

09756

Serial No. ....

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant James E. and Vera L. Baumann PO Box 308 of Eureka Nevada 89316

(2) Source of water Poison Canyon Spring

(3) The water is diverted by Dam

(4) The water is diverted at the following point(s) NE 1/4 NW 1/4 Sec: 20

(5) The water is impounded in Reservoir

(6) The construction of the ditch or other works was begun and completed

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Public domain with grazing permit Located in the Shannon Station and Spanish Gulch allotments.

(8) The claimant's water right was recorded in the office of the County Recorder of Eureka County, at Page of Book of

NOTE - Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

(9) The approximate number of animals watered by the claimant during the first year 1866  
Date  
was 100 cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep or wildlife (describe) \_\_\_\_\_  
Other  
The watering was conducted during each of the following months April 1st thru  
November 30th

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:  
about 100 hd of Cattle more or less over  
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given.  
the years; but this spring has been  
used continuously since 1866

(11) The amount of water which has been necessary to be diverted for this purpose has been  
1/2 cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet per second.

(12) The works are located at NE 1/4 of NW 1/4 Sec: 20 T19N  
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed  
Rng. 54E.  
land, it should be stated.  
GPS Long. 39° 30.68N Lat: 115° 55.61W.

Remarks Support documents for the Chain of title  
for Simpson Creek Ranch/James E. and Vera Baumann  
are provided in the Water Rights Documents -  
Vol I that was filed with the Nevada Division  
of Water Resources. Support documents specific  
to Poison Canyon Spring are in Vol II of  
Water Rights Documents Simpson Creek Ranch.  
also filed with the Nevada Department of  
Water Resources.

Remarks Poison Canyon Spring originally filed on  
by Angelo DePaoli under V01512. Later filed  
on by Pete Edra 4416. Then in 1924 A.C. Florio  
filed on same source different name (Choke  
Cherry sp. 7129) Later withdrawn.

Legal description on Florio filing is  
incorrect

Map filed under 4416 Vol I. Map also filed under 7129 Vol II

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by James E. and Vera L. Baumann are full and correct to the best of his knowledge and belief.

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

James E. Baumann Vera L. Baumann  
Claimant

Telephone No. (775) 237-5452

By \_\_\_\_\_

Street and No., or P.O. Box No. \_\_\_\_\_

City, State, Zip Code No. \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_

Subscribed and sworn to before me this Seventh day of September, 2008



Public in and for the County of Eureka

My commission expires June 25, 2009

**\$50 FILING FEE MUST ACCOMPANY PROOF**

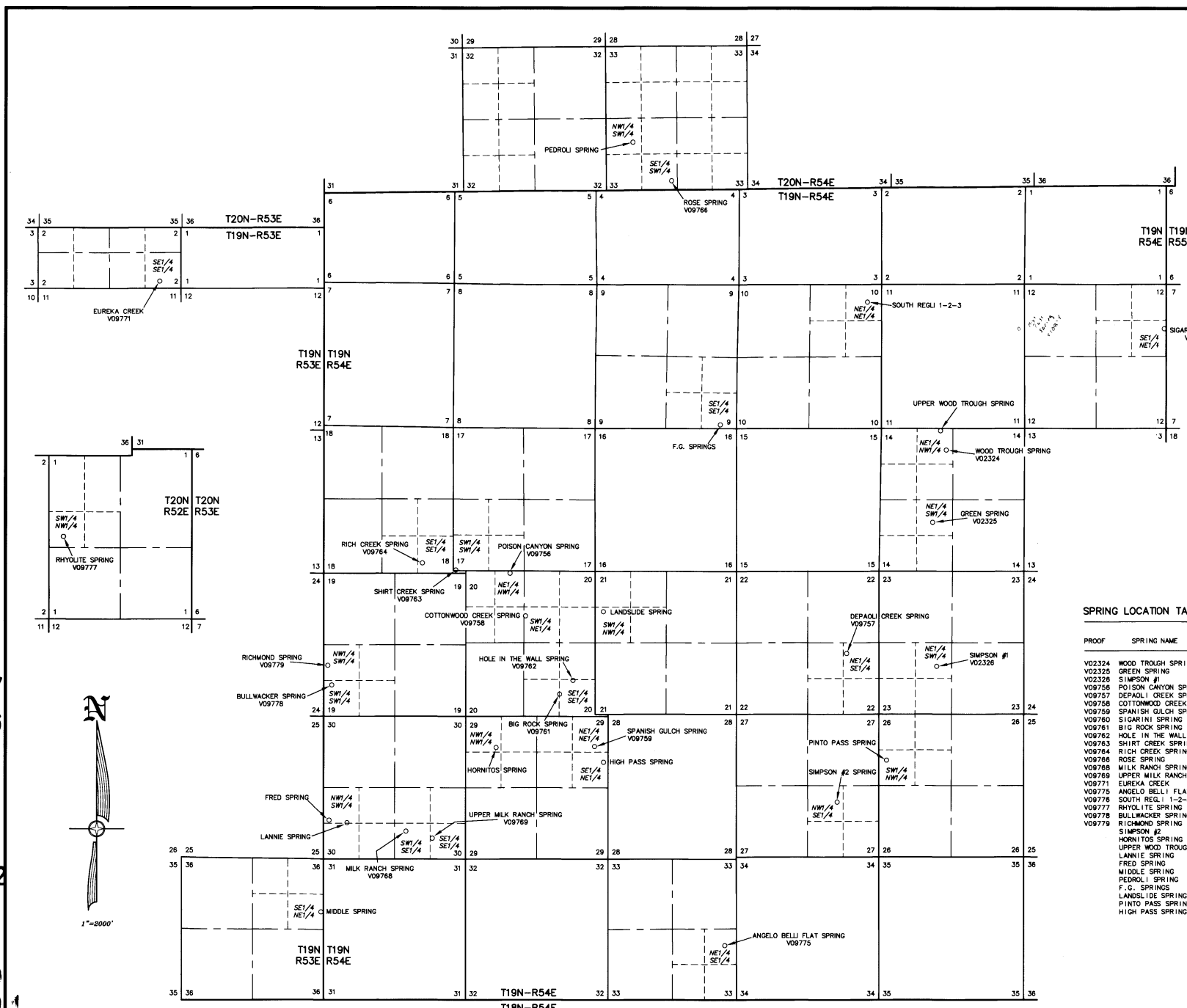
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SHEET NO. 1 OF 1 SHEETS.

**HIGH DESERT ENGINEERING LLC**  
 CONSULTING ENGINEERING & SURVEYING  
 640 IDAHO STREET  
 ELKO, NEVADA 89801  
 (775) 738-4053

W216014



V10879  
 V10878  
 V10877  
 V10876  
 V10875  
 V10873  
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 V09769

V09768 V09766 V09764 V09763 V09762 V09761 V09760 V09759 V09758 V09757 V09756 V02326 V02325 V02324

STATE OF NEVADA }  
 COUNTY OF ELKO } SS.

I, ROBERT E. MORLEY, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT THIS MAP, CONSISTING OF 1 SHEET, NUMBERED FROM 1 TO 1, INCLUSIVE, HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE FROM SURVEYING CALCULATION NOTES PREPARED BY ME, OR UNDER MY SUPERVISION AND DIRECTION, RELYING UPON ANALYSIS OF BLM CADASTRAL SURVEY PLATS AND LATITUDE AND LONGITUDE OF SPRING LOCATIONS PROVIDED BY THE APPLICANT. EXTENT OF THE WORKS USED TO DIVERT WATER FROM SPRINGS, IN EUREKA COUNTY, NEVADA, BY JAMES E. BAUMANN AND VERA L. BAUMANN, FOR STOCK WATER PURPOSES, THAT THE PROPOSED POINT OF DIVERSION, THE APPROXIMATE LOCATION AND SIZE OF THE DIVERTING CHANNEL OR OTHER CONDUIT, THE PLACE AND MANNER OF USE, AND THE LOCATION AND NAMES OF ALL OTHER WORKS OR STREAMS WHICH ARE CROSSED BY OR CONNECTED WITH THE SAID WORKS, ARE FULLY AND CORRECTLY DESIGNATED THEREON.

STATE WATER RIGHT SURVEYOR NO. 688

ROBERT E. MORLEY  
 Exp. 12-31-17  
 No. 6203

SUBSCRIBED AND SWORN TO BEFORE ME  
 THIS 24th DAY OF May, 2016.

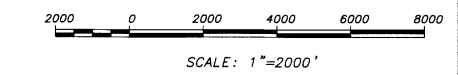
Charlene A. Jones  
 NOTARY PUBLIC IN AND FOR THE STATE OF NEVADA  
 MY COMMISSION EXPIRES Feb. 6, 2018

NOTES

- 1) LATITUDES AND LONGITUDES ARE EXPRESSED IN DECIMAL DEGREES.
- 2) LATITUDES AND LONGITUDES FURNISHED BY THE APPLICANT.
- 3) THE DATUM USED IS WGS84

SPRING LOCATION TABLE

PROOF	SPRING NAME	SECTION	SUB-DIVISION	TOWNSHIP	RANGE	SHIP	LATITUDE	LONGITUDE
V02324	WOOD TROUGH SPRING	14	NE1/4 NW1/4	T19N	R54E	39.522389 N	115.862093 W	
V02325	GREEN SPRING	14	NE1/4 SW1/4	T19N	R54E	39.515113 N	115.863875 W	
V02326	SIMPSON #1	23	NE1/4 SW1/4	T19N	R54E	39.5003 N	115.863 W	
V09756	POISON CANYON SPRING	20	NE1/4 NW1/4	T19N	R54E	39.509833 N	115.919297 W	
V09757	DEPAOLI CREEK SPRING	22	NE1/4 SE1/4	T19N	R54E	39.501671 N	115.874839 W	
V09758	COTTONWOOD CREEK SPRING	20	SW1/4 NE1/4	T19N	R54E	39.502525 N	115.917338 W	
V09759	SPANISH GULCH SPRING	29	NE1/4 NE1/4	T19N	R54E	39.492274 N	115.908187 W	
V09760	SIGARINI SPRING	12	SE1/4 NE1/4	T19N	R54E	39.5343 N	115.834 W	
V09761	BIG ROCK SPRING	20	SE1/4 SE1/4	T19N	R54E	39.4974 N	115.913 W	
V09762	HOLE IN THE WALL SPRING	20	SE1/4 SE1/4	T19N	R54E	39.498794 N	115.911215 W	
V09763	SHIRT CREEK SPRING	17	SW1/4 SW1/4	T19N	R54E	39.509928 N	115.926263 W	
V09764	RICH CREEK SPRING	18	SE1/4 SE1/4	T19N	R54E	39.51077 N	115.93057 W	
V09766	ROSE SPRING	33	SE1/4 SW1/4	T20N	R54E	39.549832 N	115.898125 W	
V09768	MILK RANCH SPRING	30	SW1/4 SE1/4	T19N	R54E	39.48362 N	115.93337 W	
V09769	UPPER MILK RANCH SPRING	30	SE1/4 SE1/4	T19N	R54E	39.482789 N	115.929769 W	
V09771	EUREKA CREEK	02	SE1/4 SE1/4	T19N	R53E	39.539828 N	115.965614 W	
V09775	ANGELO BELLI FLAT SPRING	33	NE1/4 SE1/4	T19N	R54E	39.472268 N	115.891017 W	
V09776	SOUTH REG. 1-2-3	10	NE1/4 NE1/4	T19N	R54E	39.537081 N	115.872301 W	
V09777	RHYOLITE SPRING	01	SW1/4 NW1/4	T20N	R52E	39.626254 N	116.067534 W	
V09778	BULLWACKER SPRING	19	SW1/4 SW1/4	T19N	R54E	39.498914 N	115.942926 W	
V09779	RICHMOND SPRING	19	NW1/4 SW1/4	T19N	R54E	39.500647 N	115.943388 W	
V09779	SIMPSON #2	27	NW1/4 SE1/4	T19N	R54E	39.485852 N	115.876004 W	
V09779	HORNITOS SPRING	29	NW1/4 SW1/4	T19N	R54E	39.4922 N	115.921 W	
V09779	UPPER WOOD TROUGH SPRING	14	NE1/4 NW1/4	T19N	R54E	39.524297 N	115.862967 W	
V09779	LANNE SPRING	30	NW1/4 SW1/4	T19N	R54E	39.484396 N	115.941172 W	
V09779	FRED SPRING	30	NW1/4 SW1/4	T19N	R54E	39.484569 N	115.943679 W	
V09779	MIDDLE SPRING	36	SE1/4 NE1/4	T19N	R53E	39.47521 N	115.944456 W	
V09779	PEDROLI SPRING	33	NW1/4 SW1/4	T20N	R54E	39.553644 N	115.903179 W	
V09779	MIDDLE SPRING	09	SE1/4 SE1/4	T19N	R54E	39.525102 N	115.891431 W	
V09779	LANDSLIDE SPRING	21	SW1/4 NW1/4	T19N	R54E	39.50582 N	115.906859 W	
V09779	PINTO PASS SPRING	28	SW1/4 NW1/4	T19N	R54E	39.490811 N	115.86968 W	
V09779	HIGH PASS SPRING	29	SE1/4 NE1/4	T19N	R54E	39.490811 N	115.906859 W	



STATE ENGINEERS USE

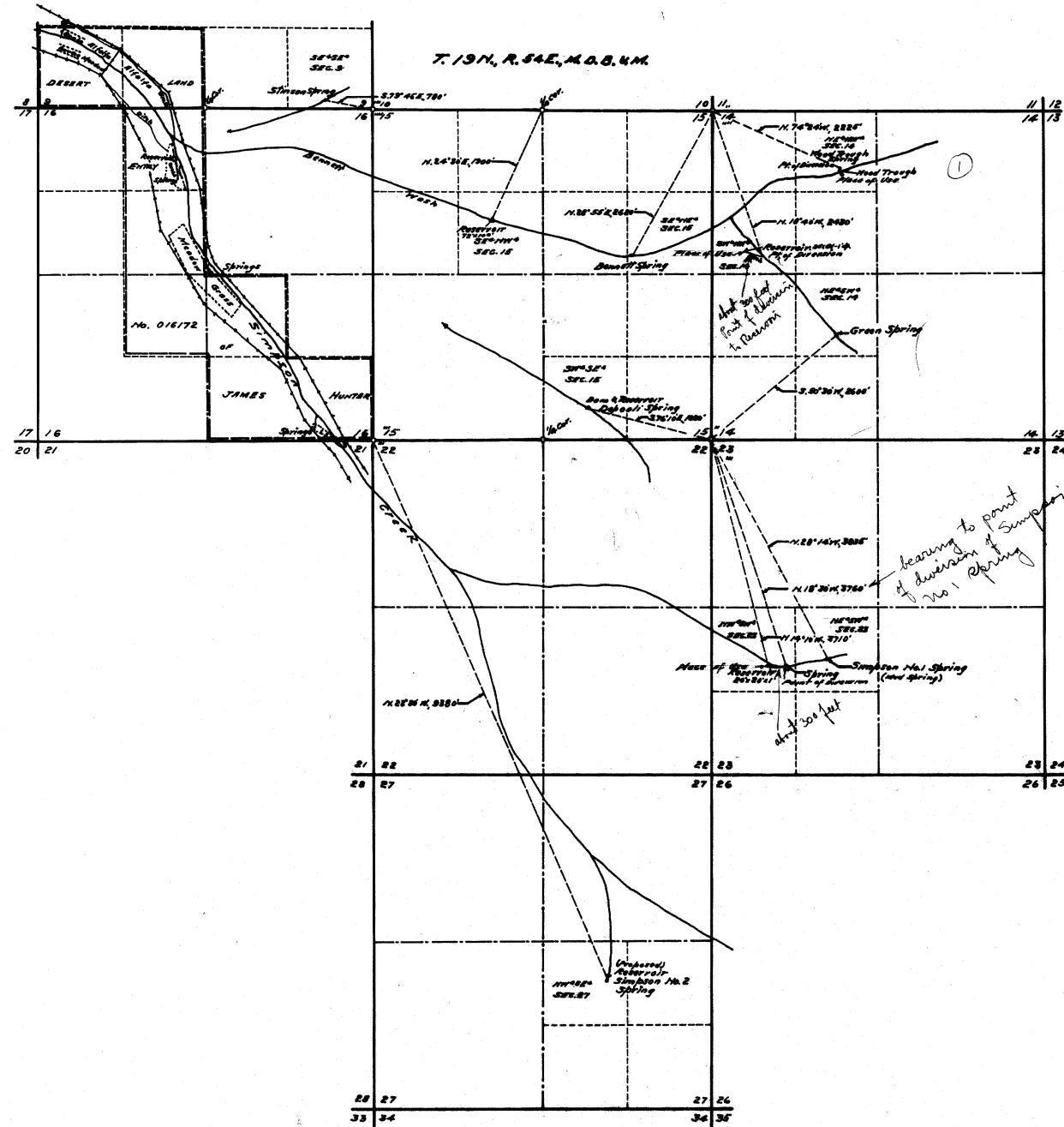
V.09756-77

MAY 27 2016

ELKO COUNTY ENGINEERS OFFICE

MAP TO ACCOMPANY PROOF OF APPROPRIATION  
 FOR STOCKWATER USE  
 BY JAMES E. & VERA L. BAUMANN  
 FROM SPRINGS  
 IN EUREKA COUNTY, NEVADA





STATE OF NEVADA } 55.  
 County of White Pine }

I, F.M. Millard, being first duly sworn, depose and say that this map has been correctly drawn to the designated scale from field notes of a survey made by me between the 15th and 20th days of June, 1943, that it truly and correctly represents the location and extent of the works used to divert water from WOOD TROUGH, BENNETT, GREEN, DEPOALI and SIMPSON No. 1 SPRINGS in Eureka County by JAMES HUNTER for stockwatering purposes; that the points of diversion, the locations and sizes of the diverting channels or other conduits, the places and manner of use, and the location and names of all other works or streams which are crossed by or connected with the said works, are fully and correctly designated thereon.

*F.M. Millard*  
 State Water Right Surveyor.

Subscribed and sworn to before me this 23rd day of June, 1943.

*H. Gardner*  
 Notary Public in and for White Pine County, Nevada.  
 My Commission expires Jan 6, 1946

SCALE 1 IN. = 1000 FT.

FILED  
 June 7, 1944  
 DEPT. OF LANDS & MINES

MAP  
 TO ACCOMPANY PROOFS OF APPROPRIATION  
 FOR  
**STOCKWATERING**  
 BY  
**JAMES HUNTER**  
 FROM ~~WOOD TROUGH, BENNETT,~~  
**GREEN, DEPOALI & SIMPSON NO. 1**  
**SPRINGS.**

SURVEYED  
 JUNE 17-19, 1943. - BY - F.M. MILLARD & SON,  
 RAY, NEVADA.

02324-02325-02326

2009  
*Corrected*  
*Supplementary Information*

**This spring is already under Baumann ownership but should be a vested right rather than a certificated right.**

<b>Name:</b>	<b>Poison Canyon Spring (aka Choke Cherry Spring)</b>
<b>Latitude:</b>	39.510
<b>Longitude:</b>	115.918
<b>Elevation:</b>	7357
<b>NDWR Water Rights Application #: New NDWR Filing under Baumann</b>	7129 09756

**Remarks:** We believe that this GPS reading is the location of Poison Canyon Spring aka Choke Cherry Spring however we find a discrepancy either in the legal description of the survey or in the legal description shown on NDWR Database.

This spring is located on the grazing allotment of this ranch and has been used by this ranch dating back to 1865 and is a tributary to Simpson Creek.

We believe that this spring which is filed under Certificate #4416 should be under V01512.

See Angelo DePaoli letter dated 1924 and the Field Investigation Report from H.M. Payne, Deputy State Engineer.

#2

FREMONT FOOD SHOP

Fruits and Groceries

At Fremont Station  
50th Ave. and Bond St.PHONE 963  
FRUITVALEOakland, California,  
April 25, 1924.Mr. James Hunter,  
Eureka, Nevada.

Dear Mr. Hunter:

Your letter regarding Springs jumped by Florio & Bedart came to me today, and I am very sorry to learn of same.

With regard to the Cottonwood Spring, the proof of possession I have is that I have used it as an irrigation and stock watering spring as long as I can remember, and the law with regard to such Springs was that in such usage, the consumer was in possession of it. I have constructed a water channel or ditch from Cottonwood Springs to our ranch, thereby carrying all the water from said spring to our place for domestic and irrigation purposes. Above this we have constructed small dams or ponds at different points so that our stock could water. The proper and immediate step for you to take is to clean this ditch so that the water can run freely to your main ditch, passing over the low gap on the hill between Cottonwood Canyon and Spanish Gulch Canyon and entering the main creek through the field, and also to clear out these small ponds so that signs of labor will show. Through our usage of these springs for such purposes, the law did not require us to have these springs surveyed and recorded at that time, as our usage gave us entire possession.

With regard to Poinson Canyon Spring, Mr. Edera and myself had a little difficulty when he jumped it, and the State Engineer in deciding the case gave us both the possession of it, enabling us both to water our stock there, and that neither of us were to put sheep in it. When I purchased Mr. Edera's properties, he gave me a deed for the Spring and ranches. The proper and immediate thing for you to do is to construct a small watering pond or dam on this spring so that your stock can water, and also that you have proof of labor on it. On all of your Springs it will be necessary for you to show a certain amount of labor each year, indicating that you are using them.

Kindly advise me as early as you can just whom is representing Mr. Florio in this case, and also whom you expect to have represent you. In this case a legal protect will be necessary through a Notary Public and not by yourself.



#1

43  
28  
15

REPORT OF INVESTIGATION

MADE BY H. M. PAYNE ON JUNE 24, 1925  
Nos. 7127, 7128, 7129, 7131.

On the above date the undersigned in company with Mr. Florio the applicant, L. A. Harris who surveyed the springs for him, P. A. McCarran his Attorney, James Hunter and son made a Field Investigation of the sources under these applications and the protests of Mr. Hunter against the granting thereof.

The first source visited was Rich Creek Spring. It is well up in the canyon about one and one half to two miles south of the Wattles Ranch on Simpson Creek (about three miles east of Eureka). No works of diversion were in evidence. It does not appear that the water of this spring reaches the land at this time of the year, so there is no reason why application should not be approved. This application was not approved.

Bad.

The next source visited was Shirt Creek Spring No. 7128. No water whatever was in evidence in this canyon and only 5 clump of green bushes at the point which Mr. Harris tied as the spring is in evidence to indicate the possible development <sup>or</sup> supply of water. This canyon probably comes into Simpson Creek about opposite the Wattles Ranch. Mr. Hunter protested this application inadvertently and therefore as soon as he saw the location of same withdrew the protest.

Both of the foregoing sources were investigated without Mr. Hunter being present.

R.  
X

The next canyon to the east has within it a small spring applied for by Florio under the name of Choke Cherry, under No. 7129. This is the same source known to Mr. Hunter as Poison Canyon spring. At this source there was evidence that a rock dam had at some time been constructed about twenty feet below the spring. However, any reservoir which may have at one time been created by virtue of this rock dam is now filled in, about one-half inch of water was running from the spring by this dam and on down the canyon on the date of investigation. Mr. Hunter stated that he had not done any work at this source since he saw the application on account of Florio having made application.

n.

Cottonwood Creek Spring No. 7131 is located in the next canyon to the east. This is a fairly good sized spring running about .025 c.f.s. of water. About one-half to three fourths of a mile below the point of diversion proposed by Florio, Mr. Hunter has constructed a small reservoir about forty feet in diameter which he uses to collect the water from the spring in this canyon, as well as one in the next canyon to the east which gives him a fair head of water to run on down the canyon, the balance of the way (about three fourths of a mile) to his ranch. On the date of the investigation the water from the spring was not reaching this reservoir.

After discussing these applications with Mr. Hunter and explaining that there appeared to be surplus water in all instances it was

N.M.P. --3

agreed that Mr. Florio would withdraw his application No. 7129 for water from Choke Cherry <sup>Spring</sup> and keep his sheep away from that particular water, in consideration of which Mrs. Hunter agreed not to press his protest against application No. 7131, Cottonwood Creek Spring. It was understood that we would grant permits under numbers 7127, 7128, and 7131 and that we would withdraw from our records application No. 7129.

X During the conversation between Hunter and Florio it was brought out that Mr. Hunter had during last year leased water from some of these springs to other sheep men.

H.M. PAYNE

Deputy State Engineer

HP  
AI

**Application No.: 7129 Application Status: WDR Certificate No.:**

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**Owner(s): FLORIO, ANGELO C.; Status: WITHDRAWN**

**Basin: 153 Basin Name: DIAMOND VALLEY Sub Basin:**

**Basin Status: DESIGNATED (ID) Region: CENTRAL County: EUREKA**

**Source: SPRING Source Description: CHOKE CHERRY SPRING**

**Project Name: Decree Name: Use: STOCKWATERING**

**Period Start: 0301 Period End: 1130**

<b>Point of Diversion Information: Qtr-Qtr: Qtr: NW Sec: 29 Twn: 19N Rng: 54E</b>
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**Duty Balance: 0.00 Div Balance: 0.03**

**Acre-Foot Storage: 0 Well Log Nos.:**

**Application No.: 7129 Application Status: WDR Certificate No.:**

---

**Assigned By: Effective Date:**

**Ownership Information**

Owner	Type	Div Rate	Duty	Acres	Change By	Description
FLORIO, ANGELO C.	B	0	0	0		

**Original Owner(s)**

Owner
FLORIO, ANGELO C.

**Remarks 5:**

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Webmaster

State of Nevada



Department of Conservation & Natural Resources  
**Division of Water Resources**  
 Tracy Taylor, P. E. State Engineer

**Water Rights Database, Page 2**  
*Due Dates and Maps*

[New Search](#)   [General Information](#)   [Maps and Due Dates](#)   [Place of Use](#)   [Abrogations/Protests/Rulings](#)

Ownership/Title

**Application No.:** [7129](#)   **Application Status:** **WDR**   **Certificate No.:**

Filing Date: **06-09-1924**   Priority Date: **06-09-1924**   Return Date:  
 Sent for Publication Date: **06-19-1924**   Last publication Date: **07-26-1924**   Ready for Action Date: **08-26-1924**  
 Permit Date:   Withdrawn Date: **07-09-1925**   Forfeit Date:  
 Cancel Portion:   Cancellation Date:   Cancellation Rescind Date:  
 Denied Date:

**Maps**

<u>Filed Under</u>	<u>Date</u>	<u>Filed Under</u>	<u>Date</u>
Proposed POD: <a href="#">7129</a>	<b>10-16-1924</b>	Existing POD:	
Proposed POU:		Existing POU:	

**Proofs of Completion and Beneficial Use**

<u>Due Date:</u>	<u>Revd:</u>	<u>Filed:</u>	<u>Ext. Due:</u>	<u>Ext Revd:</u>
POC:				
PBU:				

**Other Dates and Requirements**

Cultural Map:   PBU Map Received:   PBU Map Filed Under:   Certificate Date:  
 Forfeiture Due Date:   Extension required?:   Forfeiture Portion:   Forfeiture Received:   Forfeiture Filed:  
 Temporary Expiration Date:   Other Date:   Reporting Required?:  
 Remarks 2: