEMENT

STATE NV
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ACCEPTED:
SIGNATURE OF PERMITTEE: Frank Bailey DATE: 3/2/11

APPROVED
BLM AUTHORIZED OFFICER: [Signature] DATE: 3/3/11

STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER

(Statutory vested water rights are those with a priority date prior to: March 1, 1905 for All Surface Sources; March 22, 1913 for Underground Artesian Waters; March 25, 1939 for Underground Percolating Water)

USE(S):

Primary (Please select only one):

Irrigation	<input type="checkbox"/>	Stock water	<input checked="" type="checkbox"/>	Mining and Milling	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
Municipal	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Quasi-Municipal	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Federal Reserved Right	<input type="checkbox"/>	Other (OTH) _____					

Secondary (Select all that may be applicable):

Stock water Domestic

NAME OF CLAIMANT Bailey Family Trust and Sadler Ranch, LLC

Address see remarks: P.O. Box 29 City of Eureka County of Eureka

State of Nevada Telephone No. 775-237-5225 Email Address _____

1. Source of water Bailey Spring
Name of natural water source (use separate proofs for each major source such as a spring, creek, river or underground)

2. The means of diversion Channel and pools
Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):
N-38 Deg. 5 Min. East 3090' from the South 1/4 Corner of Sec. 11, T27N, R53E.
NE 1/4 SE 1/4 Section 11, T. 27N., R. 53E., M.D.B. + M.

(List all points of diversion from the source, attaching a sheet if necessary. Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner for any other use than stock water. If on unsurveyed land, it should be stated.)

4. The date of construction of the ditch or other works was begun 1863
and completed _____

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:
Public domain with grazing permit
Patented, deeded, public domain with grazing permit, etc.

6. The claimant's water right was / was not recorded in the office of the County Recorder of
(circle one)
Eureka County, at Page 86 of Book Water Location of Eureka

7. The amount of water diverted for the claim's purpose has been measured at
0.027 cubic feet per second.
448.83 gallons per minute equals 1 cubic foot per second

8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):
Point of Diversion thence S Westerly along stream.

(List all places of use for the primary and any secondary purposes being claimed, attaching additional sheet(s) as needed. Describe them as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated. If the watering of livestock is accomplished by utilizing the natural stream channel, then describe the 40-acre legal subdivision at the beginning (upstream point) and the legal subdivision at the end of the stream reach.)

QUESTIONS REGARDING WATERING OF LIVESTOCK

9. The approximate number of animals watered by the claimant during the first year of 1863 _____ was
Year
900 _____ cattle _____ horses _____ sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: April through November

10. The approximate number of animals watered by the claimant in subsequent years was:

990 _____ cattle _____ horses _____ sheep _____ other (describe in remarks)

11. The water is impounded in Pools and Channel prior to improvements
Trough(s), tank(s), pool(s), reservoir, natural channel, etc.

QUESTIONS WITH REGARD TO IRRIGATION

12. The date of survey of ditch, canal, or pipe line was _____

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom _____ feet,
width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement,
on a grade of _____ feet per thousand feet. If conduit has been since enlarged, complete questions 16 & 17.

14. The dimensions and type of pipeline as originally constructed were: Diameter of _____ inches with
a type of pipe of _____ for _____ feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

If conduit has been since enlarged, complete questions 16 & 17.

15. The conduit has / has not been enlarged.
(circle one)

16. The work of enlargement of the ditch, canal or pipeline commenced _____
and completed _____

17. The dimensions of the enlarged ditch or canal are: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement, on a grade of _____ feet per thousand feet.

18. The dimensions of the enlarged pipeline are: Diameter of _____ inches with a type of pipe of _____ for _____ lineal feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

19. The claimant is / is not the owner in the above-described conduit.
(circle one)

If claimant is an owner in the conduit, state interest held on this line.

20. Crop(s) of _____
(e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)
have been grown upon the land(s) irrigated.

21. The season of use for irrigation is typically from _____ to _____ of each year. The average number of cuttings in a year is typically _____ cuttings and the maximum number of cuttings in a year is _____ cuttings.

22. The water claimed has / has not been used for irrigation each and every year since the right was initiated.
(circle one)

23. 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):

24. The characteristics of the soil are _____
Sandy, gravelly, loam

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is _____ cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is _____ acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is _____ cubic feet per second.

27. List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with their corresponding subdivision. (Attach additional sheets as needed.)

Date	Acre	Quarter-Quarter	Section	Township	Range
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	____ E.
				(circle one)	

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

See supplement attached.

NAME OF CLAIMANT: Wilfred R. Bailey and Barbara Bailey, Trustees of the Bailey Family Trust
as to an undivided 50% interest.
ADDRESS: %Fred Bailey, P.O. Box 29, Eureka, Nevada 89316

Sadler Ranch, LLC., a Nevada limited liability company, as to an undivided 50%
interest.

ADDRESS: % Theodore Yednock Revocable Trust

Attn: Theodore Yednock
P.O. Box 831
Forest Knolls, CA 94933

cc: Mr. Michael Buschelman
P.O. Box 51371
Sparks, Nevada 89435

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by

Bailey Family Trust and Sadler Ranch, LLC are full and correct to the best of their knowledge and belief.
(Name)

Deponent is agent for claimant

If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Fred Bailey Signature *Fred Bailey*
(Please type or print name) (Please sign in the presence of a Notary Public)

Address P.O. Box 29, Eureka State of Nevada ZIP Code 89316

Telephone Number 775-237-5225 Email Address rangeriders@yahoo.com

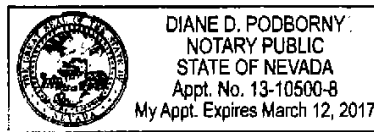
State of Nevada

County of Eureka

Subscribed and sworn to before me on May 25, 2016
(Date)

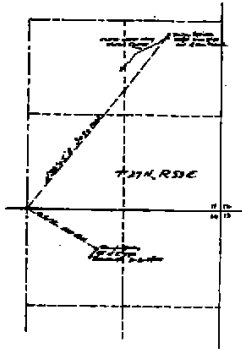
by Fred Bailey

Diane D. Podborny
Signature of Notary Public Required



Notary Stamp or Seal Required

THE FILING FEE IS \$120 FOR FILING EACH PROOF OF APPROPRIATION FORM, WITH THE EXCEPTION OF THE EXCLUSIVE FILING FOR A STOCK WATER CLAIM, WHICH HAS A \$60 FILING FEE.



STATE OF ARIZONA
COUNTY OF MARICOPA

I, Clerk of Superior Court, do hereby certify that the following is a true and correct copy of the original as filed in the office of the Clerk of Superior Court, Maricopa County, Arizona, on the 11th day of June, 1994.

Timothy A. [Signature]
Clerk of Superior Court

Charles [Signature]
Notary Public

FILED
JUN 11 1994
MARICOPA COUNTY, ARIZONA

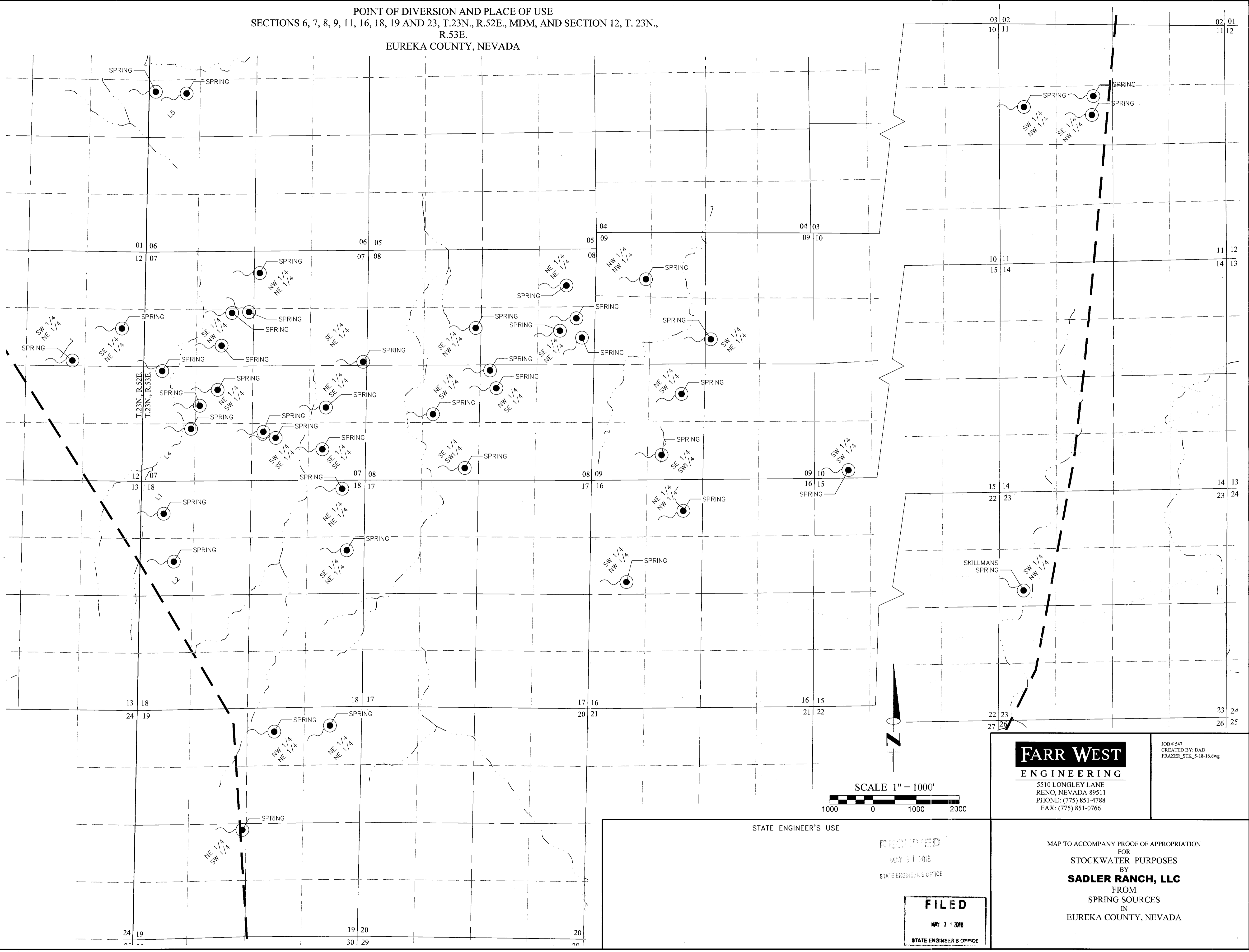
Write title in this space to correspond to page 6

TO RECORDERS BOARD OF ASSOCIATION OF STATES FROM THROUGH AND SALES...
BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR

Place in - 02280 - 02281

POINT OF DIVERSION AND PLACE OF USE
SECTIONS 6, 7, 8, 9, 11, 16, 18, 19 AND 23, T.23N., R.52E., MDM, AND SECTION 12, T. 23N.,
R.53E.
EUREKA COUNTY, NEVADA

0960
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0940



SCALE 1" = 1000'
1000 0 1000 2000

FARR WEST
ENGINEERING
5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766

JOB # 547
CREATED BY: DAD
FRAZER_STK_5-18-16.dwg

STATE ENGINEER'S USE

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STATE ENGINEER'S OFFICE

FILED
MAY 3 1 2016
STATE ENGINEER'S OFFICE

MAP TO ACCOMPANY PROOF OF APPROPRIATION
FOR
STOCKWATER PURPOSES
BY
SADLER RANCH, LLC
FROM
SPRING SOURCES
IN
EUREKA COUNTY, NEVADA



V10939 V10938 V10937 V10936 V10935 V10934 V10933 V10932 V10931 V10930 V10929 V10928 V10927 V10919

POINT OF DIVERSION AND PLACE OF USE
SECTION 1, T.24N., R.52E., MDM, AND SECTIONS 6, T. 24N., R.53E.
EUREKA COUNTY, NEVADA

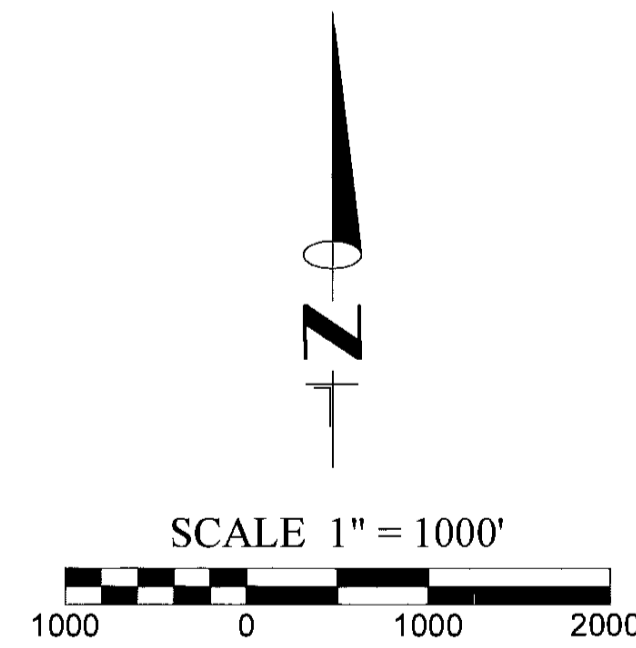
MATCH SHEET 4



- TOWNSHIP LINE
- SECTION LINE
- QUARTER SECTION LINE
- 16TH SECTION LINE
- DRAINS / DITCHES / CREEKS
- POD TIE
- ALLOTMENT BOUNDARY
- ACCESS ROAD
- IMPROVED ROAD
- BASIN BOUNDARY

LEGEND

- POINT OF DIVERSION (POD)
(AS NOTED)
- ◇ FOUND SECTION CORNER (AS NOTED)
- ◆ FOUND QUARTER SECTION CORNER (AS NOTED)
- SPRING (POD)



STATE ENGINEER'S USE

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FARR WEST
ENGINEERING
5510 LONGLEY LANE
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JOB # 547
CREATED BY: DAD
FRAZER_STK_5-18-16.dwg

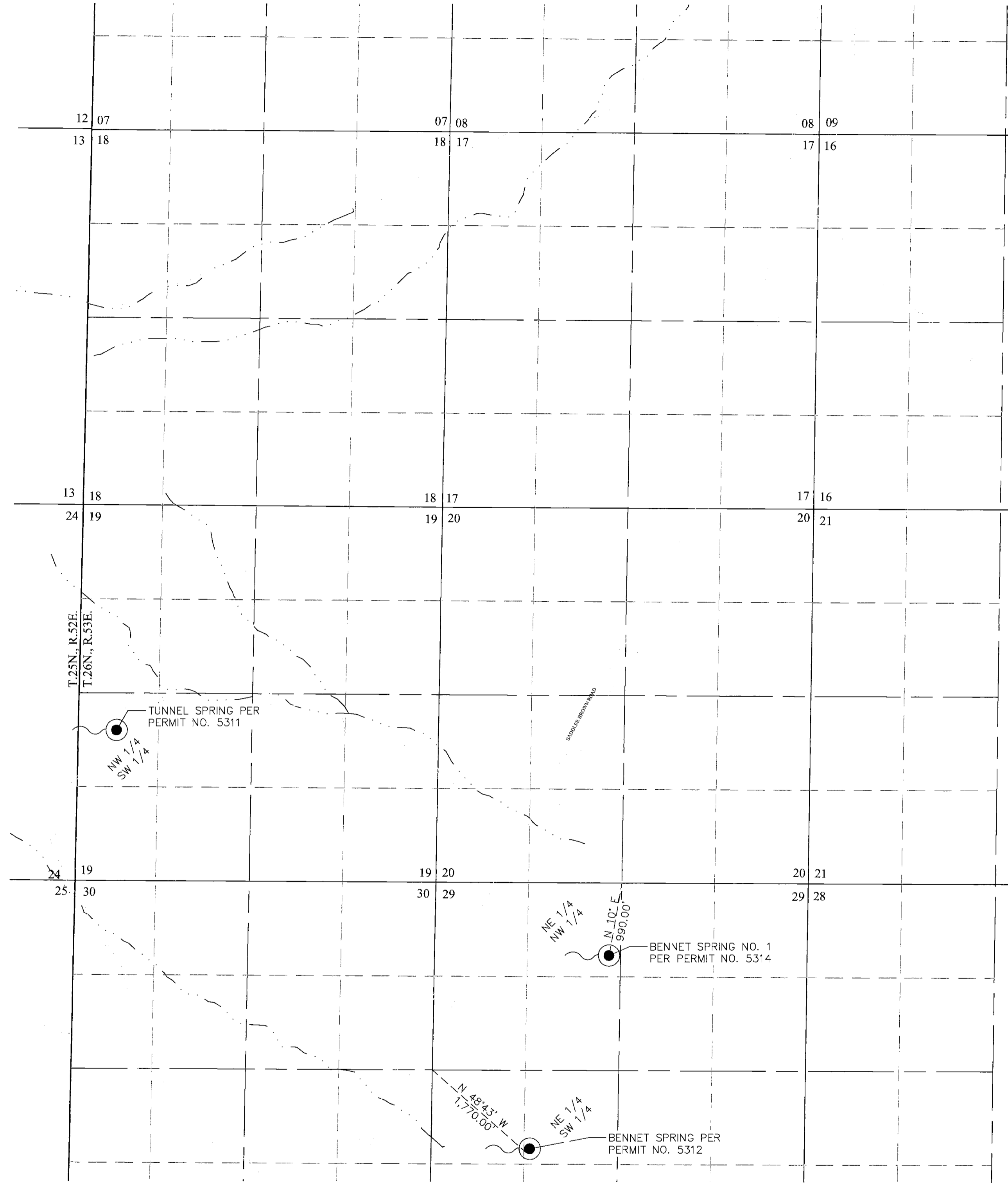
MAP TO ACCOMPANY PROOF OF APPROPRIATION
FOR
STOCK WATER PURPOSES
BY
SADLER RANCH, LLC
FROM
SPRING SOURCES
IN
EUREKA COUNTY, NEVADA



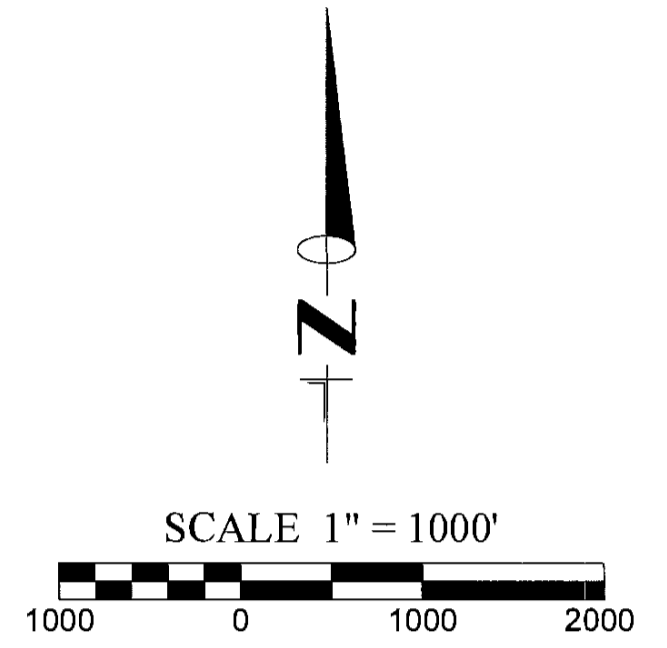
V10961 V10919

POINT OF DIVERSION AND PLACE OF USE
SECTIONS 19 AND 29, T.24N., R.53E., MDM
EUREKA COUNTY, NEVADA

MATCH SHEET 1



MATCH SHEET 5



- TOWNSHIP LINE
- SECTION LINE
- QUARTER SECTION LINE
- 16TH SECTION LINE
- DRAINS / DITCHES/CREEKS
- POD TIE
- ALLOTMENT BOUNDARY
- ACCESS ROAD
- IMPROVED ROAD
- BASIN BOUNDARY

LEGEND

- POINT OF DIVERSION (POD) (AS NOTED)
- ◇ FOUND SECTION CORNER (AS NOTED)
- ◆ FOUND QUARTER SECTION CORNER (AS NOTED)
- SPRING (POD)

STATE ENGINEER'S USE
1.) NOTATION ON EAST SIDE OF TOWNSHIP LINE SHOULD READ T.25N., R.53E. *DE PERM 12/11/2016 Filed in V10920*

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FILED
MAY 31 2016
STATE ENGINEER'S OFFICE

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ENGINEERING
5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766

JOB # 547
CREATED BY: DAD
FRAZER_STK_5-18-16.dwg

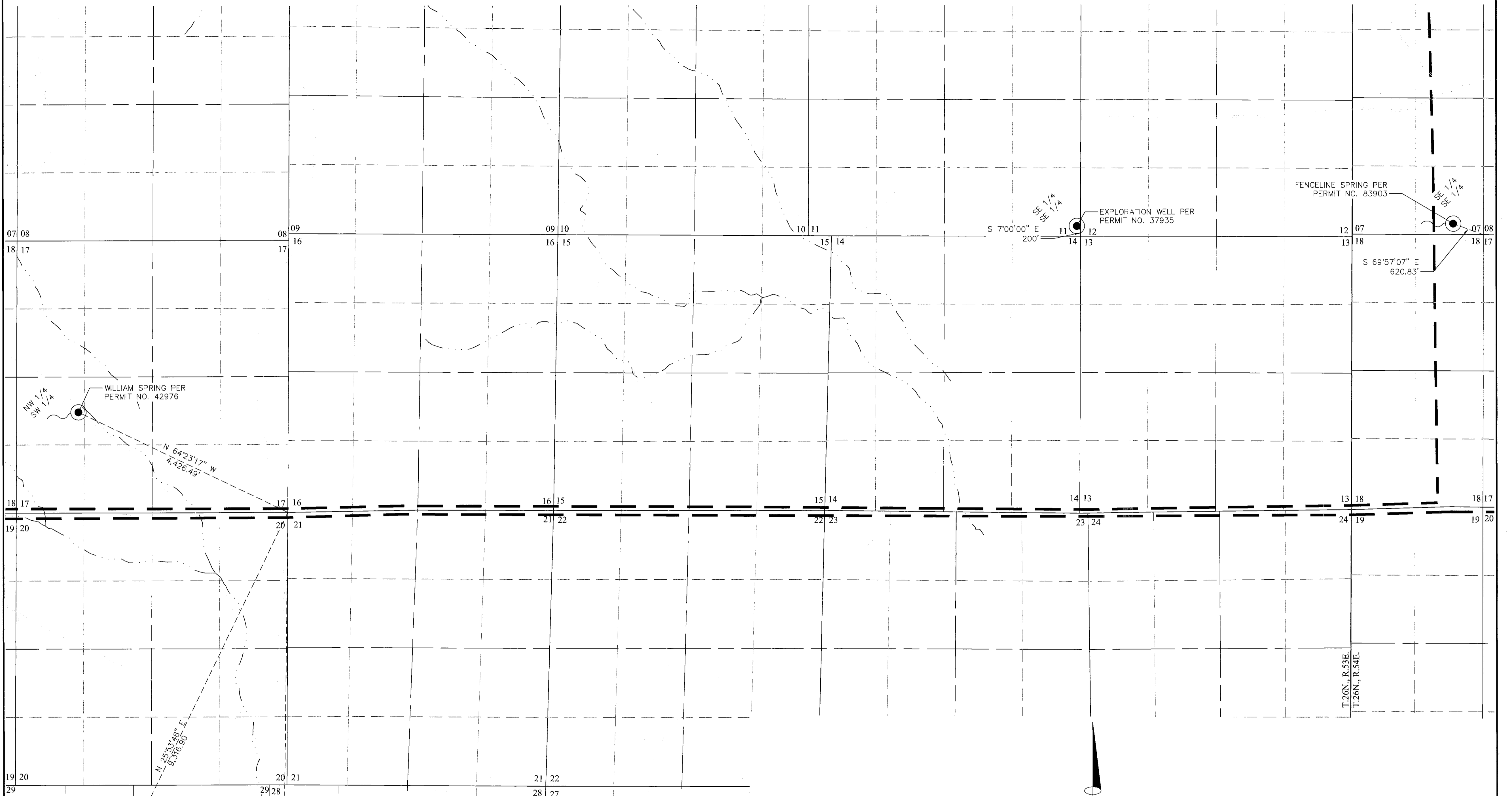
MAP TO ACCOMPANY PROOF OF APPROPRIATION
FOR
STOCKWATER PURPOSES
BY
SADLER RANCH, LLC
FROM
SPRING SOURCES
IN
EUREKA COUNTY, NEVADA

V10923 V10921 V10920 V10919



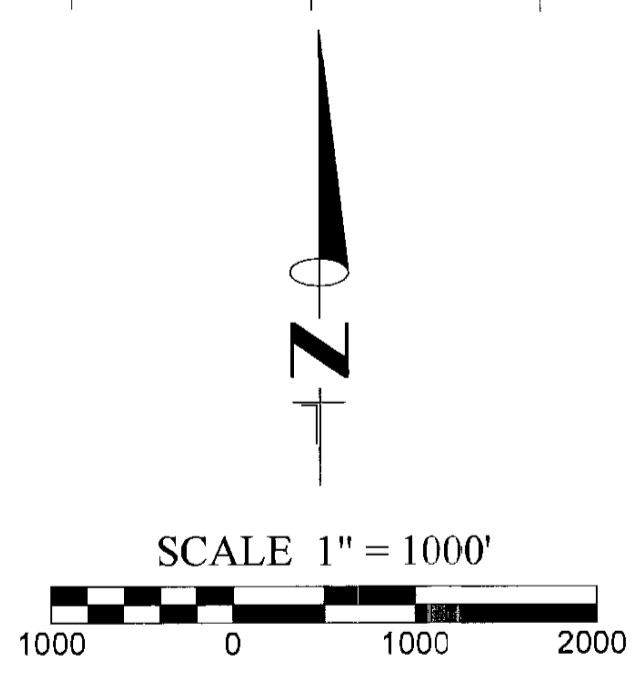
POINT OF DIVERSION AND PLACE OF USE
 SECTIONS 11 AND 17, T.26N., R.53E., MDM, AND SECTION 7, T. 26N., R.54E.
 EUREKA COUNTY, NEVADA

MATCH SHEET 2



MATCH SHEET 1

- LEGEND**
- TOWNSHIP LINE
 - SECTION LINE
 - QUARTER SECTION LINE
 - 16TH SECTION LINE
 - DRAINS / DITCHES/CREEKS
 - POD TIE
 - ALLOTMENT BOUNDARY
 - ACCESS ROAD
 - IMPROVED ROAD
 - BASIN BOUNDARY
 - POINT OF DIVERSION (POD) (AS NOTED)
 - ◇ FOUND SECTION CORNER (AS NOTED)
 - ◆ FOUND QUARTER SECTION CORNER (AS NOTED)
 - ⊙ SPRING (POD)



FARR WEST ENGINEERING 5510 LONGLEY LANE RENO, NEVADA 89511 PHONE: (775) 851-4788 FAX: (775) 851-0766	JOB # 547 CREATED BY: DAD FRAZER_STK_5-18-16.dwg
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STATE ENGINEER'S USE

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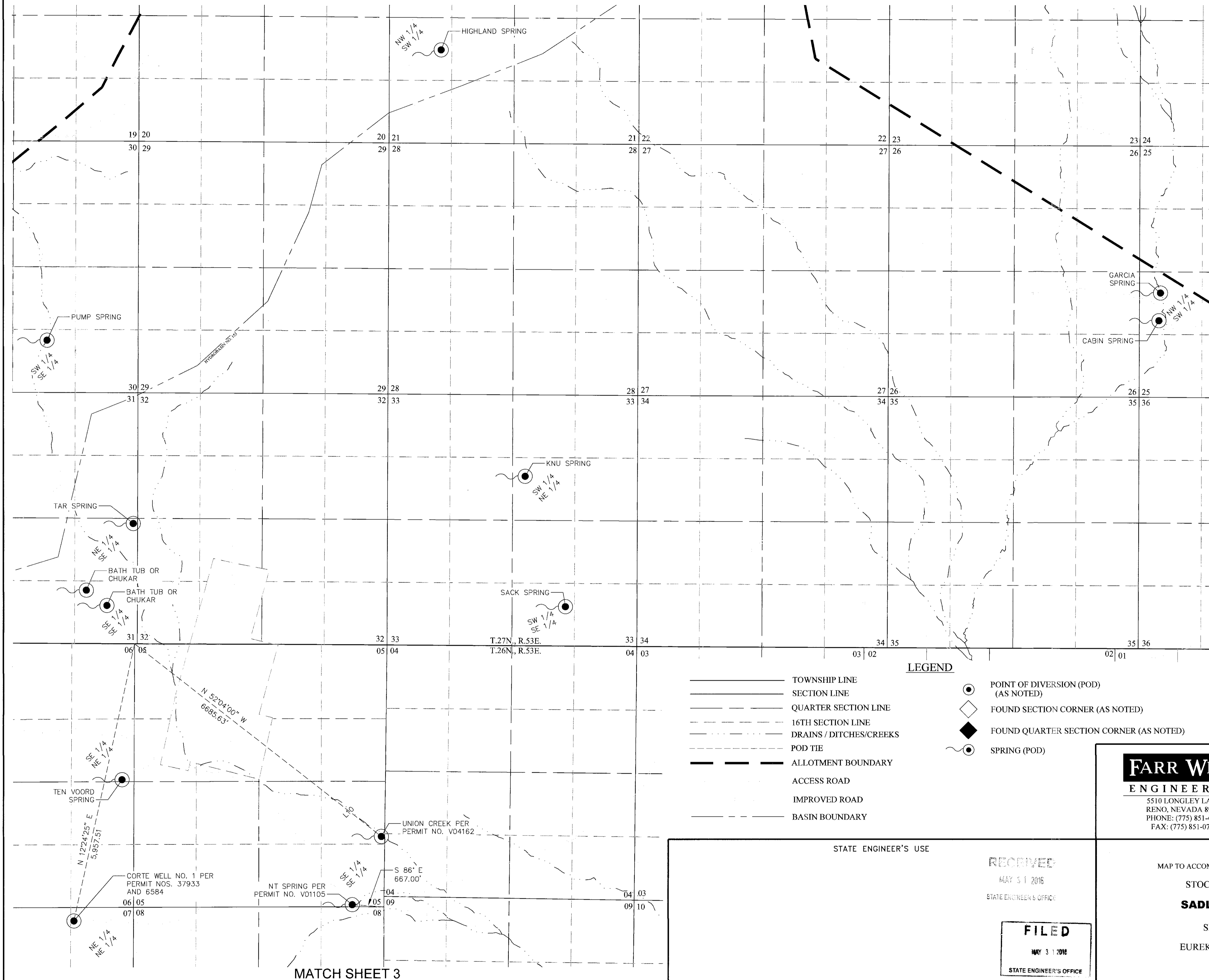
FILED
 MAY 31 2016
 STATE ENGINEER'S OFFICE

MAP TO ACCOMPANY PROOF OF APPROPRIATION
 FOR
 STOCKWATER PURPOSES
 BY
SADLER RANCH, LLC
 FROM
 SPRING SOURCES
 IN
 EUREKA COUNTY, NEVADA

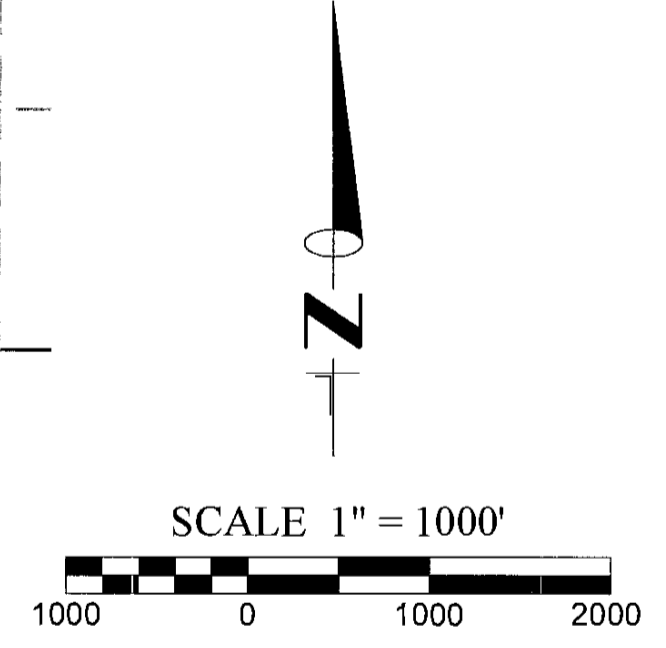
V10925 V10924 V10919



POINT OF DIVERSION AND PLACE OF USE
 SECTIONS 21, 25, 30, 31, 32, AND 33, T.27N., R.53E., MDM,
 AND SECTIONS 5, 6, 7, AND 8, T. 26N., R.53E.
 EUREKA COUNTY, NEVADA



- LEGEND**
- TOWNSHIP LINE
 - SECTION LINE
 - QUARTER SECTION LINE
 - 16TH SECTION LINE
 - DRAINS / DITCHES / CREEKS
 - POD TIE
 - ALLOTMENT BOUNDARY
 - ACCESS ROAD
 - IMPROVED ROAD
 - BASIN BOUNDARY
 - POINT OF DIVERSION (POD) (AS NOTED)
 - ◇ FOUND SECTION CORNER (AS NOTED)
 - ◆ FOUND QUARTER SECTION CORNER (AS NOTED)
 - SPRING (POD)



FARR WEST ENGINEERING
 5510 LONGLEY LANE
 RENO, NEVADA 89511
 PHONE: (775) 851-4788
 FAX: (775) 851-0766

JOB # 547
 CREATED BY: DAD
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STATE ENGINEER'S USE

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 MAY 31 2016
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FILED
 MAY 31 2016
 STATE ENGINEER'S OFFICE

MAP TO ACCOMPANY PROOF OF APPROPRIATION
 FOR
 STOCKWATER PURPOSES
 BY
SADLER RANCH, LLC
 FROM
 SPRING SOURCES
 IN
 EUREKA COUNTY, NEVADA

MATCH SHEET 3

V10971 V10970 V10969 V10966 V10965 V10964 V10963 V10962 V10919

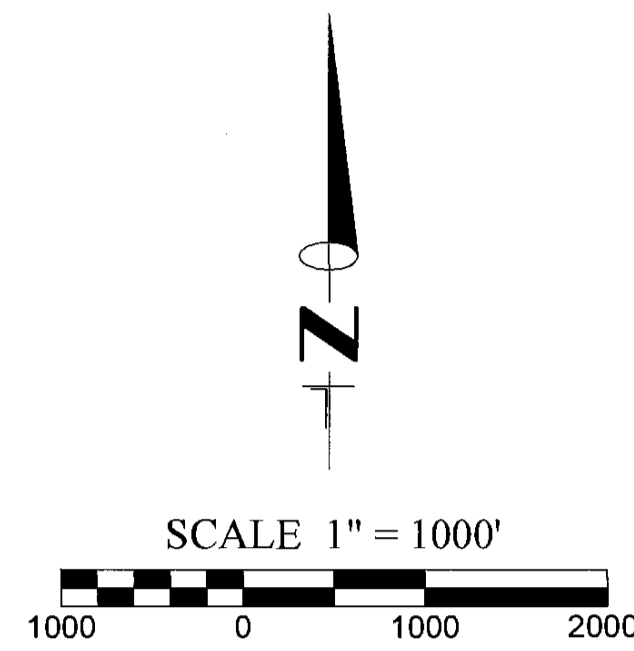
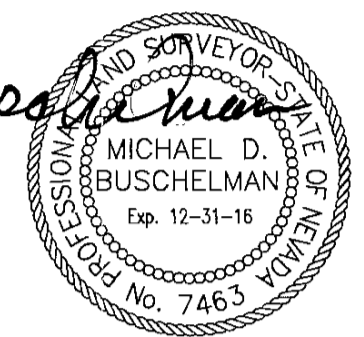


POINT OF DIVERSION AND PLACE OF USE
 SECTIONS 26 AND 28, T.26N., R.53E., MDM, AND SECTION 7, T. 25N., R.53E.
 EUREKA COUNTY, NEVADA

STATE OF NEVADA)
)SS.
 COUNTY OF WASHOE)

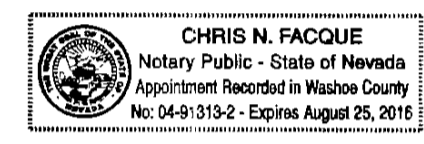
I, MICHAEL D. BUSCHELMAN, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT THIS MAP, CONSISTING OF 5 SHEETS, HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE(S) FROM INFORMATION OBTAINED FROM THE NEVADA STATE ENGINEERS OFFICE, US BUREAU OF LAND MANAGEMENT, TOPO MAPS, HISTORICAL AERIAL PHOTOGRAPHY, AND NOTES OF A SURVEY MADE BY ME, OR UNDER MY SUPERVISION AND DIRECTION, ON OR BEFORE MAY 5, 2016; THAT IT TRULY AND CORRECTLY REPRESENTS THE LOCATION AND EXTENT OF THE POINTS OF DIVERSION AND PLACE OF USE TO DIVERT WATER FROM A SPRING SOURCE BY **SADLER RANCH, LLC** FOR STOCKWATER PURPOSES IN EUREKA COUNTY, NEVADA.

Michael D. Buschelman
 MICHAEL D. BUSCHELMAN
 STATE WATER-RIGHT SURVEYOR NO. 792



SUBSCRIBE AND SWORN BEFORE ME THIS 17th DAY OF MAY,
2016.
 NOTARY PUBLIC IN AND FOR WASHOE COUNTY, NEVADA
 MY COMMISSION EXPIRES AUGUST 25th, 2016.

Chris N. Faoué
 NOTARY PUBLIC

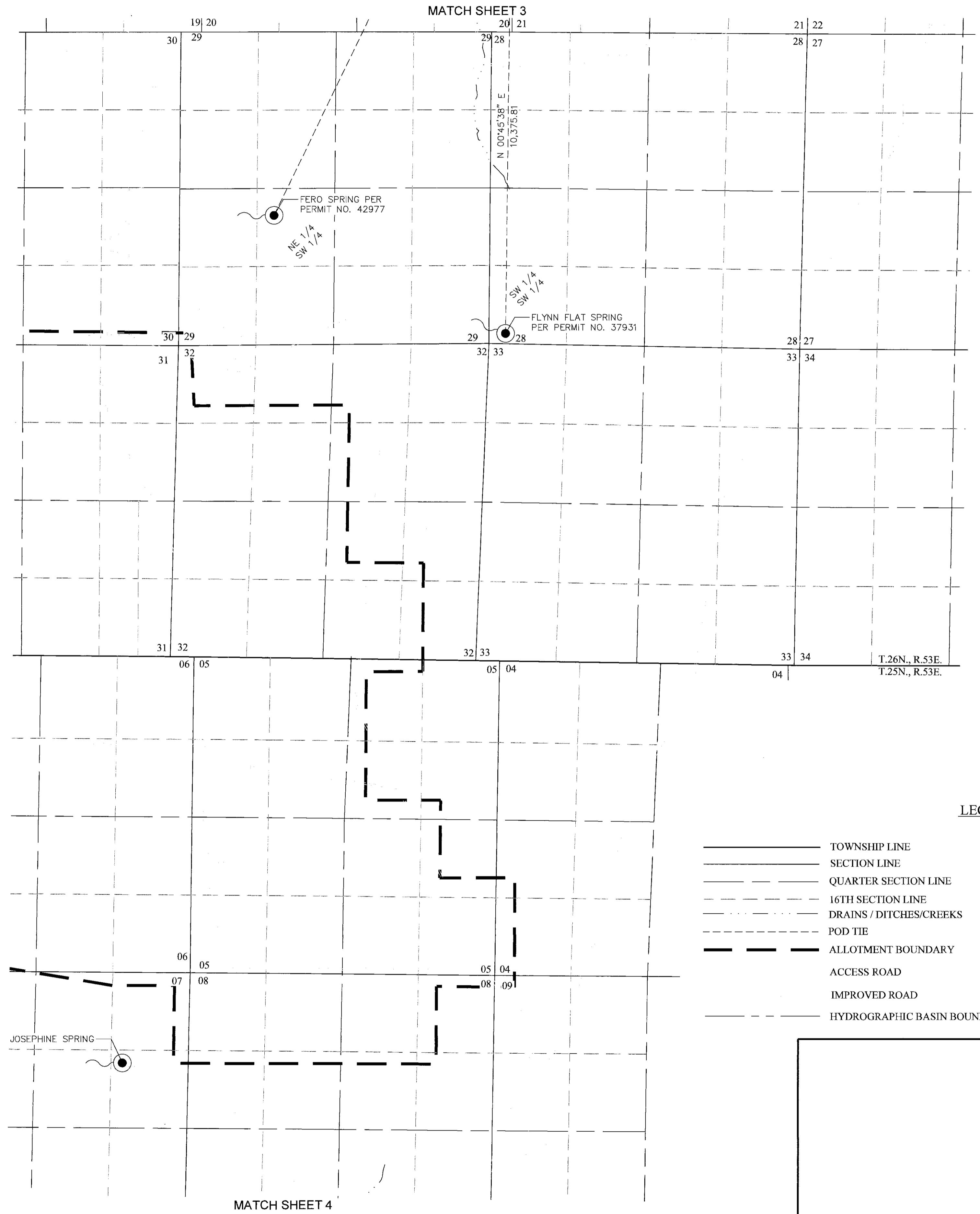


REFERENCES

1. NEVADA TOWNSHIP AND RANGE GEOSPATIAL INFORMATION FROM GLO MAPPING, UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT.
2. OFFICIAL USGS 7.5' QUADRANGLE MAP; NEVADA
3. AERIAL PHOTOGRAPHY, DATED JUNE 28, 1946

BASIS OF BEARING

NEVADA TOWNSHIP AND RANGE GEOSPATIAL INFORMATION FROM GLO MAPPING, UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT.



LEGEND

- TOWNSHIP LINE
- SECTION LINE
- QUARTER SECTION LINE
- 16TH SECTION LINE
- DRAINS / DITCHES/CREEKS
- POD TIE
- - - - - ALLOTMENT BOUNDARY
- ACCESS ROAD
- IMPROVED ROAD
- HYDROGRAPHIC BASIN BOUNDARY
- POINT OF DIVERSION (POD) (AS NOTED)
- ◇ FOUND SECTION CORNER (AS NOTED)
- ◆ FOUND QUARTER SECTION CORNER (AS NOTED)
- SPRING (POD)

JOSEPHINE SPRING

MATCH SHEET 4

STATE ENGINEER'S USE
 10413-10471
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 STATE ENGINEERS USE
FILED
 MAY 31 2016
 STATE ENGINEER'S OFFICE

<p>FARR WEST ENGINEERING 5510 LONGLEY LANE RENO, NEVADA 89511 PHONE: (775) 851-4788 FAX: (775) 851-0766</p>	<p>JOB # 547 CREATED BY: DAD FRAZER_STK_5-18-16.dwg</p>
	<p>MAP TO ACCOMPANY PROOF OF APPROPRIATION FOR STOCKWATER PURPOSES BY SADLER RANCH, LLC FROM SPRING SOURCES IN EUREKA COUNTY, NEVADA</p>

V10926 V10922 V10919



STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER

(Statutory vested water rights are those with a priority date prior to: March 1, 1905 for All Surface Sources; March 22, 1913 for Underground Artesian Waters; March 25, 1939 for Underground Percolating Water)

USE(S):

Primary (Please select only one):

Irrigation	<input type="checkbox"/>	Stock water	<input checked="" type="checkbox"/>	Mining and Milling	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
Municipal	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Quasi-Municipal	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Federal Reserved Right	<input type="checkbox"/>	Other (OTH) _____					

Secondary (Select all that may be applicable):

Stock water	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
-------------	--------------------------	----------	--------------------------

NAME OF CLAIMANT Sadler Ranch, LLC c/o Doug Frazer as to 50% and Bailey Family Trust as to 50%
 Address Post Office Box 831 City of Forest Knolls County of Marin
 State of California Telephone No. (415) 609-8077 Email Address rockbrain1@gmail.com

1. Source of water Spring
 Name of natural water source (use separate proofs for each major source such as a spring, creek, river or underground)

2. The means of diversion Natural Springs and Natural Channel
 Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):
Spring source within NE1/4 SW1/4 of Section 19, T.23N., R.53E., M.D.M.

(List all points of diversion from the source, attaching a sheet if necessary. Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner for any other use than stock water. If on unsurveyed land, it should be stated.)

4. The date of construction of the ditch or other works was begun prior to 1863
 and completed (natural spring and natural channel) See attachment.

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:
Public Domain with Grazing Permit
 Patented, deeded, public domain with grazing permit, etc.

6. The claimant's water right was / was not recorded in the office of the County Recorder of
 (circle one)
 _____ County, at Page _____ of Book _____ of _____.

7. The amount of water diverted for the claim's purpose has been measured at
See attachment. _____ cubic feet per second.
448.83 gallons per minute equals 1 cubic feet per second

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10-153
 EV

8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):
within NE1/4 SW1/4 and SE1/4 NW1/4 of Section 19, T.23N., R.53E., M.D.M.

(List all places of use for the primary and any secondary purposes being claimed, attaching additional sheet(s) as needed. Describe them as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated. If the watering of livestock is accomplished by utilizing the natural stream channel, then describe the 40-acre legal subdivision at the beginning (upstream point) and the legal subdivision at the end of the stream reach.)

QUESTIONS REGARDING WATERING OF LIVESTOCK

9. The approximate number of animals watered by the claimant during the first year of prior to 1863 was
_____ cattle _____ horses _____ sheep _____ other (describe in remarks)
Year

The watering was conducted during each of the following months: April through November, See attachment.

10. The approximate number of animals watered by the claimant in subsequent years was:
_____ cattle _____ horses _____ sheep _____ other (describe in remarks)

11. The water is impounded in Natural Channels. See attachment.
Trough(s), tank(s), pool(s), reservoir, natural channel, etc.

QUESTIONS WITH REGARD TO IRRIGATION

12. The date of survey of ditch, canal, or pipe line was _____

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom _____ feet,
width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement,
on a grade of _____ feet per thousand feet. If conduit has been since enlarged, complete questions 16 & 17.

14. The dimensions and type of pipeline as originally constructed were: Diameter of _____ inches with
a type of pipe of _____ for _____ feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

If conduit has been since enlarged, complete questions 16 & 17.

15. The conduit has / has not been enlarged.
(circle one)

16. The work of enlargement of the ditch, canal or pipeline commenced _____
and completed _____

06/15 - POA

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MAY 31 2016

STATE ENGINEER'S OFFICE

Page 2

17. The dimensions of the enlarged ditch or canal are: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement, on a grade of _____ feet per thousand feet.

18. The dimensions of the enlarged pipeline are: Diameter of _____ inches with a type of pipe of _____ for _____ lineal feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

19. The claimant is / is not the owner in the above-described conduit.
(circle one)

If claimant is an owner in the conduit, state interest held on this line.

20. Crop(s) of _____
(e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)
have been grown upon the land(s) irrigated.

21. The season of use for irrigation is typically from _____ to _____ of each year. The average number of cuttings in a year is typically _____ cuttings and the maximum number of cuttings in a year is _____ cuttings.

22. The water claimed has / has not been used for irrigation each and every year since the right was initiated.
(circle one)

23. 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):

24. The characteristics of the soil are _____
Sandy, gravelly, loam

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is _____ cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is _____ acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is _____ cubic feet per second.

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27. List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with their corresponding subdivision. (Attach additional sheets as needed.)

Date	Acres	Quarter-Quarter	Section	Township	Range
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	
_____	_____	acres in the _____ of Sec.	_____, T.	_____ (N./S.), R.	_____ E.
				(circle one)	

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ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

See attachment for additional information to support this proof filing, including priority date, period of use, head of livestock for first and subsequent years, and water right document recording data. Some of these proof of appropriations are being filed to supplement previously filed Proofs or Permits; those numbers are referenced if applicable. North Diamond and Union Mountain grazing allotments are jointly owned between Sadler Ranch, LLC and Bailey Family Trust.

NAME OF CLAIMANT: Wilfred R. Bailey and Barbara Bailey, Trustees of the Bailey Family Trust
as to an undivided 50% interest.
ADDRESS: Fred Bailey, P.O. Box 29, Eureka, Nevada 89316

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by
Sadler Ranch, LLC and Bailey Family Trust are full and correct to the best of their knowledge and belief.
(Name)

Under authority and direction from Claimant
If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Michael D. Buschelman Signature *Michael D. Buschelman*
(Please type or print name) (Please sign in the presence of a Notary Public)

Address Post Office Box 51371 State of Nevada ZIP Code 89435

Telephone Number (775) 355-9528 Email Address mike@mbuschelman.com

State of Nevada
County of Washoe

Subscribed and sworn to before me on 5-28-16
(Date)

by Michael D. Buschelman

Ruth L Smith
Signature of Notary Public Required



Notary Stamp or Seal Required

THE FILING FEE IS \$120 FOR FILING EACH PROOF OF APPROPRIATION FORM, WITH THE EXCEPTION OF THE EXCLUSIVE FILING FOR A STOCK WATER CLAIM, WHICH HAS A \$60 FILING FEE.

Michael D. Buschelman Consulting, Inc.
Post Office Box 51371
Sparks, Nevada 89435
(775) 355-9628 Office
(775) 355-9629 Fax

Attachment
to
Stock Water Proofs of Appropriation
Claimant: Sadler Ranch, LLC (50%) and Bailey Family Trust (50%)

Sadler Ranch, LLC is the successor to the previous owners of land, historical water claims and Bureau of Land Management (BLM) grazing permits now collectively known as the Sadler Ranch located in Diamond Valley, Nevada. The present day Sadler Ranch is a consolidation of numerous properties that utilized Big Shipley Springs and tributaries, Indian Camp Springs and tributaries and Eva Springs and tributaries as the sources of water to fulfill a diversified consumption of water on a year round basis.

This attachment has been prepared to provide additional information to support Proofs of Appropriation for stock water purposes on public lands. Some of these proofs of appropriations are being filed to augment previously filed Proofs or Permits. Serial numbers will be referenced if applicable.

North Diamond and Union Mountain grazing allotments located north of Eureka, Nevada are jointly permitted by the BLM to Sadler Ranch, LLC and Bailey Family Trust. Cattle owned by both parties utilize the spring(s) sources within the 40 acre subdivision identified under Item No. 3 for stock watering purposes. The spring(s) source of water within this 40 acre subdivision are utilized by the Sadler Ranch, LLC. The historical or future use of this spring(s) source by the Bailey Family Trust cattle has not been confirmed. Separate proofs of appropriation may be filed by the Bailey Family Trust.

Due to continued declines of spring water flows and cessation of numerous springs located in the northerly portion of Diamond Valley, Nevada, spring locations were confirmed by use of US Geological Service June 28, 1946 aerial photography as well as other historical aerial photograph, mapping and historical accounts. Some of the historical stock water sources have retained sufficient flow to provide water current herds. However, Animal Unit Months (AUM's) have been reduced due to the cessation of spring water sources along with other factors.

Item No. 3 – Points of diversion

Due to the cessation of many of the springs within the North Diamond and Union Mountain grazing allotments, numerous spring sources historically utilized for stock water are no longer identifiable today.

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Tie and bearing to spring sources are included if this information is available under existing proofs and permits for specific spring sources. The 40 acre subdivision was identified for those spring sources identified on the US Geological Service June 28, 1946 aerial photography.

Item No. 4 – Date of construction of works

The first use of springs for stock water has been determined be 1863 based on recorded possessory claim documents on file at the Eureka County Recorder’s office in Eureka, Nevada. Refer to documentation filed under Amended Proof No. 03289 and 03290 for references which establish the 1863 priority date.

The works consist of the natural spring source and natural channel.

Item No. 5 – Claimants title to land and water

Sadler Ranch LLC purchased the land and appurtenant water rights known as the Sadler Ranch and Brown Ranch. The privately held parcels and appurtenant water rights were historically consolidated into a single ownership through multiple acquisitions of possessory claims and land patents. Water from numerous springs were placed to beneficial use for stock watering purposes on public lands adjoining these two ranch properties.

Sadler Ranch, LLC holds fee title interest in the privately held lands and appurtenant water rights. Sadler Ranch, LLC holds title to water rights appurtenant spring sources on public lands as demonstrated by their ownership of cattle and horses and their active BLM grazing permits for the North Diamond and Union Mountain grazing allotments.

- Refer to Bates Number SRT000011 (Index 1 on Abstract of Title). Eureka County Survey Book A, Page 14, dated September 12, 1863 for L. Wines, et al.

Item No. 6 – Claimants water right was recorded in several locations:

Refer to documentation filed under Amended Proof Nos. 03289 and 03290 for references to recorded documents which establish the 1863 priority date and other documents referencing farming, ranching and cattle operations since 1863.

US General Land Office / Bureau of Land Management Cadastral Survey Field Notes from Book No. 76 dated October 1870:

Samuel Adrian and Louis Bates (Adrian & Bates) were contracted by the US General Land Office to survey and establish township lines between Townships T24N, R52E and T24N and R53E. Field surveys conducted by these two surveyors were documented in field notes. In accordance with the instructions to field surveyors by the US General Land Office, Adrian & Bates included information in their field survey notes as to the existence of settlers, man made improvements, topographical features, character of the

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soil, vegetation and potential for farming. The surveyors' comments included in the field notes were limited to those features they were able to identify in the vicinity of the contracted survey lines.

- Refer to Bates Number GD000001 US General Land Office Cadastral Field Survey Notes identified as Book No. 76 by Surveyors Samuel Adrian and Louis Bates (Adrian & Bates)
- Refer to Bates Numbers GD000001 and GD 000027 the US General Land Office Township Plat for T24N, R52 and 53 E
- Refer to Bates Numbers GD000005-000026 Surveyors Adrian & Bates identified several locations where they entered and exited "meadows". They characterized the land as level with sage brush, grass, meadow and first rate soil. They also identified those land areas with only sage brush.
- Refer to Bates Numbers GD000005-000026 - Surveyors Adrian & Bates traveled north on October 29, 1870 between Sections 13 and 18 of T24N R52 & 53E, they identified the "south west corner of hay corral" as being due north 13.00 chains from the Section Corner common to 19, 24, 13 & 18. The existence of this hay corral confirms the construction of facilities to produce crops, the active harvest of crops and the purposeful irrigation of fields.
- Refer to Bates Numbers GD000005-000026 - Surveyors Adrian & Bates reported in their field notes "North between R52 & 53E, T24N, there are several settlements in the first tier of sections, each side of the range line; also considerable meadow land formed by the sink of the water from Hot Springs. In Section 24 T24N, R52E is a very hot spring about 60 feet in diameter, from which flows a stream 10 links wide and 3 feet deep with a strong current and sinks in about 2 miles." There are 100 links in a surveyor's chain. A surveyor's chain is 66 feet in length. The 10 links in width referenced by Adrian & Bates equates to a width of 6.6 feet. The dimensions of the stream from Big Shipley Springs coincides with ditch dimensions identified by Alan Boyack, Water Right Surveyor, when he conducted his field survey in preparation and submittal of a culture map in 1980 to support Proof of Appropriation No. 03289.

Lander County Tax Records 1870 and 1871:

Research was also conducted at the Lander County offices and documentation was obtained verifying water use from Eva Springs. Historical tax and assessment records show that William Shipley was raising domesticated animals and occupying property in Diamond Valley in the 1870 and 1871 time frame.

- Refer to Bates Numbers LPP000468-LPP000476 - Lander County Assessment Rolls show that William Shipley paid assessments in November of 1870 for 4 horses, 8 mules, 95 head of cattle and 2 wagons.
- Refer to Bates Numbers LPP000468-LPP000476 - Lander County Assessment Rolls show that William Shipley paid assessments in 1871 for improvements listed as "stockade, house and ranch in Diamond Valley".
- Refer to Bates Numbers DE000475.

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Item No. 7 – The amount of water diverted:

The amount of water utilized for stock watering purposes has been defined by the Nevada Division of Water Resources as 20 gallons per day per cow or horse. The maximum permitted by the BLM grazing permit for the North Diamond and Union Mountain grazing allotments is 1,446 head of cattle for Sadler Ranch, LLC and The Bailey Family Trust. Not all of the BLM permitted cattle and horses will water from a single spring source at the same time, however, each spring source is vital to the needs of the allowable herd size.

Item No. 8 – Place of use:

The place of use for each spring will be the surrounding 40 acre subdivision as defined by the approved BLM Cadastral Surveys.

Item No. 9 – Approximate number of animals watered:

The maximum number of cattle owned by Sadler Ranch, LLC and The Bailey Family Trust that will utilize water from this source is 890 head.

Item No. 11 – Water is impounded for stock water, soil leaching and irrigation:

The natural spring source and channel are utilized to provide water to the animals.

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United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT
 NV05452 RED ROCK



Administrative State	NV NEVADA
Administrative Office	LLNVE02000 TUSCARORA FO
Allotment Number	NV05452
Allotment Name	RED ROCK
Grazing Allotment	Y
Allotment Decision	N/A
Plan Type	
Plan Date	

Authorization Information

Authorization Number	Admin State	Administrative Office	Authorizing Office	Effective Date	Expiration Date	Issue Date	Actual Active AUMS	Actual Suspended AUMS
2701557	NV	LLNVE02000	TUSCARORA FO	03/01/2009	02/28/2019	02/20/2009	4618	943
2703665	NV	LLNVE02000	TUSCARORA FO	04/01/2011	03/31/2021	02/28/2011	1385	405
2703670	NV	LLNVE02000	TUSCARORA FO	03/01/2011	02/28/2021	03/01/2011	1332	0
TOTAL							7,335	1,348

Authorization Schedule Information

Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
NV05452	RED ROCK		2701557	760	CATTLE	04/18	10/17	100	ACTIVE	4572
NV05452	RED ROCK		2701557	45	CATTLE	10/18	11/17	100	ACTIVE	46
NV05452	RED ROCK		2703665	1027	SHEEP	04/25	11/15	100	ACTIVE	1384
NV05452	RED ROCK		2703670	227	CATTLE	04/15	11/01	100	ACTIVE	1500

The sum of the AUMs from the Authorization Schedule Information may not equal the Active AUMs for each authorization or allotment due to rounding in the AUM calculation.

Date Printed: February 22, 2019

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United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT
 NV05473 UNION MOUNTAIN



Administrative State	NV NEVADA
Administrative Office	LLNVB01000 MOUNT LEWIS FO
Allotment Number	NV05473
Allotment Name	UNION MOUNTAIN
Grazing Allotment	Y
Allotment Decision	N/A
Plan Type	
Plan Date	

Authorization Information

Authorization Number	Admin State	Administrative Office	Authorizing Office	Effective Date	Expiration Date	Issue Date	Actual Active AUMS	Actual Suspended AUMS
2703675	NV	LLNVB01000	MOUNT LEWIS FO	05/01/2011	02/28/2021	03/03/2011	271	77
2703786	NV	LLNVB01000	MOUNT LEWIS FO	12/16/2011	12/15/2021	12/16/2011	1488	420
TOTAL							1,759	497

Authorization Schedule Information

Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
NV05473	UNION MOUNTAIN	GARCIA FLAT SDG.	2703675	71	CATTLE	05/01	08/15	100	ACTIVE	250
NV05473	UNION MOUNTAIN	GARCIA FLAT SDG.	2703675	21	CATTLE	11/01	11/30	100	ACTIVE	21
NV05473	UNION MOUNTAIN		2703786	295	CATTLE	05/01	09/30	100	ACTIVE	1484
NV05473	UNION MOUNTAIN		2703786	1	CATTLE	06/01	09/30	100	ACTIVE	4

The sum of the AUMs from the Authorization Schedule Information may not equal the Active AUMs for each authorization or allotment due to rounding in the AUM calculation.

Date Printed: February 22, 2019

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