

09764

Serial No. ....

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant James E. & Vera L. Bauman N P.O. Box 308 of Eureka Nevada 89316

(2) Source of water Rich Creek Spring

(3) The water is diverted by Dam

(4) The water is diverted at the following point(s) S 1/4 Sec: 28 Twn: 19N Rng: 54E G.P.S. Lat: 39° 31.77N Lon: 115° 54.55

We believe that the legal description shown on the NDWR water right (web site) for this spring is incorrect.

(5) The water is impounded in Trough and reservoir

(6) The construction of the ditch or other works was begun Sept. 8, 1961 and completed Aug-8-1962

(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 Spanish Gulch and Shannon Station allotments

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of 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).

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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 200 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:  
~~200~~ About 200 hd Cattle more or less  
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.  
over 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  
1/20 cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet per second.

(12) The works are located at SE 1/4 of SE 1/4 Sec: 18 TWN: 19  
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed  
R. 54E  
land, it should be stated.  
G.P.S. Long: 39° 31.77N Lat: 115° 54.55

Remarks Support documents for the Chain of  
title for Simpson Creek Ranch / James E. & Vera  
L. Baumann are provided in the Water Rights  
Documents - Vol I that was filed with the  
Nevada Division of Water Resources. Specific  
support documents for Rich Creek Springs  
are located in Vol. II of Simpson Creek Ranch /  
James E. and Vera L. Baumann, Water Right  
Document filing with the Nevada Division of  
Water Resources.

Remarks This spring also known as Rocky  
Knob SP. or Rocky Canyon SP.

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.

\_\_\_\_\_  
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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public in and for the County of \_\_\_\_\_

My commission expires \_\_\_\_\_

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



Serial No. 09764

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant James E. & Vera L. Baumann
P.O. Box 308 of Eureka
Nevada 89316
Street and No. of P.O. Box No. City or town State and Zip Code No.

(2) Source of water Rich Creek Spring
Name of natural water source.

(3) The water is diverted by Dam
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) SE 1/4 Sec: 28 T2N: 19N
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated.
Rug 54E
Diver from a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.
G.P.S. Lat: 39° 31.77N Lon: 115° 54.55'

We believe that the legal description shown on the NDWR Water Right (web site) for this spring is incorrect.

(5) The water is impounded in Trough and reservoir
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun Sept. 8, 1961
and completed Aug-8-1962
Date

(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
Patented, deeded, public domain with grazing permit, etc.
located in the Spanish Gulch and Shannon Station allotments

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

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(9) The approximate number of animals watered by the claimant during the first year 1866  
Date  
was 200 cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep or wildlife (describe) \_\_\_\_\_

The watering was conducted during each of the following months January 1st thru  
Other  
December 31st

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

~~200~~ About 200 hd Cattle more or less  
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.  
over the years; but this Spring has been  
used continuously since 1866.

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448.83 gallons per minute equals 1 cubic feet per second.

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are located in Vol. II of Simpson Creek Ranch /  
James E. and Vera L. Baumann, Water Right  
Document filing with the Nevada Division of  
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Remarks This Spring also known as Rocky  
Knob SP. or Rocky Canyon SP.

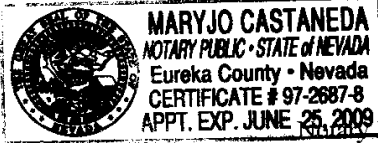
The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by James E. and Vera L. Baumann are full and correct to the best of his knowledge and belief.

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

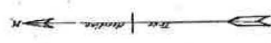


Notary Public in and for the County of Eureka

My commission expires June 25, 2009

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

Section	1	2	3	4	5	6	7	8	9	10
Area										
Total										



Proposed ditch to be constructed in the right-of-way of the State of Nevada, between the center line of the proposed ditch and the center line of the proposed road.



The ditch is to be constructed in the right-of-way of the State of Nevada, between the center line of the proposed ditch and the center line of the proposed road.

Oct 16, 1904

MRP  
APPROPRIATION OF WATER  
RICH CREEK SPRINGS  
AGUICORIO, ELIENKA, NEVADA

STATE OF NEVADA  
COUNTY OF WASHINGTON  
I, the undersigned, County Clerk of the County of Washington, State of Nevada, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears in the files of the County Clerk of the County of Washington, State of Nevada, at the date of the filing of the same.

Witness my hand and the Seal of the County of Washington, Nevada, at Carson, Nevada, this 16th day of June, 1904.

County Clerk of the County of Washington, Nevada.

NUMBER OF APPLICATION, 1904, 10164  
2-16-04  
J. A. H.

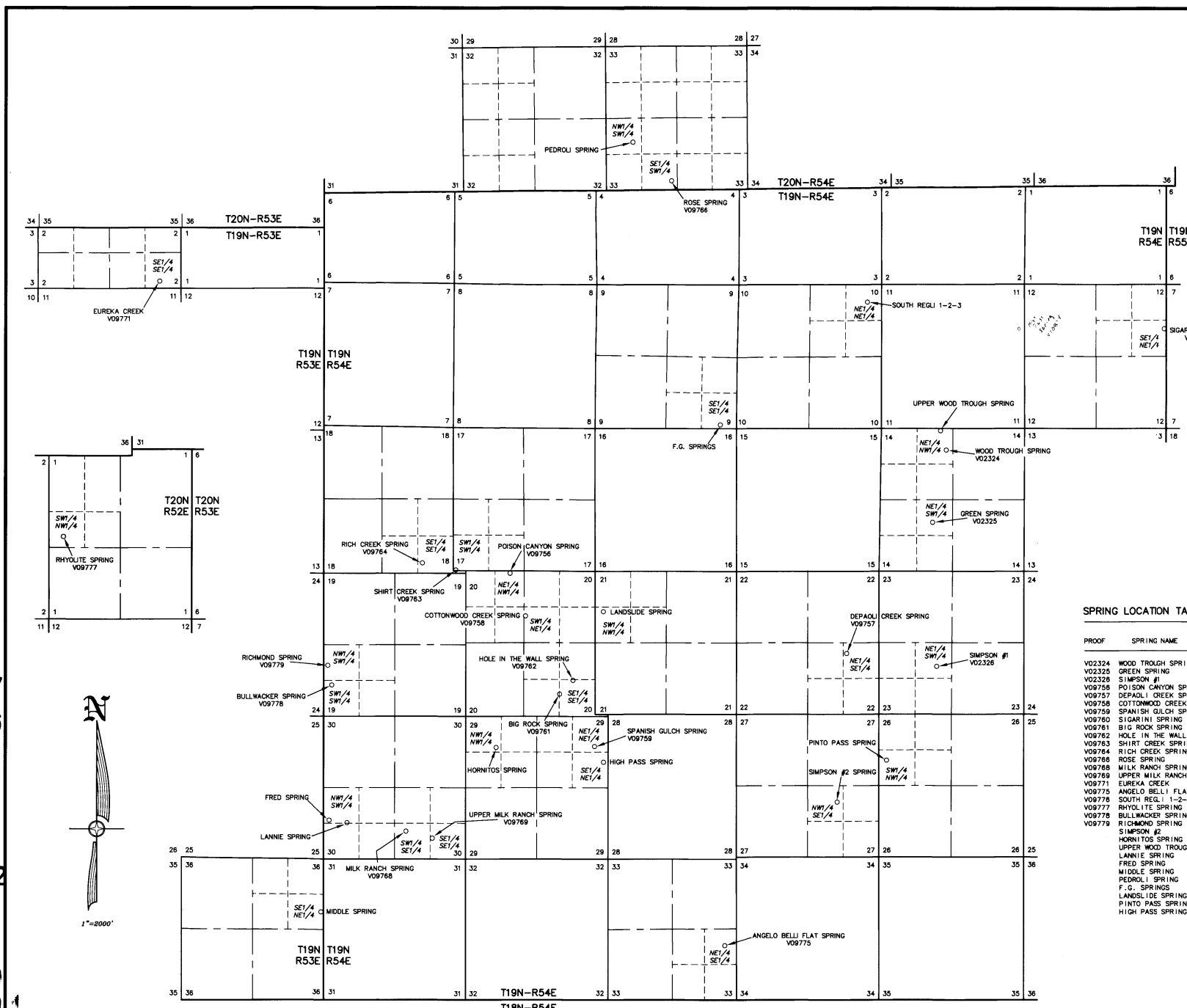
See X. unad. 7127



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  
  
V10872  
V10871  
  
V10869  
V09779  
V09778  
V09777  
  
V09776  
V09775  
V09771  
V09769

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 ELUREKA 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.

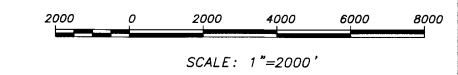
Charlene A. Jones  
NOTARY PUBLIC IN AND FOR THE STATE OF NEVADA  
MY COMMISSION EXPIRES Feb. 6, 2018

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	39.49814 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	39.48582 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	F.G. SPRINGS	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

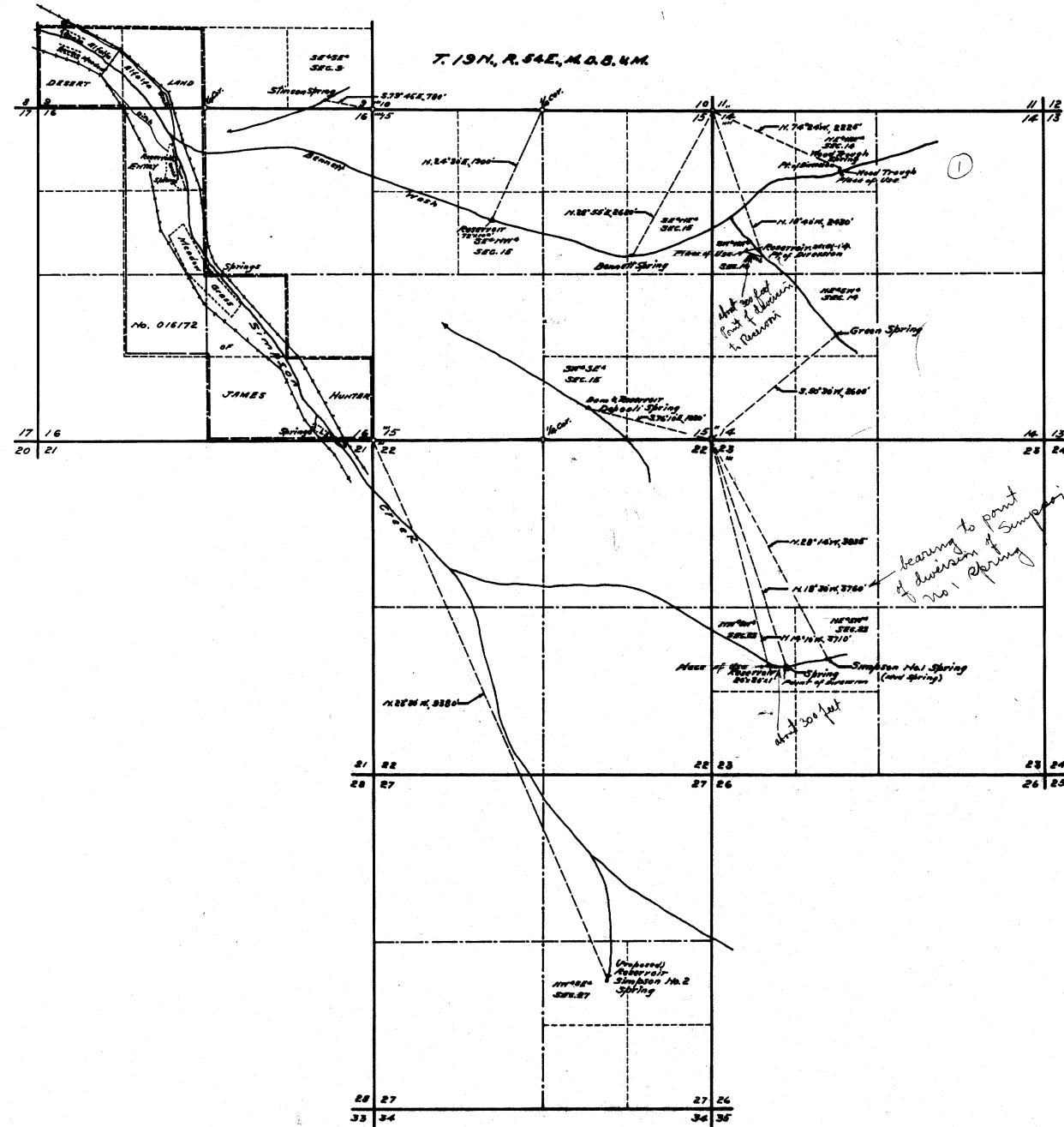
V.09756-77

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

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



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.

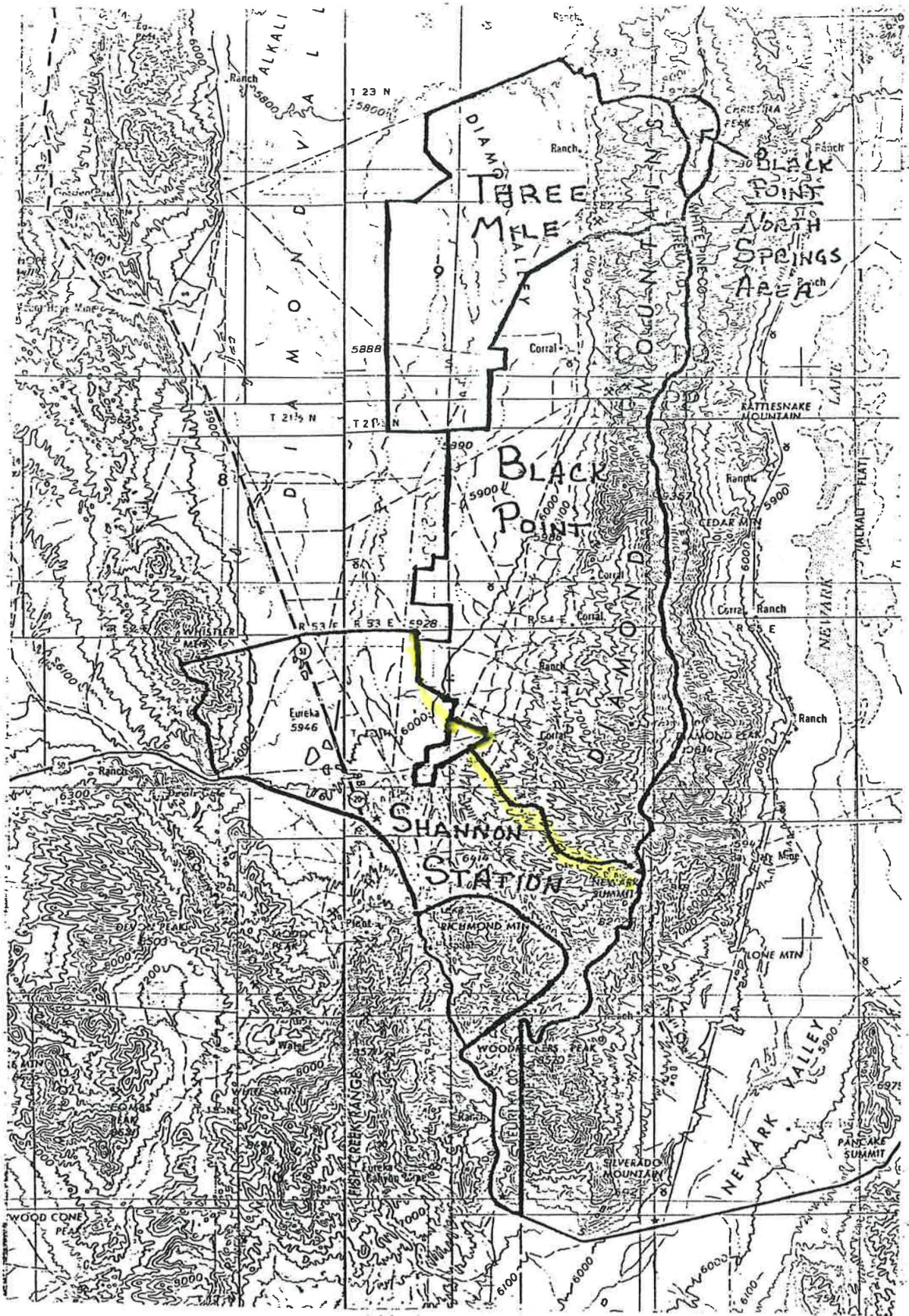
F.M. Millard  
 State Water Right Surveyor.  
 Subscribed and sworn to before me this 29th day of June, 1943.  
[Signature]  
 Notary Public in and for White Pine County, Nevada.  
 My Commission expires Jan 6, 1946

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



## *Supplementary Information*

**Name:** Rich Creek

**Latitude:** 39° 31.77 N

**Longitude:** 115° 54.55 W

**Elevation:** 6551

**NDWR Water Rights Application #:** 09764 ~~7127~~

**Remarks:** The GPS reading is on the only spring in the vicinity that is described in the field investigation that was conducted by H.M. Payne in 1925. This spring, however, is known today as Rocky Knoll Spring.

We believe that the legal description shown on the NDWR Water Right Database (web site) for this spring is incorrect – namely the wrong section.

This spring has been used by this ranch back to 1866 and is a tributary to Simpson Creek.

**2009**  
**Corrected**  
**Supplementary Information**

<b>Name:</b>	<b>Rich Creek</b>
<b>Latitude:</b>	39.510
<b>Longitude:</b>	115.930
<b>Elevation:</b>	6551
<b>NDWR Water Rights Application #:</b>	7127
<b>NDWR Filing under Baumann</b>	<b>#09764</b>

**Remarks:** The GPS reading is on the only spring in the vicinity that is described in the field investigation that was conducted by H.M. Payne in 1925. This spring, however, is known today as Rocky Knoll Spring.

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management

Expires	_____
Extended to	_____
Extended to	_____
Extended to	_____
Project Number(s)	_____
Project Name(s)	_____

(For Office Use Only)

COOPERATIVE AGREEMENT

Range Improvement and Conservation Projects

I. Name John and Kay Hunter Address Eureka, Nevada  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_  
 Name \_\_\_\_\_ Address \_\_\_\_\_

hereinafter called COOPERATOR(S), and UNITED STATES OF AMERICA, by Bureau of Land Management, hereinafter called the Bureau, for and in consideration of the mutual benefits hereunder, and in accordance with the Taylor Grazing Act (43 U.S.C. 315, 315a-315r), as amended, and the National Soil Conservation Act (16 U.S.C. 590a-590q-1), as amended, do enter into this COOPERATIVE AGREEMENT for the construction and/or maintenance of range improvements, installation of conservation works or establishment of conservation practices, hereinafter referred to collectively as improvements, for the benefit of the Federal Range or other public lands and of the Cooperator(s), for use in conjunction with authorized operations under any grazing permit, license, or lease, or renewals thereof issued to the Cooperator(s) by the Bureau.

II. The improvements known as the Rocky Canyon Spring  
 will be (are) located upon: SE 1/4 SE 1/4 Sec(s) 18 T. 19N R. 54 E MER. MD  
Eureka County Nevada State.

III. It is mutually agreed:

(a) The parties hereto will furnish labor, materials, and equipment as required, the total cost or value not to exceed the amount listed below for each of the parties respectively for the initial construction and/or installation of the improvements indicated in paragraph II.

Cooperator(s)	Items	Total Cost or Value
<u>John and Kay Hunter</u>	<u>Labor, installing tank</u>	<u>\$ 150.00</u>
_____	_____	\$ _____
_____	_____	\$ _____
<u>Bureau of Land Management</u>	<u>1 steel tank, 300 gallon</u>	<u>\$ 100.00</u>
		<u>\$ 250.00</u>
	Aggregate Cost	\$ _____

(b) Upon notice, either orally or in writing from a representative of the Bureau, Cooperators will promptly supply labor, materials, and equipment as specified in paragraph III (a) as required. Contributed materials in excess of the amount required shall be returned to the contributor. Equipment contributed shall also be returned promptly following completion of the work. Work will be conducted under the supervision and direction of the Bureau and shall be pursued with diligence until completed.

IV. (a) The Cooperator(s) shall be liable, jointly and severally, for the repair and maintenance of the said improvements following completion, in good and serviceable condition. The Cooperator(s), without further notice from the Bureau, shall do such repair work as may be necessary from time to time, promptly and in a workmanlike manner. If such work is not performed as necessary, the Bureau shall allow Cooperator(s) not less than thirty (30) days from written notice within which to complete the same, as required.

(b) In the event the Cooperator(s) shall default, after due notice, in the repair and maintenance of the said improvements following completion, the Bureau may do or cause such work to be done for and in behalf of the Cooperator(s); and the necessary cost and expense thereof or proportionate share as determined by the Bureau, shall become a charge and obligation upon and shall be paid by the Cooperator(s). It is further understood in case of default hereunder, that the permit, license, or lease, or renewal thereof issued to the Cooperator(s) and administered by the Bureau, and in connection with which these improvements are constructed, shall not be renewed or extended or any assignment thereof shall not be approved; and that such default may result in cancellation of the permit or license as provided in the Federal Range Code for Grazing Districts, 1956 Rev. (43 CFR Secs. 161.9(d) and 161.15(r)) as amended, or in the cancellation of the lease, unless and until all charges and costs owed by the Cooperator(s) hereunder shall have been paid; provided that the Bureau may pursue such other remedies, legal or administrative, as may be authorized.

(c) Repair and maintenance, as herein required, shall mean normal upkeep and maintenance necessary to preserve, protect, and prolong the useful life of the improvements, but shall not include major repairs where the damage is due to floods, earthquakes, or other acts of God, or fire not the proximate result of fault or negligence of the Cooperator(s) as determined by the Bureau.

(over)

V. It is further agreed:

(a) Title to the said improvements in place, together with all labor and materials furnished by either party and used in the construction and maintenance thereof, shall be in the United States of America. The improvements may be removed, in whole or in part, during the term of this agreement or any extension thereof, by mutual consent of the parties or by direction of the Bureau; such removal shall be made by the Cooperator(s), or by the Bureau at its option. Upon removal of the improvements, any salvageable materials, after deducting an amount to compensate for the actual cost of removal, shall be available for distribution to the parties then subject to this agreement in proportion to the actual amount of their respective contributions to the initial construction of the improvements, as determined by the project records of the Bureau. The parties shall take possession and remove their portion of the salvaged materials within 90 days after first notification in writing that such material is available; upon their failure to do so within the time allowed, the materials shall be deemed to have been abandoned and title thereto shall thereupon vest in the United States.

(b) During the course of salvaging the material, the United States assumes no responsibility for the protection or preservation of said material.

VI. (a) If the Cooperator shall assign or transfer his interest in the grazing permit, license, or lease embracing the lands upon which the improvements are constructed or in connection with which they are used, the Cooperator may include in such assignment or transfer his interest in this Cooperative Agreement, including his right to the use of the improvements (Sec. I) and to his proportionate share of the salvageable material (Sec. V (a)). Before the assignee or transferee will be recognized as successor to the Cooperator's interest hereunder, such assignee or transferee will be required by the Bureau to accept an assignment of this agreement and agreeing to be bound by the provisions respecting the use and maintenance of the improvements.

(b) Should the land upon which the improvements are constructed be included in application for classification and disposal under Sections 7 and 14 of the Taylor Grazing Act, or other public land laws, the Bureau agrees not to allow such application if allowance of the application or disposal is discretionary upon the Bureau until the applicant has agreed in writing to compensate the Cooperator(s) for his loss of the improvements in an amount mutually agreed upon and payable separately to the Bureau and to the Cooperator; or, if the parties are unable to agree, the range manager will determine the present reasonable value of the improvements in accordance with 43 CFR 161.15(e) or 43 CFR 160.12(a), whichever is applicable and determine the amounts payable to the Bureau and to the Cooperator which shall be in proportion to the actual amount of their respective contributions to the initial construction of the improvement; or the Bureau, at its option, may require the removal of such improvements under the provisions of Section V(a) of this agreement.

VII. The Cooperator(s) use of the improvements will be in conformity with the General Rules of the Range specified in the Federal Range Code for Grazing Districts (43 CFR Part 161) if the improvements are in a grazing district, or to the special stipulations, if any, included in the grazing lease covering such area, if outside a grazing district, and to the Management Plan, if any, for the area in which the lands serviced by these improvements are located, to the extent such rules, stipulations and plans are applicable for the conservation, protection, and proper utilization of the improvements constructed hereunder.

VIII. This agreement shall not accord to Cooperator(s) any preference, privilege, or consideration with respect to any permit, license, or lease not expressly provided herein or in the rules and regulations governing such permit, license, or lease.

IX. This agreement shall remain in full force and effect until indefinite unless (1) sooner terminated by mutual written consent of the parties, or (2) is terminated by the Bureau after due notice in writing because of Cooperator's default or violation of any of the terms or provision of this agreement, or (3) in accordance with Section V or VI of this agreement.

X. Items II and III of this agreement may be modified or cancelled by written agreement of the parties, which agreement shall become a part hereof. Items IV to IX inclusive may also be amended but first must be approved by the State Supervisor.

XI. Special Conditions

Cooperators:	
<u>John Hunter</u>	<u>Sept. 8, 1961</u>
(Signature)	(Date)
_____	_____
(Signature)	(Date)
_____	_____
(Signature)	(Date)
_____	_____
(Signature)	(Date)
_____	_____
(Signature)	(Date)

The United States of America, Bureau of Land Management

Area \_\_\_\_\_ District Battle Mountain

By Jesse Lowe 8-8-62

(Signature) (Date)

District Manager

(Title)

50-4100 01857  
R.P.T. NOVE

Deed # 36

QUITCLAIM DEED

THIS INDENTURE, made and entered into this 2 day of DECEMBER, 1969, by and between KATHRYN HUNTER of Eureka, Nevada, GRANTOR, and BASIC INDUSTRIES, INC., of 290 South Arlington Avenue, Reno, Nevada 89501, a Nevada Corporation, GRANTEE,

When Recorded mail to JOHN HATCHER Attorney at Law

WITNESSETH:

That the said Grantor for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration to her in hand paid by said Grantee, the receipt of which is hereby acknowledged, does by these presents remise, release, convey and forever quitclaim and confirm unto said Grantee, and its successors and assigns forever, whatever right, title or interest the Grantor may have in the following described property, if any, in Eureka County, Nevada, to-wit:

*[Handwritten signature]*

TOWNSHIP 19 NORTH, RANGE 54 EAST, M. D. B. & M.

Section 8: N $\frac{1}{2}$ NE $\frac{1}{4}$ .

TOGETHER with the following springs and watercourses and rights thereto in Townships 19 and 20, Range 54 East, MDB&M., Eureka County, Nevada, to-wit:

- Simpson Spring No. 1
- Wood Trough Spring
- Green Canyon Spring
- Eureka Canyon Creek
- Bennett Spring
- Cottonwood Spring
- Ditch Canyon
- Four-Eyed Nick Spring
- Rose Spring
- Mud Spring
- Racky Knoll Spring

TOGETHER with all range rights and grazing rights, and in particular

- 1 -

BOOK 33 PAGE 570



Copy to Jim Baumann

Form 4120-10  
(December 1979)  
(formerly 4111-5)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

State Office  
Nevada  
District Office  
Battle Mountain  
Date  
July 9, 1981

RANGE LINE AGREEMENT

In accordance with the provisions of Grazing Regulations (43 CFR 4120.1), we, the undersigned, hereby agree to the establishment or adjustment of our respective range allotment boundaries as shown on the attached map and further described as follows:

Shannon Station Allotment, †

Beginning at the narrows of Devils Gate on U.S. Highway 50 near the SW corner of section 24, T. 20 N., R. 52 E., M.D.M., thence in an easterly and southerly direction along U.S. Highway 50 which is the Diamond Valley Unit boundary, a distance of about eighteen (18) miles to the district line near the SE corner of section 32, T. 18 N., R. 54 E., M.D.M., thence due north along the section line, a distance of five and three quarters (5-3/4) miles to a point on the drainage divide near the NE corner of section 5, T. 18 N., R. 54 E., M.D.M., thence continuing along the district line east and north along the drainage divide of the Diamond Range to Poison Spring in the NE corner of section 12, T. 19 N., R. 54 E., thence in a north-westerly direction up the canyon on the SW side of the road along the fence to the saddle south of Alpha Peak in the center of T. 19 N., R. 54 E., section 12, NENW, thence in a southwesterly direction following the high ridges, old bladed line and fence to a point near the center of section 11, T. 19 N., R. 54 E., thence west and northwest along the ridge south of Pastorino Canyon, thence across Pastorino Canyon and around the west side of the private ground in Pastorino Canyon, thence in a northerly direction to the east

It is further agreed that the above-described allotment boundary constitutes a fair, equitable, and practical range division, based on the respective qualifications of our dependent base property under the Grazing Regulations, and as such shall be binding upon our respective heirs, executors, administrators, successors in interest or assigns.

<u>James E. Bauman</u> (Signature of Permittee/Lessee)	<u>July 14, 81</u> (Date)
<u>Don Edwif</u> (Signature of Permittee/Lessee)	<u>July 13/81</u> (Date)
_____ (Signature of Permittee/Lessee)	_____ (Date)
_____ (Signature of Permittee/Lessee)	_____ (Date)
_____ (Signature of Permittee/Lessee)	_____ (Date)
_____ (Signature of Permittee/Lessee)	_____ (Date)

APPROVED: Neil D. Talbot  
(Signature of Authorized Officer) 12/12/84  
(Date)

quarter corner of section 33, T. 20 N., R. 54 E., M.D.M., thence in a north-westerly direction across Dry Canyon going halfway between the patented lands containing Four-eyed Nick's Spring and the Eunice Place, thence in a north and westerly direction along the Alpha fence to a point in section 19, T. 20 N., R. 54 E., where the Alpha fence meets the fence around the crested wheat grass seeding used by Edward Melka, thence southwesterly around this seeding and Melka's patented ground and northerly around the Desert Land Entry and north along the fence dividing Melka's seeding from Hunter's seeding to the fence corner along the fence dividing Hunters seeding from Cottonwood seeding, thence in a straight line, a distance of about one (1) mile to the SW corner of section 1, T. 20 N., R. 53 E., M.D.M., thence north one and one quarter (1-1/4) miles to the NW corner of this same section, thence westward along the section line through the Desert Land Entries and excluding the Desert Land Entries from the allotment to the NW corner of section 4, T. 20 N., R. 53 E., M.D.M., thence in a straight line in a westerly direction, a distance of four (4) miles to the top of Whistler Mountain at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  section 3, T. 20 N., R. 52 E., M.D.M., thence in a southerly direction along the drainage divide, a distance of about four (4) miles to the Narrows at Devils Gate, the point of beginning.

Water will be available from Poison Spring to the troughs on both sides of the boundary fence. Excess water from Held's tank will go to the trough in Shannon Station.

#1

File No. 17445  
Application No. 7127 Certificate Record No. 1320 Book 5 Page 13  
THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, A. C. Florio has presented to the State Engineer of State of Nevada Proof of Application of Water to Beneficial Use from Richcreek Spring through open cut for stockwater purposes. The point of diversion of water from the source is follows: N. 87°09' E. 7665 ft. distant from Post No. 1 of U.S. Nos. 90 and 91, Eureka Mining Dist. or in the SW 1/4 NE 1/4 Sec. 5 T. 19 N., R. 54 E., M.D.M. unsurveyed, situated in Eureka County, State of Nevada.

NOW KNOW YE That the State Engineer, under the provision of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation together with the place to which such water is appurtenant, as follows:

- Name of appropriator A. C. Florio
- Postoffice address Eureka, Nevada
- Amount of appropriation Sufficient to water 8000 head of sheep or 2005 C.
- Period of use, from March 1st to November 30th of each year
- Date of priority of appropriation June 9, 1924.

Description of works of diversion, manner and place of use:-  
Water is developed and diverted from spring by means an open cut 40 ft. long, 4 ft. wide and 8 ft. deep, through which water is conveyed to creek channel, where it is impounded in small natural pools for stockwatering purposes.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, Geo. W. Malone, State Engineer of Nevada have hereunto set my hand and the seal of my office, this 1st day of February, A.D. 1928.



Geo. W. Malone  
State Engineer  
By H. W. Peppert  
Assistant State Engineer

Approved C. J. Smith

Endorsed: STATE OF NEVADA... CERTIFICATE OF APPROPRIATION OF WATER  
Application Number 7127 Certificate Number 1320 Book 5 Page 13

Recorded at the request of A. C. Florio Feb. 14, A.D. 1928 at 0 minutes past 7 A.M.  
Acting Recorder

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. McCarzan 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 north east of Eureka). No works of diversion were in evidence and it does not appear that the water of this spring reaches any irrigated land at this time of the year, so there is no reason why application should not be approved. This application was not protested.

*read.* 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 rushes at the point which Mr. Harris tied as the spring is in evidence to indicate the possible development <sup>or a</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 toward clearing out the dam and reservoir on account of Florio having made application.

*R.* 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 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. --2

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 Mr. 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 persons.

H.M. PAYNE

Deputy State Engineer

HP  
AI

*Colman Springs*

*Application*

*H.P. Payne*

01/10/10

NUMBER 7127

CERTIFICATE NO. 1320 ISSUED February 1 1928

**ASSIGNED:** On February 23, 1928 by A. C. Florio to Isaac T. Handley and Walter Handley. Deed filed February 29, 1928 in 3640.

**ASSIGNED:** On June 21, 1943 by Handley Bros. to Newark Land and Livestock Co. Deed filed November 13, 1962 in 01327.

**ASSIGNED:** On January 31, 1947 by Newark Land and Livestock Co. to W. S. McGill and R. K. McGill. Deed filed November 13, 1962 in 01327.

**ASSIGNED:** On September 4, 1947 by W. S. McGill and R. K. McGill to Raymond LaBarry. Deed filed November 13, 1962 in 01327.

**ASSIGNED:** On September 30, 1950 by Raymond LaBarry and Maria Teresa LaBarry, his wife, to Raymond LaBarry, Jr., one-third interest of their respective community interests. Deed filed November 13, 1962 in 01327.

**ASSIGNED:** On August 13, 1962 by Decree of Distribution in the matter of the Estate of Raymond LaBarry, deceased, to Jean Pierre LaBarry, his 1/3 interest. Filed November 13, 1962 in 01327.

**NOTE:** Owner of record stands in the names of:

Maria Teresa LaBarry, an undivided 1/3 interest;  
Raymond LaBarry, Jr., an undivided 1/3 interest; &  
Jean Pierre LaBarry, an undivided 1/3 interest.  
(IAK 4-27-76)

**ASSIGNED:** On September 22, 1976 by Maria Teresa LaBarry, Raymond LaBarry, Jr. and Jean Pierre LaBarry to United Dressed Beef, Inc. Deed filed November 17, 1976 under 01327.

**ASSIGNED:** On 18 June 1987 by United Dressed Beef, Inc., aka United Dressed Beef Company to Chloe C. Held (aka Chloe Held Moran) and George D. McClintock, as trustees of the Chloe Held Trust u/w Paul R. Held. Grant, Bargain and Sale Deed, Document Number 109198 and/or 243515, filed April 14, 1989 under Permit 1224.

**Application No.: 7127 Application Status: CER Certificate No.: 1320**

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**Owner(s): CHLOE HELD TRUST; Status: CERTIFICATE**

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

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

**Source: SPRING Source Description: RICHCREEK SPRING**

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

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

<b>Point of Diversion Information: Qtr-Qtr: SW Qtr: NE Sec: 30 Twn: 19N Rng: 54E</b>
--

**Duty Balance: 8.80 MGS Div Balance: 0.05**

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

**Remarks 1:**

Application No.: 7127 Application Status: CER Certificate No.: 1320

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Assigned By: Effective Date:

**Ownership Information**

Owner	Type	Div Rate	Duty	Acres	Change By	Description
CHLOE HELD TRUST	C	0	0	0		

**Original Owner(s)**

Owner
FLORIO, ANGELO C.

Remarks 5:

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<a href="#">Webmaster</a>			



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.:** [7127](#) **Application Status:** CER **Certificate No.:** [1320](#)

Filing Date: [06-09-1924](#)      Priority Date: [06-09-1924](#)      Return Date: [06-10-1924](#)  
 Sent for Publication Date: [06-19-1924](#)   Last publication Date: [07-26-1924](#)   Ready for Action Date:  
 Permit Date: [07-23-1925](#)      Withdrawn Date:      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="#">7127</a>	<a href="#">10-16-1924</a>	Existing POD:	
Proposed POU:		Existing POU:	

***Proofs of Completion and Beneficial Use***

<u>Due Date:</u>	<u>Rcvd:</u>	<u>Filed:</u>	<u>Ext. Due:</u>	<u>Ext Rcvd:</u>
POC: <a href="#">06-23-1927</a>		<a href="#">04-09-1927</a>		
PBU: <a href="#">12-23-1927</a>		<a href="#">10-01-1927</a>		

***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: