

Serial No. 09765

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

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

(2) Source of water Pass Creek Springs

(3) The water is diverted by Natural Channel

(4) The water is diverted at the following point(s) SE 1/4 of SW 1/4 Sec: 32 Twn. 19N Rng: 54E

(5) The water is impounded in Pools

(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 Guleh 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 \_\_\_\_\_ cattle \_\_\_\_\_ horses \_\_\_\_\_ sheep or wildlife (describe) \_\_\_\_\_  
The watering was conducted during each of the following months April 1st<sup>Other</sup> 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  
1/30 cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet per second.

(12) The works are located at SE 1/4 SW 1/4 Sec: 32 Twn: 19N.  
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.

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  
Division of Water Resources. Support documents  
specific to Pass Creek Springs are in Vol II  
of water Rights Simpson Creek Ranch. are  
also filed with the Nevada Division of  
Water Resources. (map also provided)

Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by James E. & 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**



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ISS-EL

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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.  
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30 cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet per second.

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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  
Division of Water Resources. Support documents  
specific to Pass Creek Springs are in Vol II  
of water Rights Simpson Creek Ranch. are  
also filed with the Nevada Division of  
Water Resources. (map also provided)

Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



Maryjo Castaneda  
Notary Public in and for the County of Eureka

My commission expires June 25, 2009

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

RECEIVED  
2008 SEP 11 PM 3:36  
STATE ENGINEERS OFFICE

FILED  
Oct 15, 1924

MAP  
APPROPRIATION OF WATER  
FROM SPRING  
AGRICOLA, ESTEREA, NEVADA

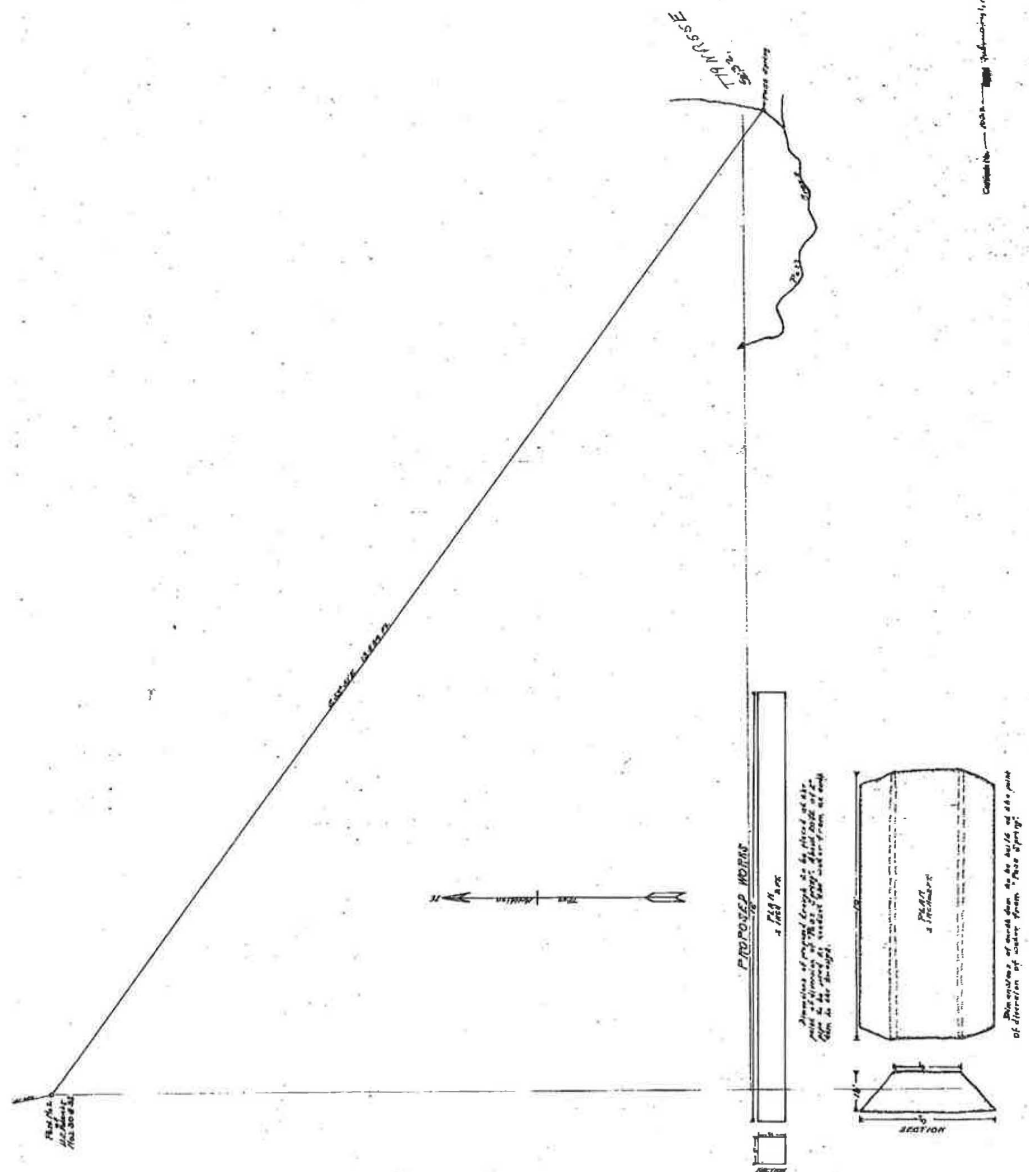
STATE OF NEVADA  
County of Esmeralda  
I, the undersigned, being a duly qualified surveyor and engineer, do hereby certify that the foregoing is a true and correct copy of the map as shown to me by the applicant, and that the same is in accordance with the provisions of the Act to amend the Act to provide for the appropriation of water from springs and wells in the State of Nevada, approved March 22, 1909, and the Act to amend the Act to provide for the appropriation of water from springs and wells in the State of Nevada, approved July 1, 1917.

Witness my hand and seal in the County of Esmeralda, Nevada, this 15th day of October, 1924.

*[Signature]*

Notary Public in and for Esmeralda County, Nevada.  
Case # \_\_\_\_\_ 0000  
NUMBER OF APPLICATION 7130

Commission Expires February 1, 1925





*Supplementary Information*

**Name:** Pass Creek Springs

**Latitude:** 39°29.57N

**Longitude:** 115°55.43W

**Elevation:** 7377

**NDWR Water Rights Application #:** 09765 ~~7130~~

**Remarks:** This spring is located on the grazing allotment of this ranch and has been used by this ranch dating back to 1866.

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

<b>Name:</b>	<b>Pass Creek Spring</b>
<b>Latitude:</b>	39.492
<b>Longitude:</b>	115.921
<b>Elevation:</b>	7377
<b>NDWR Water Rights Application #:</b>	7130
<b>NDWR Filing under Baumann</b>	<b>#09765</b>

**Remarks:** This spring is located on the grazing allotment of this ranch and has been used by this ranch dating back to 1866.

#1

File No. 17447.  
Application No. 7130 Certificate Record No. 1322 Book 5 Page 132  
THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H.C. Florio has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cass Creek Springs, through Reservoirs for Stockwatering purposes, the point of diversion of water from the source is as follows: S 53° 51' 13 584 ft. distant from Post No. 1 U.S. Patents Nos. 90 and 91, or approx. SE 1/4 SW 1/4 Sec. 33, T. 19 N., R. 54 E., M.D.M. unsurveyed, situated in Esmeralda County, State of Nevada.

Now Know YE, That the State Engineer, under the provisions of Section 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 Esmeralda, Nevada.
- Amount of appropriation sufficient to water 8000 head sheep or 200
- 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 diverted and impounded in small reservoirs in main channel of stream by construction of four small earth dams, about 10 ft. long, 4 ft. wide and 2 ft. high.

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. Reppert  
Assistant State Engineer.

Endowed: State of Nevada Certificate of Appropriation of Water  
Application Number 7130 Certificate Number 1322 Book 5 Page

Recorded at the request of A.C. Florio Feb. 14, A.D. 1928 at 0 minutes past 9 A.M.

Peter Menalds Recorder

Compared C.T. Smith

TOWNSHIP 18 NORTH, RANGE 58 EAST M.D.B & E.

*Hand Book 20  
page 257*

SECTION 17: SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ;  
SECTION 20: SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ;

TOWNSHIP 27 NORTH, RANGE 52 EAST, M.D.B. & E.

*#2*

SECTION 11: NW $\frac{1}{4}$  of NW $\frac{1}{4}$ ;  
SECTION 10: SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ; SE $\frac{1}{4}$  of SW $\frac{1}{4}$ ;  
SECTION 15: NW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  of SW $\frac{1}{4}$ ;

*See 2nd Page ->*

TOGETHER with all water, water-rights, ditches, dams and ditch-rights appurtenant to said lands or therewith had, used or enjoyed and including any pending applications for permits to appropriate water.

Subject to \$55,000. deed of trust of record;  
Subject to Crop and Chattel Mortgage of record;  
Subject to 1927 taxes.  
Subject to State Contracts approximating \$2250.

IN WITNESS WHEREOF, the said first party has executed this conveyance this 12th day of July, 1927.

William E. Mitchell

STATE OF CALIFORNIA, )  
                                  ) ss.  
COUNTY OF ALAMEDA. )

On this 14th day of September in the year, A.D. Nineteen Hundred and twenty-seven, before me, HELEN GLOCKLER a Notary Public in and for said County of Alameda, State of California, duly commissioned and sworn, personally appeared WILLIAM E. MITCHELL known to me to be the person described in and who executed and whose name is subscribed to the within instrument and he acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the said County of Alameda, the day and year in this certificate first above written.

Helen Glockler (Notarial Seal)  
Notary Public in and for the County of  
Alameda, State of California.

Used: File No. 43506. State of Nevada, County of Elko. Filed for record at request of McNamara & Robbins, on the 19 day of Dec., 1927, at 9:05 o'clock A.M., and recorded in book 43 of Deeds. Page 565 to 566 inclusive. Records of said county, Wm. Rigsby, County Recorder.

45898 Filed for record at request of McNamara & Robbins Jan. 26, 1928, at 5 min. past 9 o'clock A.M. and recorded in Book 100 Pages 449-450 Real Estate Record of White Pine Co., Nev. J.P. McKernan Recorder.

Recorded at the request of McNamara & Robbins Jan. 31, A.D. 1928 At 30 minutes past 3 P.M.

Peter Merialdo---Recorder.

File No. 17452.

A.C. Florio )  
to ) QUITCLAIM DEED.  
Isaac T. Handley, and )  
Walter Handley. ) Dated February 23, 1928.

THIS INDENTURE, made the twenty-third day of February one thousand nine hundred and twenty-eight BETWEEN A.C. Florio, of the County of Eureka, State of Nevada, the party of the first part, and Isaac T. Handley, and Walter Handley, of Eureka County, Nevada, the party of the second part, WITNESSETH: That the said party of the first part, in consideration of the sum of One Hundred and no/100 dollars, lawful money of the United States of America, to him in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does hereby release and forever QUITCLAIM unto the party of the second part, and to their heirs and assigns, all those certain lots, pieces, or parcels of land situate in the County of Eureka, State of Nevada, and bounded and described as follows, to-wit:

All of his right, title and interest in and to Richcreek Spring, application No.7127; Shirt Creek Spring, application No.7128; Pass Creek Springs, application No.7130; Cottonwood Creek Spring, application No.7131; Big Rock Spring, application No.3641; Hole in Wall Spring, application No.3640 and the John T. Baker Springs located in Spanish Gulch, in the said County of Eureka, State of Nevada, more fully described in that certain deed from Thos. Dixon to A.C. Florio, recorded in Book 18 of Deeds on page 207, reference thereto made a part hereof as though fully incorporated herein; also all of his right, title in and to Granite, and Little Cherry Springs situate in the said County of Eureka, State of Nevada.

TOGETHER with the tenements, hereditaments, and appurtenances thereunto belonging or appertaining and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand the day and year first above written.

SIGNED AND DELIVERED IN THE PRESENCE OF )

A.C. Florio

State of Nevada, SS.  
County of Eureka.

On this 23rd day of February, 1928, personally appeared before me, Edgar Eather, a Notary Public, in and for the County of Eureka, State of Nevada, A.C.Florio, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in office on the day and year in this certificate first above written.

(Notarial Seal)

Edgar Eather Notary Public.

Recorded at the Request of Isaac Handley Feb. 23 1928 at 0 min. past 3 o'clock P.M.

Peter Merialdo--Recorder.

Filed No.17456.

M.M.Fletcher, )  
to ) ASSIGNMENT OF PARTNERSHIP PROPERTY AND DEBTS.  
Fred Bartine. )

WHEREAS M.M.Fletcher, of Eureka, Eureka County, State of Nevada, party of the first part, and Fred Bartine, of the same place, party of the second part, were lately copartners in the business of operating the Eureka Water Works, Gasoline Service Station, Trucking and other miscellaneous enterprises, which partnership was dissolved and determined on the 6th day of March, 1928; and

WHEREAS many debts due and owing to the said parties on account of their said co-partnership are still outstanding, and debts due by the said firm yet unpaid; and

WHEREAS it is agreed between the parties hereto that the said M. M. Fletcher shall assign and release to the said Fred Bartine all his interest in the stock in trade, goods and effects belonging to the said firm, and in the debts now owing to the said firm, and that the said Fred Bartine shall assume all the debts and liabilities of the said firm, and shall discharge and indemnify the said M. M. Fletcher from all liabilities and losses arising from the said partnership:

Now therefore, in pursuance of the said agreement, and in consideration of the sum of One Hundred dollars (\$100.00) paid to the said M. M. Fletcher

#3

NUMBER 7130

CERTIFICATE NO. 1322 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.: 7130 Application Status: CER Certificate No.: 1322**

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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: PASS CREEK SPRINGS**

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

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

<b>Point of Diversion Information: Qtr-Qtr: SE Qtr: SW Sec: 32 Twn: 19N Rng: 54E</b>
--

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

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

**Remarks 1:**

**Application No.: 7130 Application Status: CER Certificate No.: 1322**

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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.:** [7130](#)   **Application Status:** [CER](#)   **Certificate No.:** [1322](#)

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: [04-23-1925](#)   Withdrawn Date:   Forfeit Date:  
 Cancel Portion:   Cancellation Date:   Cancellation Rescind Date:  
 Denied Date:



<u>Filed Under</u>	<u>Date</u>	<u>Filed Under</u>	<u>Date</u>
Proposed POD: <a href="#">7130</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="#">07-23-1926</a>		<a href="#">03-21-1927</a>		
PBU: <a href="#">07-23-1927</a>		<a href="#">03-21-1927</a>		

***Other Dates and Requirements***

Cultural Map:   PBU Map Received:   PBU Map Filed Under:   Certificate Date: [02-01-1928](#)  
 Forfeiture Due Date:   Extension required?:   Forfeiture Portion:   Forfeiture Received:   Forfeiture Filed:  
 Temporary Expiration Date:   Other Date:   Reporting Required?:  
 Remarks 2: