

Serial No. 09778

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

(2) Source of water Bullwacker Spring

(3) The water is diverted by Pipe Line Put in by Eureka Water Works

(4) The water is diverted at the following point(s) 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. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Over Flow to Ponds

(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 in the Spanish Gulch allotment

(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 100 cattle _____ horses _____ sheep or wildlife (describe) _____

The watering was conducted during each of the following months April thru
November each year

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

100 hd of cattle more or less over the years,
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.
but this spring has been used continuously
by this ranch 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 SW 1/4 of SW 1/4 Sec: 19 Twn: 19N Rng: 54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed

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-Simpson
Creek Ranch Vol I that was filed with the
Nevada Division of Water Resources. Specific
support documents for Bullwacker Spring are in
Vol. II of Water Rights Documents Simpson Creek
Ranch also filed with the Nevada Division of
Water Resources.

Remarks This spring has historically been used (and still is being used) by this ranch prior to the formation of, and in ~~the~~ conjunction with the Eureka Water Association or Eureka County abandoned the use of this spring in approximately 1992 when a new water well was drilled in Diamond Valley and a new water system was developed to provide municipal water to the town of Eureka, Nevada.

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

Serial No. 09778

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
Street and No. or P.O. Box No. City or town
Nevada 89316
State and Zip Code No.

(2) Source of water Bullwacker Spring
Name of natural water source.

(3) The water is diverted by Pipe Line Put in by Eureka Water Works
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) SW 1/4 SW 1/4 Sec 19 T. 19 N R. 54 E M03N
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.
see item 12 - signed 12/30/08
Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Over Flow to Ponds
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun _____ Date _____
and completed _____ 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 in the Spanish Gulch allotment
Patented, deeded, public domain with grazing permit, etc.

(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).

103-10

(9) The approximate number of animals watered by the claimant during the first year 1866
Date
was 100 cattle _____ horses _____ sheep or wildlife (describe) _____

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

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100 hd of Cattle more or less over the years,
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.
but this spring has been used continuously
by this ranch since 1866

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1/2 cubic feet per second.
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Simpson Creek Ranch/James E. & Vera L. Baumann
are provided in the Water Rights Documents-Simpson
Creek Ranch Vol I that was filed with the
Nevada Division of Water Resources. Specific
Support documents for Bullwacker spring are in
Vol. II of Water Rights Documents Simpson Creek
Ranch also filed with the Nevada Division of
Water Resources.

Remarks This spring has historically been used (and still is being used) by this ranch prior to the formation of, and in the conjunction with the Eureka Water Association or Eureka County abandoned the use of this spring in approximately 1992 when a new water well was drilled in Diamond Valley and a new water system was developed to provide municipal water to the town of Eureka, Nevada.

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

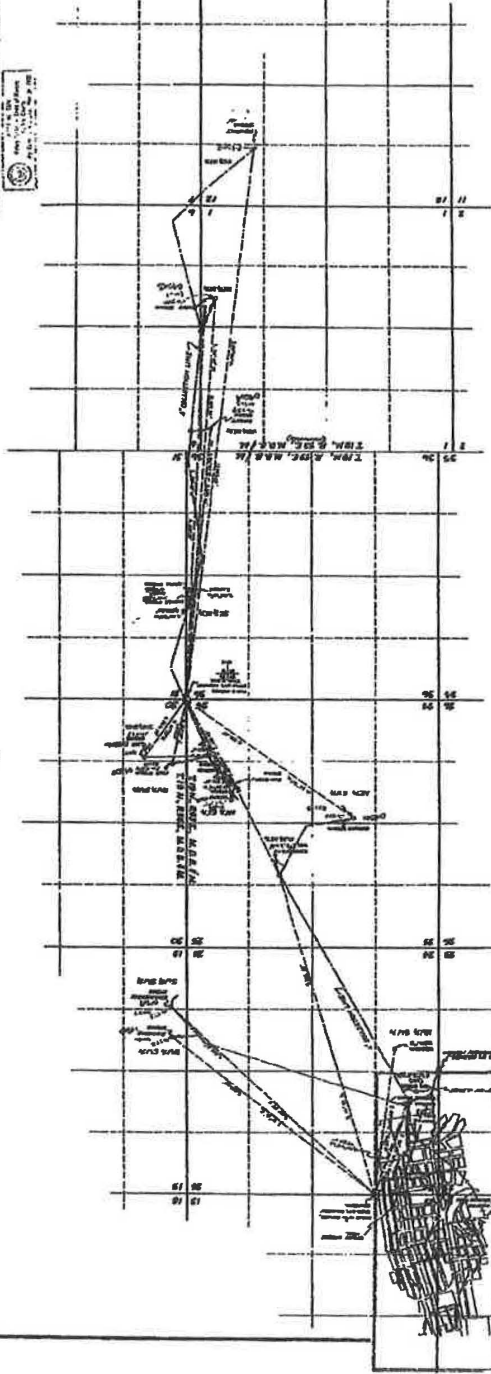


Maryjo Castaneda
Notary Public in and for the County of Eureka
My commission expires June 25, 2009

\$50 FILING FEE MUST ACCOMPANY PROOF

CITY OF SEAMAN
United States
Under its authority, subject to the rules, regulations and laws of the State of California, the Board of Public Works, in its capacity as the Board of Public Works, has caused this map to be prepared and published in accordance with the provisions of the Act of March 11, 1911, and the Act of March 11, 1913, and the Act of March 11, 1917, and the Act of March 11, 1919, and the Act of March 11, 1921, and the Act of March 11, 1923, and the Act of March 11, 1925, and the Act of March 11, 1927, and the Act of March 11, 1929, and the Act of March 11, 1931, and the Act of March 11, 1933, and the Act of March 11, 1935, and the Act of March 11, 1937, and the Act of March 11, 1939, and the Act of March 11, 1941, and the Act of March 11, 1943, and the Act of March 11, 1945, and the Act of March 11, 1947, and the Act of March 11, 1949, and the Act of March 11, 1951, and the Act of March 11, 1953, and the Act of March 11, 1955, and the Act of March 11, 1957, and the Act of March 11, 1959, and the Act of March 11, 1961, and the Act of March 11, 1963, and the Act of March 11, 1965, and the Act of March 11, 1967, and the Act of March 11, 1969, and the Act of March 11, 1971, and the Act of March 11, 1973, and the Act of March 11, 1975, and the Act of March 11, 1977, and the Act of March 11, 1979, and the Act of March 11, 1981, and the Act of March 11, 1983, and the Act of March 11, 1985, and the Act of March 11, 1987, and the Act of March 11, 1989, and the Act of March 11, 1991, and the Act of March 11, 1993, and the Act of March 11, 1995, and the Act of March 11, 1997, and the Act of March 11, 1999, and the Act of March 11, 2001, and the Act of March 11, 2003, and the Act of March 11, 2005, and the Act of March 11, 2007, and the Act of March 11, 2009, and the Act of March 11, 2011, and the Act of March 11, 2013, and the Act of March 11, 2015, and the Act of March 11, 2017, and the Act of March 11, 2019, and the Act of March 11, 2021, and the Act of March 11, 2023, and the Act of March 11, 2025.

(Signature)
MAYOR
City of Seaman
(Signature)
City Engineer
City of Seaman

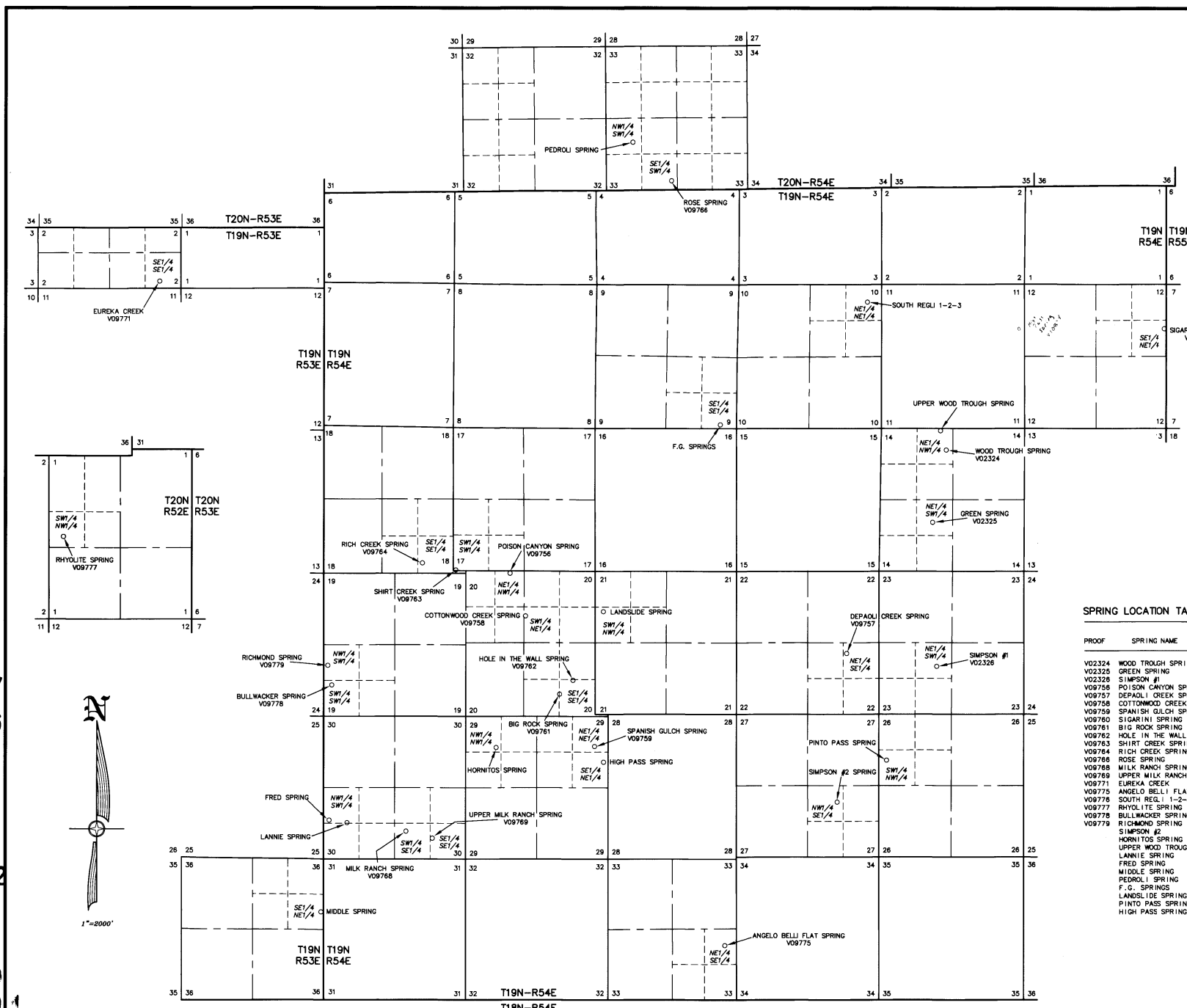


045 10
045 09
045 08
045 07
045 06
045 05
045 04
045 03
045 02
045 01

MAP TO ACCOMPANY APPLICATION
TO APPROPRIATE WATER
MUNICIPAL & DOMESTIC
BY EUREKA WATER ASSOCIATION, INC.
FROM SPRING & UNDERGROUND SOURCES

FILED
MAY 1 1924
DEPARTMENT OF PUBLIC WORKS

26542 26543 26544 40184 40183 40182 40181 40180 40188 40188 40187 40186
26541 26540 26539 26538 26537 26536 26535 26534 26533 26532



V10879
 V10878
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V09768 V09766 V09764 V09763 V09762 V09761 V09760 V09759 V09758 V09757 V09756 V02326 V02325 V02324

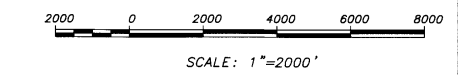
STATE OF NEVADA }
 COUNTY OF ELKO } SS.
 I, ROBERT E. MORLEY, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT THIS MAP, CONSISTING OF 1 SHEET, NUMBERED FROM 1 TO 1, INCLUSIVE, HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE FROM SURVEYING CALCULATION NOTES PREPARED BY ME, OR UNDER MY SUPERVISION AND DIRECTION, 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 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

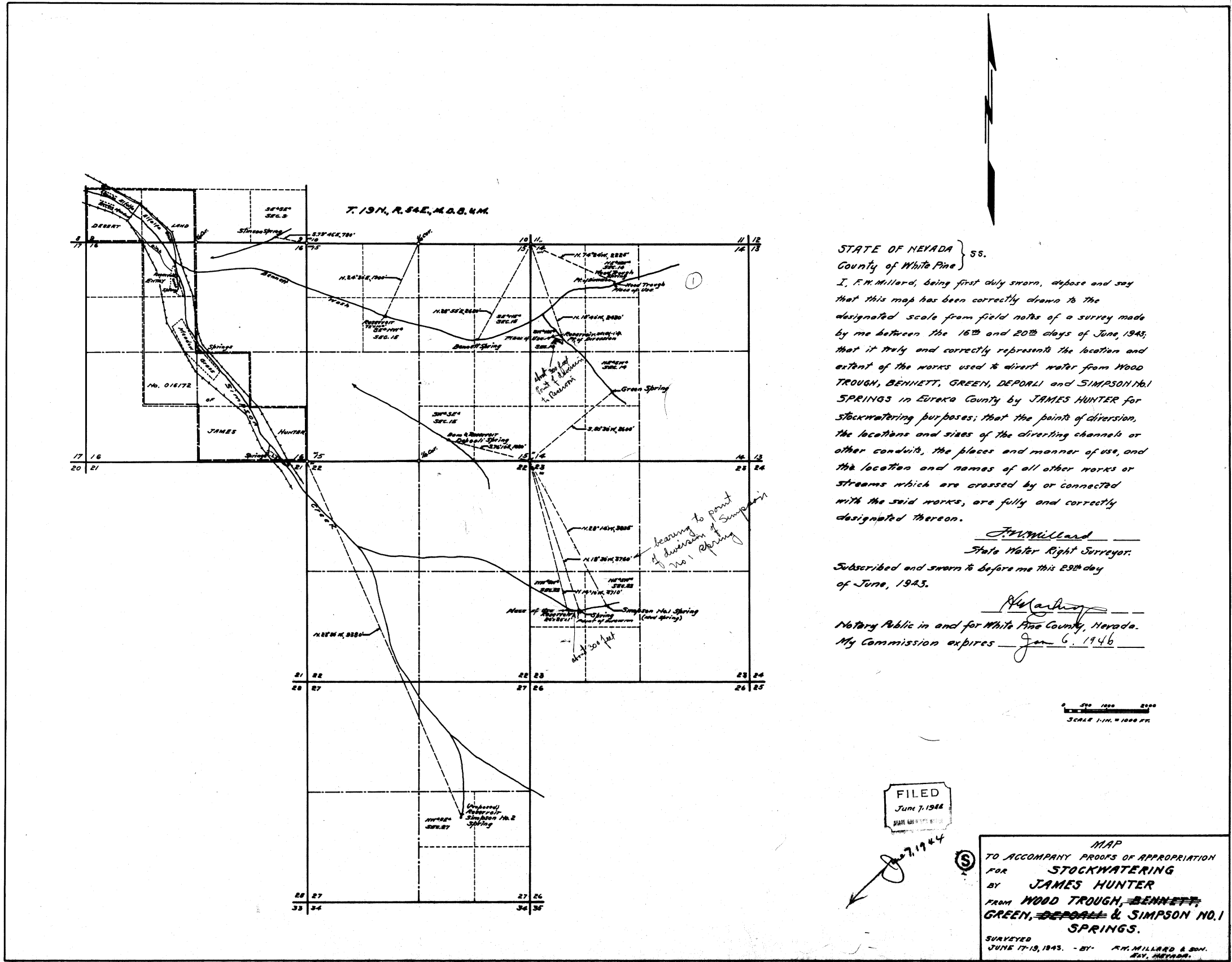
PROOF	SPRING NAME	SECTION	SUB-DIVISION	TOWNSHIP	RANGE	LATITUDE	LONGITUDE
V02324	WOOD TROUGH SPRING	14	NE1/4 NW1/4	T19N R54E	39.522389 N 115.862093 W		
V02325	GREEN SPRING	14	NE1/4 SW1/4	T19N R54E	39.515113 N 115.863875 W		
V02326	SIMPSON #1	23	NE1/4 SW1/4	T19N R54E	39.5003 N 115.863 W		
V09756	POISON 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 BELL I 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	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





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.
[Signature]
 Notary Public in and for White Pine County, Nevada.
 My Commission expires Jan 6, 1946

SCALE 1 IN. = 1000 FT.

FILED
 June 7, 1944
 STATE WATER RIGHTS OFFICE

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

Name:	Bullwacker Spring
Latitude:	39.499
Longitude:	115.942
Elevation:	7395
NDWR Water Rights Application #:	40157
NDWR Filing Under Baumann	#09778

Remarks: This spring has been used by this ranch back to 1866. It is a significant water source to our current livestock operation and has been a very important water source to our predecessors.

This spring was filed on by Eureka Water Association Inc.
(Certificate No. 12928) in 1979.

December 1, 2008

To Whom It May Concern:

I was born in 1948 and raised in Eureka, Nevada.

From a very young age, I helped the Hunter family by working on the Hunter Ranch and riding and tending to their cattle.

Hunter's cattle grazed the surrounding mountains of the ranch from the first of April through the end of October or November depending on the weather.

The Hunter cattle utilized each and every spring in the mountains from the Cottonwood Spring north of the Hunter Ranch; to the Fairbury Well south of the Hunter Ranch; east to the Poison Spring and west to the Rhyolite Spring.

The Hunter cattle used the water in Eureka Canyon for many, many years (and created havoc within the townsite) which surfaces below the upper slag dump at the south end of the town. The creek and additional springs surfacing within the townsite continued through the town of Eureka and ran past the depot located at the north end of town.

Richmond Spring, **Bullwhacker Spring** and the Milk Ranch Spring were the main springs for the southern country that were utilized by the cattle belonging to the Hunter Ranch.

It is common knowledge that the Hunter Ranch (aka Simpson Creek Ranch) utilized the range and water sources prior to 1900 to present.

Signed:


Gerald E. Robinson

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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 1
General Information

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[Ownership/Title](#)

Application No.: 40157 **Application Status:** CER **Certificate No.:** 12928

Owner(s): EUREKA WATER ASSOCIATION INC; **Status:** CERTIFICATE
Basin: 153 **Basin Name:** DIAMOND VALLEY **Sub Basin:**
Basin Status: DESIGNATED (ID) **Region:** CENTRAL **County:** EUREKA

No Previous Applications Found

Source: SPRING **Source Description:** BULLWACKER SPRING
Project Name: **Decree Name:**
Use: MUNICIPAL
Period Start: 0101 **Period End:** 1231

Point of Diversion Information: **Qtr-Qtr:** SW **Qtr:** SW **Sec:** 19 **Twn:** 19N **Rng:** 54E

Duty Balance: 80.34 AFA **Div Balance:** 0.11
Acre-Feet Storage: 0 **Well Log Nos.:**
Remarks 1:

Home	State Home Pages	About Us	Publications
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

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

Ownership/Title

Application No.: 40157
Application Status: CER
Certificate No.: 12928

Filing Date: 12-21-1979 Priority Date: 12-21-1979 Return Date:
 Sent for Publication Date: 03-14-1980 Last publication Date: 04-25-1980 Ready for Action Date: 05-25-1980
 Permit Date: 04-22-1982 Withdrawn Date: Forfeit Date:
 Cancel Portion: Cancellation Date: Cancellation Rescind Date:
 Denied Date:

Maps

Filed Under	Date	Filed Under	Date
Proposed POD: <u>26532</u>	02-24-1972	Existing POD:	
Proposed POU:		Existing POU:	

Proofs of Completion and Beneficial Use

Due Date:	Rcvd:	Filed:	Ext. Due:	Ext Rcvd:
POC: 05-22-1983		05-19-1983		
PBU: 05-22-1989		06-21-1989	Y	

Other Dates and Requirements

Cultural Map: PBU Map Received: PBU Map Filed Under: Certificate Date: 08-15-1991
 Forfeiture Due Date: Extension required?: Forfeiture Portion: Forfeiture Received: Forfeiture Filed:
 Temporary Expiration Date: Other Date: Reporting Required?:

Remarks 2:

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office DEC 21 1979

Returned to applicant for correction

Corrected application filed

Map filed February 1972 under 26532

The applicant Eureka Water Association, Inc.

P. O. Box 263 of Eureka

Nevada 89316

hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

Nevada - March 22, 1967

1. The source of the proposed appropriation is Bullwacker Spring

2. The amount of water applied for is 111 cfs

(a) If stored in reservoir give number of acre-feet 200,000 gallon storage tank

3. The water to be used for Municipal and Domestic

4. If use is for:

- (a) Irrigation (state number of acres to be irrigated)
(b) Stockwater (state number and kinds of animals to be watered)
(c) Other use (describe fully under "No. 12. Remarks")
(d) Power:
(1) Horsepower developed
(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: in the SW 1/4 SW 1/4 Section 19, T. 19N., R. 54E., M.D.B. 6M. or at a point from which the W 1/16 Corner Section 13-24,

6. Place of use SE 1/4 NE 1/4, SE 1/4 Section 14, SE 1/4 NE 1/4, N 1/2 NE 1/4 Section 23, SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 13, W 1/2 NW 1/4 Section 24, T. 19N., R. 53E., M.D.B. 6M.

7. Use will begin about 1st of January and end about 31st of December of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) water is piped to a storage tank, then to the place of use.

- 9. Estimated cost of works..... \$ 15,000.00
- 10. Estimated time required to construct works..... completed
- 11. Estimated time required to complete the application to beneficial use..... 30 days

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The water from this spring is presently being used for Municipal and Domestic purposes and has been used since the year 1873. For the supporting map please refer to No. 26532.

Applicant..... Eureka Water Association, Inc.

By..... s/ Richard W. Foxman
Richard W. Foxman, Agent
P. O. Box 150
Ely, Nevada 89301

Compared... ga/jw..... bt/bc.....

APPROVAL..... OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the 0.111 c.f.s., herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.111 cubic feet per second

Actual construction work shall begin on or before..... N/A

Proof of commencement of work shall be filed before..... N/A

Work must be prosecuted with reasonable diligence and be completed on or before April 22, 1983

Proof of completion of work shall be filed before..... May 22, 1983

Application of water to beneficial use shall be made on or before..... April 22, 1985

Proof of the application of water to beneficial use shall be filed on or before..... May 22, 1985

Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed
Completion of work filed MAY 19 1983
Proof of beneficial use filed 6-21-83
Cultural map filed
Certificate No. 12928 Issued AUG 15 1991

IN TESTIMONY WHEREOF, I PETER G. MORROS
State Engineer of Nevada, have hereunto set my hand and the seal of
my office, this 22nd day of APRIL

A.D. 1982
Peter G. Morros
State Engineer



Vera Baumann <simpsoncreekranch@gmail.com>

Eureka Co. Water Collection System ROW Decision Appeal -- Proposed Settlement

Zahedi, Nancy <Nancy.Zahedi@sol.doi.gov>
To: Baumanns <simpsoncreekranch@gmail.com>

Tue, Feb 8, 2011 at 10:32 AM

I have been struggling with how to add the stipulation language to the NEPA analysis, since they serve different functions. However, I think one solution is to add a reference under the "Mitigation" section of the EA. I have therefore suggested a new paragraph and "Livestock Grazing" mitigation measure on page 34 of the EA, which is reflected in the latest Errata Sheet (suggested addition to page 34).

If this would work for you, I will then discuss this approach with BLM.

From: Baumanns [<mailto:simpsoncreekranch@gmail.com>]
Sent: Monday, February 07, 2011 10:12 AM
To: Zahedi, Nancy
Subject: Re: Eureka Co. Water Collection System ROW Decision Appeal -- Proposed Settlement

Hi Nancy,

[Quoted text hidden]

[Quoted text hidden]

 **BLM Draft Errata Sheet for EA (v.3).doc**
25K



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, NV 89820
<http://www.nv.blm.gov>



In Reply Refer To:
NVB01000 (2800)
NVN-007463

DEC 08 2010

CERTIFIED MAIL 7009 0080 0001 6387 0171 – RETURN RECEIPT REQUESTED

James E. Baumann
Vera L. Baumann
PO Box 308
Eureka, Nevada 89316

Dear Mr. and Mrs. Baumann:

Enclosed is a copy of the approved Environmental Assessment (EA) DOI-B010-2009-0076-EA, October 2010 for the Eureka County Spring Box Project.

One comment from your September 7, 2010 letter is addressed in the EA on page 23, 3.3.18 and table 3-7.

A copy of the Decision issuing the amended Right-of-Way (ROW) with the Appeals Form 1842-1 is enclosed. A copy of the amended ROW with stipulations is enclosed.

Thank you for your comments and your interest in our public lands. If you have any questions concerning this letter, please contact Nancy Lockridge at 775-635-4029.

Sincerely,

Douglas W. Furtado
Field Manager
Mount Lewis Field Office

Enclosures

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
BATTLE MOUNTAIN DISTRICT/MOUNT LEWIS FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-B010-2009-0076-EA, dated October 2010. After consideration of the environmental effects as described in the EA, and incorporated herein, I have determined that the proposed action with the project design specifications, including minimization or mitigation measures identified in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

Context

In November of 2007, the Mount Lewis Field Office (MLFO), of the Bureau of Land Management (BLM), received an application from the Eureka County Public Works Department to amend their existing right-of-way (ROW) NVN 007463. The application requested that the ROW be amended to contain the ten springs and all portions of the water collection system so the system can be repaired.

The amendment will allow Eureka County to provide the Town of Eureka with a secondary source of water that will be reliable, clean, safe and cost effective to operate and maintain.

The proposed amendment will bring under one ROW the ten springs that Eureka County currently possesses the water rights for. The springs will be rehabilitated, new collection boxes will be installed and new and upsized PVC and HDPE transmission lines will be added to connect all ten springs.

The application for the ROW amendment is made under the authority of Section 504 of the Federal Land Policy and Management Act of 1976, as amended, (FLPMA).

Funding for the construction will be provided by Eureka County.

Intensity

1. Impacts that may be both beneficial and adverse.

The EA considered both beneficial and adverse impacts of the ROW amendment. The proposal would result in a secondary source of water for the Town of Eureka.

It will not significantly complicate or otherwise affect the management of other nearby existing ROWs and there are no other proposed developments at those locations.

Adverse impacts of the proposed ROW amendment are minimal, as described in the EA. The proposed amendment will impact the NDOT ROW for U.S. Highway 50 because it will be placed within the ROW along the northern side of the highway. NDOT regulations require Eureka County to obtain an "Encroachment Permit" from them.

None of the environmental consequences discussed in detail in Chapter 4 of the EA are considered significant.

2. The degree to which the proposed action affects public health and safety.

The effects of the proposed action on public health and safety are considered to be positive. The Town of Eureka will have a secondary source of water that will be reliable, clean, safe and cost effective to maintain.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

During May and June of 2009, a Class III cultural resource survey of the entire project area was conducted (BLM6-2793P). Twenty six archaeological sites were observed and/or updated. All but one of the 26 sites has been recommended as not eligible for listing in the National Register of Historic Places (NRHP). The one site that is eligible for listing is an aspen grove containing arboglyphs primarily associated with Basque and Peruvian sheep ranchers. Section 2.2 discusses the measures that will be implemented in protection of the known cultural resources.

Duckwater Tribal representatives were notified of the proposed project as a part of BLM's regular coordination with the Tribe. There are no known tribally identified traditional cultural properties near the project area, or in the area known to be used for traditional Native American cultural or spiritual activities.

The proposed action is not located near any park lands, prime or unique farmlands, wild and scenic rivers or Areas of Critical Environmental Concern (ACECs).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The proposed action is not expected to be controversial. Much of the construction would occur in existing rights-of-way and previously disturbed areas. The proposal would result in a reliable secondary water supply for Eureka.

A letter providing a 30 day opportunity for comments on the proposal and EA was mailed to those individuals and groups that have expressed a continuing interest in MLFO NEPA actions as well as the proponent and holders of adjacent rights-of-way or permits and

other agencies through the State Clearinghouse. A notice of availability of the EA was also placed on the MLFO website. The comment period ran for 30 days, until September 17, 2010.

One comment was received from the general public, James and Vera Baumann.

Nevada Department of Transportation responded with comments through the Nevada State Clearinghouse.

None of these comments identified any significant new issues or concerns; however they did result in some minor revisions to the EA, which were not considered to be significant enough to warrant a second public comment period.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

There are no known effects of the proposed action identified in the EA which are considered to be uncertain or involve unique or unknown risks.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The proposed action is an amendment to an existing authorization. Rights-of-Way for pipelines and associated development are common authorizations under the FLPMA. The proposed action has been found to cause not significant effects to the environment and does not represent a decision in principle. It is unlikely that Eureka County would apply for another such facility. Any future actions on public lands within the surrounding area would be analyzed on their own merits and carried out, or not, independently of the action currently proposed.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

Cumulative impacts were analyzed in chapter 5, 5.1.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

The site of the proposed action has been extensively surveyed and one NRHP eligible site was identified. This site will be mitigated by avoidance. There would be no loss or destruction of significant scientific, cultural, or historic resources as a result of the proposed action.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The Nevada Natural Heritage Program (NNHP) and the U.S. Fish and Wildlife Service (FWS) were contacted for information concerning special status species. The NNHP (letter of October 26, 2009, Appendix B) and FWS (letter of November 6, 2009, Appendix B) both indicated that there were no listed or proposed species known to be present in the project area. Both agencies did indicate that some candidate species may occur in the area.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The proposed action will not violate or threaten to violate and Federal, State, or local law or requirement for the protection of the environment.



Douglas W. Furtado
Field Manager
Mount Lewis Field Office

12/8/10

Date

United States Bureau of Land Management
Battle Mountain District

Checklist for Interdisciplinary Review of NEPA Documents

Document Title: Eureka County Spring Boxes
 NEPA Number: DOI-BLM-NV-B010-2009-0076-EA Case File Number: NVN-007463
 Lead Preparer Name and Title: Nancy Lockridge, Realty Specialist Due Date: _____

Interdisciplinary Review

PLEASE SUBMIT ALL COMMENTS ELECTRONICALLY

Potentially Affected Resource	Staff Specialist	Comments Provided		Surname	Date
		Yes	No		
ACECs*			x		
Air Quality*			x		
Cultural Resources*	Janice George	x		J George	10/21/10
Environmental Justice*	Angelica Rose	x		A Rose	10/21/10
Fire Management			x		
Floodplains			x		
Forestry			x		
Lands & Rights-of-Way	Nancy Lockridge	x		Nancy Lockridge	10/21/10
Minerals	Lisa Marine	x		L Marine	10/21/10
Native American Religious Concerns*	Gerald Dixon	x		G Dixon	10-21-10
Invasive Non-native Species*	Mike Vermeys	x		M Vermeys	10/21/10
Migratory Birds*	Ryan Sandfur	x		R Sandfur	10/21/10
Operations			x		
Paleontology			x		
Prime/Unique Farmlands*			x		
Range	Tom Darrington	x		T Darrington	10/21/10
Reclamation			x		
Recreation			x		
Riparian & Wetlands*			x		
Socioeconomics	Angelica Rose	x		A Rose	10/21/10
Soils			x		
Threatened or Endangered Species* and Special Status Species					
animals					
plants	Ryan Sandfur	x		R Sandfur	10/21/10
Vegetation			x		
Visual Resources			x		
Water Resources			x		
Water Quality (surface & ground)*			x		
Wastes, Hazardous or Solid*	Dan Tecca	x		---	
Wild Horses & Burros			x		
Wild/Scenic Rivers*			x		
Wilderness & WSAs*			x		
Wildlife	Ryan Sandfur	x		R Sandfur	10/21/10
Other: NEPA Compliance	Angelica Rose	x		A Rose	10/21/10
Hydrology	Bob Hassmiller	x		B Hassmiller	11/1/10

*Supplemental Authorities
 This document will / will not be sent to the Nevada State Clearinghouse.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, NV 89820
<http://www.nv.blm.gov>

DEC 08'2010

In Reply Refer To:
N-007463

CERTIFIED MAIL # 7009 0080 0001 6387 0164 - RETURN RECEIPT REQUESTED

DECISION

Eureka County	:	
Attn: Ron Damele	:	N-007463
PO Box 714	:	Right-of-Way Amended
Eureka, Nevada 89316	:	Pursuant to FLPMA

Amended Right-of-Way Grant Issued Right of Way Granted According FLPMA Act of October 21, 1976 (43 USC 1761)

Enclosed is a copy of your Amended Right-of-Way (ROW) Grant, N-007463, which has been approved by the Bureau of Land Management (BLM) according to the Federal Land Policy Management Act (FLPMA) of October 21, 1976.

Two letters were received in response to the Environmental Assessment (EA), which analyzed the impacts of this ROW amendment. The following are the steps that BLM has pursued in answering the concerns expressed in the letters. The first letter was from James E. Baumann and Vera L. Baumann concerning water rights at Bullwacker and Prospect Springs and wording in the EA that stated "only sheep" were permitted to graze in the Spanish Gulch Allotment. Table 3-7, Livestock Grazing Allotments, on page 23 of the EA has been changed to reflect that cattle are also permitted in the Spanish Gulch Allotment. Stipulation # 21 in Exhibit B, attached to the Amended ROW states the intention of Eureka County to recognize and provide for each claimed vested water right of James E. Baumann and Vera L. Baumann at the two springs.

Nevada Department of Transportation registered its concerns through the Nevada State Clearinghouse. Paragraph 3.3.4 on page 14 of the EA has been corrected to read one-fourth to one-third. Other concerns were noted and it is felt that they are either adequately addressed in the EA, or covered by stipulation #17 in Exhibit B, attached to the Amended ROW.

The monitoring fee has been received. Rental on the ROWs is current through December 31, 2010. You will be billed in December for rental due on January 1, 2011.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days

AFFIDAVIT OF IDENTITY - INDIVIDUAL

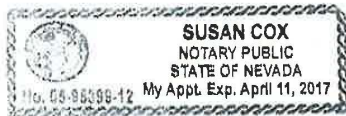
State of Nevada)
)
)
)
County of Carson)

Affiant, James E. Baumann, being first duly sworn on his/her oath, states
Print Name
that (s)he is familiar with James E. Baumann and acknowledges that (s)he
is one in the same person as Jim Baumann, who is also known as
_____ and _____.

James E. Baumann
Affiant Signature before Notary Public

This instrument was acknowledged before me on May 27, 2014
Date
by James E. Baumann.
Name of Person(s)

Susan Cox
Signature of notarial officer



My commission expires:
4-11-17
Month, Day, Year

RECEIVED
2016 MAY 27 PM 12:44
STATE ENGINEERS OFFICE

Notary Stamp

from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal 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.

Questions may be directed to Nancy Lockridge, Realty Specialist at (775) 635-4029.



Douglas W. Furtado
Field Manager
Mount Lewis Field Office

Enclosures

cc: James and Vera Baumann
PO Box 308
Eureka, Nevada 89316

Kathleen Weaver
Nevada Department of Transportation
1401 East Altman Street
Ely, Nevada 89301