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November 6, 2018

VIA HAND DELIVERY

Nevada State Engineer
c/o Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

**RE: Diamond Valley Adjudication
Claimants Baumann Objections to Preliminary Order of Determination**

To Whom it May Concern:

Enclosed for filing please find:

- Two originals of Claimants James E. And Vera L. Baumann's Objections to Preliminary Order of Determination; and
- Two originals of Affidavit of Claimant Baumann in Support of Objections to Preliminary Order of Determination.

Thank you for your assistance with this matter. If there are any questions, please contact our office at (775) 786-8800.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.

Therese A. Ure

TAU:lmg

Enclosures

cc: Clients – via email

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STATE ENGINEER'S OFFICE

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Affirmation: This document does not contain the social security number of any person.

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF THE
DETERMINATION OF DEFINING THE
RIGHTS IN AND TO ALL WATERS OF
DIAMOND VALLEY, HYDROGRAPHIC
BASIN NO. 10-153, ELKO AND EUREKA
COUNTIES, NEVADA.

**CLAIMANTS JAMES E. AND VERA L.
BAUMANN'S OBJECTIONS TO
PRELIMINARY ORDER OF
DETERMINATION**

INTRODUCTION

COMES NOW, Claimants James E. and Vera L. Baumann ("Claimant" or "Baumann"), by and through their counsel, Laura A. Schroeder and Therese A. Ure, of Schroeder Law Offices, P.C., and hereby files, pursuant to NRS 533.145, the following Objections to the Preliminary Order of Determination, issued in this matter on August 30, 2018, by the State Engineer and Nevada Division of Water Resources ("NDWR"). The following Objections are hereby verified by *Affidavit of Claimant Baumann in Support of Objections to Preliminary Order of Determination* ("Baumann Affidavit") under separate cover, and incorporated herewith.

These objections apply to the following claims:

Page 1 – CLAIMANTS JAMES E. AND VERA L. BAUMANN'S OBJECTIONS TO PRELIMINARY ORDER OF DETERMINATION



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Reno, Nevada 89521
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Vested No. - Source	Claimant
V-01085 (Simpson Creek)	James E. & Vera L. Baumann
V-01089 (Old Bennet Spring)	James E. & Vera L. Baumann
V-01133 (Simpson Creek and Tribes)	James E. & Vera L. Baumann
V-02324 (Wood Trough Spring)	James E. & Vera L. Baumann
V-02325 (Green Spring)	James E. & Vera L. Baumann
V-02326 (Simpson No. 1 Spring)	James E. & Vera L. Baumann
V-03657 (Four-Eyed Nicks Spring)	James E. & Vera L. Baumann
V-09756 (Poison Canyon Spring)	James E. & Vera L. Baumann
V-09757 (DePaoli Creek Spring)	James E. & Vera L. Baumann
V-09758 (Cottonwood Creek Springs)	James E. & Vera L. Baumann
V-09759 (Spanish Gulch Springs)	James E. & Vera L. Baumann
V-09760 (Poison Spring)	James E. & Vera L. Baumann
V-09761 (Big Rock Spring)	James E. & Vera L. Baumann
V-09762 (Hole in the Wall Spring)	James E. & Vera L. Baumann
V-09763 (Shirt Creek Spring)	James E. & Vera L. Baumann
V-09764 (Rich Creek Spring)	James E. & Vera L. Baumann
V-09765 (Pass Creek Spring)	James E. & Vera L. Baumann
V-09766 (Rose Spring)	James E. & Vera L. Baumann
V-09767 (Seepage Springs Creek)	James E. & Vera L. Baumann
V-09768 (Milk Ranch Spring)	James E. & Vera L. Baumann
V-09769 (Unnamed No. 1 Spring)	James E. & Vera L. Baumann
V-09770 (China Canyon Spring)	James E. & Vera L. Baumann
V-09771 (Eureka Creek)	James E. & Vera L. Baumann
V-09775 (Angelo Belli Flat)	James E. & Vera L. Baumann
V-09776 (South Regli No. 1, 2, 3)	James E. & Vera L. Baumann
V-09777 (Rhyolite Spring)	James E. & Vera L. Baumann
V-09778 (Bullwacker Spring)	James E. & Vera L. Baumann
V-09779 (Richmond Spring)	James E. & Vera L. Baumann
V-10869 (F.G. Spring)	James E. & Vera L. Baumann
V-10870 (Lani Spring)	James E. & Vera L. Baumann
V-10871 (Hornitos Spring)	James E. & Vera L. Baumann



V-10872 (Upper Wood Trough)	James E. & Vera L. Baumann
V-10873 (Landslide Spring)	James E. & Vera L. Baumann
V-10874 (High Pass Spring)	James E. & Vera L. Baumann
V-10875 (Middle Spring)	James E. & Vera L. Baumann
V-10876 (Simpson Spring #2)	James E. & Vera L. Baumann
V-10877 (Fred Spring)	James E. & Vera L. Baumann
V-10878 (Pinto Pass Spring)	James E. & Vera L. Baumann
V-10879 (Pedroli Spring)	James E. & Vera L. Baumann
V-04497 (China Canyon Spring)	Chad D. & Rosie J. Bliss
V-04498 (Unnamed Spring # 1)	Chad D. & Rosie J. Bliss
V-04499 (Milk Ranch Spring)	Chad D. & Rosie J. Bliss
V-04500 (Spanish Gulch Springs)	Chad D. & Rosie J. Bliss
V-04505 (Middle Spring)	Eureka County
V-04506 (Lani Spring)	Eureka County
V-04507 (Fred Spring)	Eureka County
V-04509 (Bullwacker Spring)	Eureka County
V-04510 (Richmond Spring)	Eureka County
V-01423 (Spanish Gulch Springs)	Peter J. and Gladys P. Goicoechea
V-02969 (Held Spring 10)	Chloe Held Trust
V-02893 (Four Eyed Nicks Springs)	United Dressed Beef, Inc.
V-02903 (Held Springs No. 9)	United Dressed Beef, Inc.
R-04233 (Unnamed Spring)	BLM
R-04234 (Unnamed Spring)	BLM
R-04237 (Unnamed Spring)	BLM
R-04238 (Unnamed Spring)	BLM
R-04239 (Bennet Spring)	BLM
R-04240 (Unnamed Spring)	BLM
R-04241 (Unnamed Spring)	BLM
R-04242 (Unnamed Spring)	BLM
R-04243 (Unnamed Spring)	BLM
R-04244 (Unnamed Spring)	BLM
R-04245 (Unnamed Spring)	BLM
R-04246 (Spanish Gulch Spring)	BLM



R-04247 (Milk Spring)	BLM
R-04248 (Unnamed Spring)	BLM

PROCEDURE

Baumann acquired and/or filed thirty nine (39) vested claims¹ in the Diamond Valley Hydrographic Basin number 10-153.

On October 8, 1982, the State Engineer issued an Order Initiating Proceedings pursuant to NRS § 533.080(2) (Order No. 800) and Notice of Order and Proceedings (Order No. 801). On November 18, 1982, the State Engineer issued a Notice of Order for Taking Proofs to Determine Water Rights (Order No. 802) stating all claims were to be filed by February 10, 1984. Between 1982 and 1985 the State Engineer extended the deadline for proofs to be filed based on requests made by various claimants. On August 21, 2015, the State Engineer issued a Notice of Order and Proceedings to Determine Water Rights, both Surface and Underground (Order No. 1263). On October 16, 2015, the State Engineer issued a Notice of Order for Taking Proofs to Determine Water Rights (Order No. 1266), reestablishing the actions initiated by Order 802 setting the May 31, 2016 deadline for all claimants to file proofs of appropriation.

On August 30, 2018, the State Engineer issued the Preliminary Order of Determination in the Matter of the Determination of the Relative Rights in and to All Waters of Diamond Valley, Hydrographic Basin No. 10-153, Elko and Eureka Counties, Nevada (“Preliminary Order”).

OBJECTIONS

Baumann makes the following objections to the Preliminary Order pursuant to the information contained within Baumann’s Proofs and supplemental evidence contained within the Affidavit of Baumann filed in conjunction herewith.

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¹ To the extent the Baumann’s vested rights are not identified herein, there is no objections to the findings in the Preliminary Order at this time. A list of Baumann’s claim files are attached to the Baumann Affidavit at Exhibit 1.



1. Spanish Gulch: Baumann is authorized to use water in the Spanish Gulch Allotment pursuant to their Grazing Permit for the Shannon Station.

Baumann is authorized to graze cattle in the Spanish Gulch Allotment and thereby utilize the water sources therein, including:

V-09756 (Poison Canyon Spring)	V-09758 (Cottonwood Creek Springs)
V-09759 (Spanish Gulch Springs)	V-09761 (Big Rock Spring)
V-09762 (Hole in the Wall Spring)	V-09763 (Shirt Creek Spring)
V-09764 (Rich Creek Spring)	V-09765 (Pass Creek Spring)
V-09767 (Seepage Springs Creek)	V-09768 (Milk Ranch Spring)
V-09769 (Unnamed No. 1 Spring)	V-09770 (China Canyon Spring)
V-09778 (Bullwacker Spring)	V-09779 (Richmond Spring)
V-10870 (Lani Spring)	V-10871 (Hornitos Spring)
V-10873 (Landslide Spring)	V-10874 (High Pass Spring)
V-10875 (Middle Spring)	V-10877 (Fred Spring)

Baumann objects to the State Engineer’s finding that Baumann has no authority to graze in the Spanish Gulch Allotment and merely that “[t]he Baumann’s have the lease for the Shannon Station Grazing Allotment (NV10051).” Preliminary Order, p. 196. Baumann does not merely lease the grazing rights in the Shannon Station Allotment, rather they are the licensed authorized Permittee for the Shannon Station Allotment Grazing Permit, and through this Grazing Permit for Shannon Station, is authorized to use Spanish Gulch Allotment.

Baumann is the successor to what was known as the Hunter Allotment. In 1951, James Hunter and John Hunter in their Application for Grazing Permit applied for use of 350 head of cattle and 100 head of horses noting use dating back to 1865.² Baumann Aff. at Ex. 5. Later in 1965, the “Diamond Valley Unit Adjudication and Allotment Agreement” was entered into between Hunter and others. Baumann Aff. at Ex. 6. In this Allotment Agreement, the boundary lines were determined between the Hay Ranch Allotment, the Hunter & Ithurralde Allotment,

² See also documents submitted by Baumann on file with NDWR showing earlier historical use.



and the Ithurralde Spanish Gulch Allotment (within the Hunter Allotment). This document also noted that “The Hunter Ithurralde allotment will be used in common by Hunters’ cattle and the Ithurralde sheep are limited to the Spanish Gulch allotment.” *Id.* Thus, even back in 1965 at the time of the allotment boundary adjudication, Baumann’s predecessors had authorization to use what is today the Spanish Gulch Allotment.

Baumann’s and their predecessors in interest, continue to have authorization to graze in the Spanish Gulch Allotment through the grazing permit as evidenced in the 2002 Term Grazing Permit.³ Baumann Aff. at Ex. 2. The 2002 Bureau of Land Management (“BLM”) Grazing Permit for Shannon Station Grazing Allotment (Allotment No. 10051) was issued to James Baumann authorizing the following Grazing Schedule:

Allotment	Livestock		Grazing Begin	Period End	%PL	Type Use	AUMS
	Number	Kind					
10051 Shannon Station (N6)	142	Cattle	04/01	04/30	97	Active	136
	300	Cattle	05/01	10/14	97	Active	1598
	180	Cattle	10/15	2/28	97	Active	786

The 2002 Grazing Permit states “[t]he Spanish Gulch Allotment will be grazed in conjunction with the Shannon Station Allotment when the Permittee’s livestock are in the southern end of the Shannon Station Allotment.” *Id.* The term of the Grazing Permit is established for March 1, 2002 through February 28, 2012. *Id.*

The Term Grazing Permit is renewed over time. The current Grazing Permit for Shannon Station Grazing Allotment (Allotment No. 10051) is attached as Exhibit 3 to the Baumann Affidavit. The current Term Grazing Permit to the Baumann Family Trust authorizes the following Grazing Schedule:

³ Baumann was the authorized user in these allotments prior to 2002, however only the most recent term grazing permits are provided herewith so as to not overburden the record.



Allotment	Livestock		Grazing Begin	Period End	%PL	Type Use	AUMS
	Number	Kind					
10051 Shannon Station/ Spanish Gulch	130	Cattle	04/01	05/14	97	Active	182
10051 Shannon Station/ Spanish Gulch	300	Cattle	05/15	12/31	97	Active	2,210
10051 Shannon Station/ Spanish Gulch	68	Cattle	01/01	2/28	97	Active	128

The 2013 Term Grazing Permit states “[t]he Spanish Gulch Allotment will be grazed in conjunction with the Shannon Station Allotment when the Permittee’s livestock are in the southern end of the Shannon Station Allotment.” *Id.* The term for grazing under this Grazing Permit is March 1, 2013 through February 28, 2021. *Id.*

In the Preliminary Order, the State Engineer found that the following Proofs of Appropriation have sources that lie within the “Spanish Gulch Allotment (NV10054) of which James E. and Vera L. Baumann are not authorized operators according to the BLM Allotment Master Report”:

V-09756 (Poison Canyon Spring)	V-09758 (Cottonwood Creek Springs)
V-09759 (Spanish Gulch Springs)	V-09761 (Big Rock Spring)
V-09762 (Hole in the Wall Spring)	V-09763 (Shirt Creek Spring)
V-09764 (Rich Creek Spring)	V-09765 (Pass Creek Spring)
V-09767 (Seepage Springs Creek)	V-09768 (Milk Ranch Spring)
V-09769 (Unnamed No. 1 Spring)	V-09770 (China Canyon Spring)
V-09778 (Bullwacker Spring)	V-09779 (Richmond Spring)
V-10870 (Lani Spring)	V-10871 (Hornitos Spring)
V-10873 (Landslide Spring)	V-10874 (High Pass Spring)
V-10875 (Middle Spring)	V-10877 (Fred Spring)

See Preliminary Order at pp. 197-204, 206-210.

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In the Preliminary Order at pp. 197-204, 206-210, the State Engineer found that the above referenced claims are valid claims of vested rights, however,

[B]ecause the claimants are not authorized users of the grazing allotment which was created pursuant to the Taylor Grazing Act after the water right vested, the necessity by these claimants to exercise the water right for stockwatering has ceased. When the necessity for the use of the water does not exist, the right to divert also ceases (NRS § 533.045), but does not negate the right. Therefore, even though a valid claim of vested right is recognized in this Preliminary Order of Determination, this in no way grants an easement to the claimants for the right of ingress or egress on public lands, nor does it waive the requirements for the claimants to obtain other permits or permissions from State, Federal and local agencies.

As noted above, Baumann is the authorized user of the Spanish Gulch Allotment.

The BLM Master Report for Allotment NV 10054 is not complete, only describing the authorization of use to Permittee “2 Bit Ranch, LLC.” Interestingly, and in relating back to prior limiting conditions to use the Allotment, the BLM Authorization Use by Allotment Report for Allotment NV10054, permittee 2 Bit Ranch, LLC is only allowed to use the allotment for 647 sheep from May 1 until September 30. *See* Baumann Aff. at Ex. 4. This authorization is completely separate from the authorization provided to Baumann wherein “[t]he Spanish Gulch Allotment will be grazed in conjunction with the Shannon Station Allotment when the Permittee’s livestock are in the southern end of the Shannon Station Allotment.” *See* Baumann Aff. at Ex. 2-3.

Baumann is the Permittee for the grazing permit for the Shannon Station Grazing Allotment and pursuant to its terms are authorized to use the Spanish Gulch Allotment. The necessity of Baumann’s (and their predecessors) use of the water has and continues to exist, therefore their right to divert has not ceased.

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2. DUTY: Baumanns claim use for 325 head of cattle.⁴

Baumann is authorized to graze up to 325 head of cattle under their Term Grazing Permit, and therefore, all water uses within the Allotment should be confirmed for a total duty of water sufficient to water at least 325 head of cattle. Baumann Aff. at Ex. 2-3.

While the vested proofs relating to this objection claim water use in an amount from approximately 100 – 300 head of cattle, more or less, all vested water use should provide water for up to 325 head of cattle. This amount of water use is evidence in 1951 by James Hunter and John Hunter in their Application for Grazing Permit wherein they applied for use of 350 head of cattle and 100 head of horses. Baumann Aff. at Ex. 5. Interestingly, this document refers to use of this grazing area dating back to 1865. Baumann Aff. at Ex. 5, p. 3.

As noted above, the recent term Grazing Permit authorizes use up to the 325 head of cattle, and thus Baumann should be awarded an amount of water sufficient to water 325 head of cattle from any and all sources.

3. POISON SPRING, V-09760: Baumann is authorized to access and use Poison Spring, V-09760.

Baumann is authorized to access and use Poison Spring, therefore, Baumann objects to the State Engineer's findings concerning Proof of Appropriation V-09760 wherein the State Engineer finds:

[T]hat Poison Spring lies within the Black Point Grazing Allotment (NV10032) of which James E. and Vera L. Baumann are not authorized operators according to the BLM Allotment Master Report. In this Preliminary Order of Determination, a vested right to divert water from Poison Spring, when it is available, for the stockwatering of 100 cattle with a priority date of 1866 is determined to be valid. However, because the claimants are not authorized users of the grazing allotment which was created pursuant to the Taylor Grazing Act after the water right vested, the necessity by these claimants to exercise the water right for stockwatering has ceased. When the necessity for the use of the water does not exist, the right to divert also ceases (NRS § 533.045), but does not negate the right. Therefore, even though a

⁴ This objection relates to all vested claims/proofs owned by Baumann and addressed in the Preliminary Order.



valid claim of vested right is recognized in this Preliminary Order of Determination, this in no way grants an easement to the claimants for the right of ingress or egress on public lands, nor does it waive the requirements for the claimants to obtain other permits or permissions from the State, Federal and local agencies.

See, Preliminary Order at p. 199.

Poison Spring lies near the boundary of Shannon Station and Black Point Grazing Allotments. Shannon Station was historically known as Hunter Ranch (*see* Preliminary Order at p. 100-101). Poison Spring is a surface source bordering the Shannon Station and Black Point Grazing Allotments and lies on the south side of the border, placing it for use in the Shannon Station Allotment. Baumann Aff. at Ex. 6. The 1965 Allotment Agreement describes the legal boundaries for the Shannon Station Allotment (at that time called the “John & Kay Hunter and James Ithurrealde Allotment”) as running on the north side of Poison Spring:

[T]hence continuing along the district line east and north along the drainage divide of the Diamond Range, a distance of about nine (9) miles to the high point on the drainage divide north of Poison (Summit) Spring in the NW ¼ SE ¼ Sec. 36, T. 20 N., R. 54 E.

See Baumann Aff. at Ex. 6 (Emphasis added). The Allotment Agreement was executed by the parties Hay Ranch (Lucky C), John and Kay Hunter, James Ithurrealde, George Brown and Edward Melka on various dates in March and April 1965. The Allotment Agreement was approved by the Battle Mountain District Advisory Board on June 10, 1965. On December 13, 1965 the District Manager executed concurrence of the Allotment Agreement.

Later in 1981, the use of Poison Spring by both allotments was confirmed pursuant to the Range Line Agreement. Baumann Aff. at Ex. 7. The Range Line Agreement, dated July 9, 1981 for Shannon Station Allotment provides a legal description matching that of the John & Kay Hunter and James Ithurrealde Allotment provided in the 1965 Allotment Agreement and further states “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.” Baumann Aff. at



Ex. 7. The Range Line Agreement was approved by BLM Authorized Officer Talbot on December 12, 1984.

Gerald E. Robinson, who worked for the Hunter family at the Hunter Ranch, confirms Baumanns' predecessors' historic use of Poison Spring. Baumann Aff. at Ex. 8. Mr. Robinson, in an acknowledged letter dated December 1, 2008, he states:

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.

Baumanns have express authority to access and use the water from Poison Spring delivered via trough in Shannon Station Allotment, as well as excess water from Held's tank pursuant to the 1981 BLM Range Line Agreement. Baumann's predecessors have historically used water from Poison Spring.⁵ Therefore, the necessity of Baumann (and their predecessors) use of the water has and continues to exist, and the right to divert has not ceased.

4. SOUTH REGLI, V-09776: South Regli is located within the fence line of Shannon Station Allotment, not the Black Point Allotment.

Baumann is the authorized grazier of the Shannon Station and Spanish Gulch grazing allotments. Given the location of the allotment boundary fence, South Regli 1-2-3 is actually within the Shannon Station Allotment. Therefore, Baumann objects to the State Engineer's finding that South Regli 1-2-3 is located within the fence line of the Black Point Allotment.

Pursuant to the correspondence within NDWR files related to V09776, South Regli 1-2-3 is located within the NENE of Section 10, T19N, R54E. Baumann Aff. Ex. 9-10. The BLM Allotment Boundary lines as published placed this water source within the Black Point Allotment. *See* Baumann Aff. Ex. 11. However, since the allotment was split in two back in 1981, the fence line was constructed such that it runs to the north of South Regli, thereby placing

⁵ *See also* Baumann's Poison Spring Proof of Appropriation and documents contained within the Proof file at NDWR.



South Regli within the Shannon Station Allotment. Baumann Aff. ¶ 3; *see also* James E. and Vera L. Baumann, Volume 2 of supporting information to vested proofs on file with NDWR.

Pursuant to BLM's boundary fencing, Baumann has express authority to access and use the water from South Regli 1-2-3 in Shannon Station Allotment. Baumann's predecessors have historically used water from South Regli 1-2-3. Therefore, the necessity of Baumann's (and their predecessors) use of the water has and continues to exist, and the right to divert has not ceased.

5. BLISS - 2 BIT RANCH LLC: V04499 and V04500 should be limited to water use for sheep only⁶.

Baumann objects to the State Engineer's determinations concerning Proofs of Appropriation V04499 and V04500, as Chad & Rosie Bliss and the 2 Bit Ranch LLC's only authorized use is for sheep, not cattle and horses or other livestock. Specifically, Baumann objects to the State Engineer's finding that:

Proof of Appropriation V-04499 was filed claiming to have diverted 0.15 cfs of water from Milk Ranch Spring (POD within the SE1/4 SW1/4 Section 30, T.19N., R.54E., M.D.B.&M.) via a spring box, natural channel and pipeline to water 50 cattle and 2,100 sheep from March 15 through October 31 with a priority date of 1860....In this Preliminary Order of Determination, a vested right to divert water from Milk Ranch Spring, when available, for the stockwatering of 605 horses and cattle with a priority date of 1873 is determined to be valid.

Proof of Appropriation V-04500 was filed claiming to have diverted 0.15 cfs of water from Spanish Gulch Spring (POD within the SE1/4 NE1/4 Section 29, T.19N., R.54E., M.D.B.&M.) via a natural channel to water 50 cattle and 2,100 sheep from March 15 through October 31 with a priority date of 1860....In this Preliminary Order of Determination, a vested right to divert water from Spanish Gulch Spring, when it is available, for the stockwatering of 605 horses and cattle with a priority date of 1873 is determined to be valid.

⁶ In addition, Baumann is concerned that Bliss' interest in Spanish Gulch Springs relies on a clouded chain of title. Specifically, A.C. Florio deeded his interest in Spanish Gulch Spring to Bertrand Arambel, James Ithurralde and John Iros on March 29, 1950 (see Eureka County Recorder, document number 28320). However, A.C. Florio had already deeded his interest in Spanish Gulch Springs (previously referred to as John T. Baker Springs) to Issac T. Handley and Walter Handley on February 25, 1928 (see Eureka County Recorder document number 17452) and thus, had no interest remaining in 1950 to convey.



See Preliminary Order at p. 221. Baumann objects to any and all claims by Chad Bliss, Rosie Bliss and 2 Bit Ranch, LLC for use of watering cattle or horses from any sources in the Spanish Gulch Allotment as their grazing permit only allows for watering sheep.

The 1965 Allotment Agreement specifies that James Ithurralde's, predecessor to Bliss, use in the Spanish Gulch allotment is for sheep which are to be held above 7,000 feet in elevation. Baumann Aff. at Ex. 6, *noting* that the Hunter Allotment is now Baumanns. Further, the BLM Authorization Use by Allotment Report for the Spanish Gulch Allotment specifies that Chad and Rosie Bliss, officers of 2 Bit Ranch, LLC, who is the owner of the Spanish Gulch grazing allotment, are only authorized to have 647 sheep and no cattle or horses on the Spanish Gulch Allotment. See Baumann Aff. at Ex. 4.

Chad and Rosie Bliss have no authority to run cattle in the Spanish Gulch Allotment. Baumann is the only party authorized to run cattle in the Spanish Gulch Allotment pursuant to the terms of the Shannon Station Grazing Permit as well as the 1965 Allotment Agreement. The use under Proofs of Appropriation V-04499 and V-04500 should be limited to the 647 sheep as authorized under the Bliss/2 Bit Ranch LLC Spanish Gulch Grazing Permit.

6. GOICOECHEA V01423⁷: Pete & Gladys Goicoechea do not have authorization to graze within the Shannon Station and Spanish Gulch Allotments, therefore V01423 should be denied.

Pete and Gladys Goicoechea do not have authorization to graze cattle within the Shannon Station and Spanish Gulch allotments, therefore, V01423 should be denied. In the Preliminary Order, the State Engineer found:

Spanish Gulch Spring lies within the Spanish Gulch Grazing Allotment (NV10054) of which Peter J. and Gladys Goicoechea are not authorized operators according to the BLM Allotment Master Report. In this Preliminary Order of Determination, a

⁷ Baumann asserts the same concern about a clouded chain of title regarding any rights to sheep grazing sources located within the Spanish Gulch allotment as noted in footnote 6 above. Any interest in sources for watering of sheep was improperly deeded to Bertrand Arambel, James Ithurralde and John Iros on March 29, 1950 (see Eureka County Recorder, document number 28320), as A.C. Florio had already deeded his interest to Issac T. Handley and Walter Handley on February 25, 1928 (see Eureka County Recorder, document number 17452).



vested right to divert water from Spanish Gulch Springs, when available, for stockwatering of 300 cattle with a priority date of 1890 is determined to be valid. However, because the claimants are not authorized users of the grazing allotment which was created pursuant to the Taylor Grazing Act after the water right vested the necessity by these claimant to exercise the water right for stockwatering has ceased. When the necessity for the use of the water does not exist, the right to diver also ceases (NRS § 533.045).

See Preliminary Order at p. 223.

As outlined above in Section 1, Baumann is the party authorized to run cattle in Spanish Gulch Allotment pursuant to the terms of their Shannon Station Grazing Permit and the 1965 Allotment Agreement. And, Chad and Rosie Bliss are the party authorized to run 647 sheep only pursuant to their Spanish Gulch Grazing Permit and the 1965 Allotment Agreement.

While Baumann agrees with the ultimate determination of the Preliminary Order as to V01423, they disagree that Goicoechea ever had authorization to graze to support a vested proof filing. Thus, should there be an objection filed on V01423 by the claimant, Baumann reserves the right to bring forth evidence to disprove this claim.

7. EUREKA COUNTY Vested Claims V-04505, V-04506 and V-04507. These claims must consider Baumann's prior use on the sources whose necessity of use continues to exist and whose right to divert has not ceased.

The Preliminary Order found V-04505, V-04506 and V-04507 were valid claims, specifically stating:

Proof of Appropriation V-04505 was filed claiming to have diverted 0.111 cfs of water from Middle Spring (POD within SE1/4 NEW1/4 Section 36, T.19N., R.53E., M.D.B.M.) via a pipeline to storage tanks to supply water to the town of Eureka, Nevada from January 1 through December 31 with a priority date of 1873. Stockwater Claim V-10875 filed by James E. and Vera L. Baumann also utilize this source as a POD... [t]he State Engineer finds a basis for diversion of 0.027 cfs of water from Middle Spring for municipal use from January 1 through December 31 with a priority date of 1873.

Proof of Appropriation V-04506 was filed claiming to have diverted 0.111 cfs of water from Lani Spring (POD within SW1/4 SW1/4 Section 30, T.19N., R.54E., M.D.B.&M.) via a pipeline to storage tanks to supply water to the town of Eureka, Nevada from



January 1 through December 31 with a priority date of 1870.
Stockwater Claim V-10870 filed by James E. and Vera L.
Baumann also utilize this source as a POD...[t]he State Engineer
finds a basis for diversion of 0.011 cfs of water from Lani Spring
for municipal use from January 1 through December 31 with a
priority date of 1892.

Proof of Appropriation V-04507 was filed claiming to have
diverted 0.111 cfs of water from Fred Spring (POD within NW1/4
SW1/4 Section 30, T.19N., R.54E., M.D.B.&M.) via a pipeline to
storage tanks to supply water to the town of Eureka, Nevada from
January 1 through December 31 with a priority date of 1878.
Stockwater Claim V-10877 filed by James E. and Vera L.
Baumann also utilize this source as a POD...[t]he State Engineer
finds a basis for diversion of 0.004 cfs of water form Fred Spring
for municipal use form January 1 through December 31 with a
priority date of 1878.

The sources listed in the above referenced claims have already been appropriated by
Baumann with a priority date of 1866. Baumann's claims on these sources under V-10870, V-
10875 and V-10877 have a continued necessity to use the water and whose right to divert has not
ceased (see above at Section 1) and must be recognized and considered as the prior senior
appropriator.

8. EUREKA COUNTY Vested Claims V-04509 and V-04510 should be rejected. These claims must consider Baumann's prior use on the sources whose necessity of use continues to exist and whose right to divert has not ceased.

In the Preliminary Order, the State Engineer rejected claims V-04509 and V-04510 as the
State Engineer found "insufficient evidence submitted or obtained from sources in the public
domain by his office to substantiate a claim to water for municipal use" from the sources.
Preliminary Order at p. 271, 272. The sources listed in the above referenced claims have already
been appropriated by Baumann with a priority date of 1866. Baumann's claims on these sources
under V-09778 and V-09779 have a continued necessity to use the water and whose right to
divert has not ceased (see above at Section 1). While Baumann does not object to this finding in
the Preliminary Order, should these be requested for reinstatement by claimant, Baumann
reserves the right to file objections or otherwise contest the claims to water use.



9. BLM Public Water Reserved (“PWR”) Vested Claims R04237, R04238, R04239, R04243, R04244, R04245: BLM’s PWR Claims within the Shannon Station and Spanish Gulch Allotments do not meet the criteria for a PWR 107 implied reserved right as the sources are already appropriated by Baumann.

Baumann objects to vested claims for reserved rights R04237, R04238, R04239, R04243 and R04244 claimed by BLM for stockwatering purposes on sources located in Shannon Station Allotment.

In the Preliminary Order the State Engineer notes BLM filed Public Water Reserve (PWR) 107 Reserved Right Claims under Executive Order dated April 17, 1926. The Executive Order allows:

Every smallest legal subdivision of public land surveys which is vacant, unappropriated, unreserved public land and contains a spring or waterhole and all land within one quarter mile of every spring or waterhole, located on unsurveyed public land, be and the same is hereby withdrawn from settlement, location, sale or entry, and reserved for public use in accordance with the provisions of Section 10 of the Act of December 29, 1916.

See Preliminary Order, pp. 278-279.

The State Engineer made the following determinations for the reserved rights discussed herein:

- a) BLM R-04237 (Unnamed Spring located within the Shannon Station Allotment): There are no other water right claims on this source... [t]he State Engineer determines that a PWR 107 implied reserved water right will be recognized on this source for human consumption and stock-watering purposes. See Preliminary Order p. 288.
- b) BLM R-04238 (Unnamed Spring located within the Shannon Station Allotment): There are no other water right claims on this source... [t]he State Engineer determines that a PWR 107 implied reserved water right will be recognized on this source for human consumption and stock-watering purposes. See Preliminary Order p. 289.
- c) BLM R-04239 (Bennet Spring located within the Shannon Station Allotment): There are no other water right claims on this source... [t]he State Engineer determines that a PWR 107 implied reserved water right will be recognized on this source for human consumption and stock-watering purposes. See Preliminary Order p. 289.

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- d) BLM R-04243 (Unnamed Spring located within the Shannon Station Allotment): There are no other water right claims on this source...[t]he State Engineer finds the evidence indicates the spring has a discrete natural flow, the daily flow is in excess of 1,800 gpd and the claim will serve human consumption and stock-watering purposes. The State Engineer determines that a PWR 107 implied reserved water right will be recognized on this source for human consumption and stock-watering purposes. *See* Preliminary Order p. 290.
- e) BLM R-04244 (Unnamed Spring located within the Shannon Station Allotment): There are no other water right claims on this source...[t]he State Engineer finds the evidence indicates the spring has a discrete natural flow, the daily flow is in excess of 1,800 gpd and the claim will serve human consumption and stock-watering purposes. The State Engineer determines that a PWR 107 implied reserved water right will be recognized on this source for human consumption and stock-watering purposes. *See* Preliminary Order p. 291.

Baumann has valid vested claims for stockwatering of cattle on sources located within the Shannon Station Allotment pursuant to their Shannon Station Grazing Permit (see Sections 1, 3 and 4 above). The PWR Executive Order dated April 17, 1926, allows for filing on unappropriated sources. The sources located in the Shannon Station and Spanish Gulch were appropriated prior to 1926 and therefore are prior existing rights. These sources were already appropriated for stockwatering of cattle by Baumann:

- 1) Baumann contends that the Unnamed Springs identified in BLM's R-04237 and R-04238 do not exist and if a water source is located at those locations, they are tributaries of Green Spring and/or Old Bennett Spring appropriated by Baumann under V-02324 and/or V-02325.
- 2) Baumann contends that the Bennet Spring water source identified under BLM R-04239 is a tributary of Baumann's prior V-02324.
- 3) Baumann contends that the Unnamed Spring identified by BLM R-04243 is the same source as DePaoli Spring appropriated by Baumann under V-09757.
- 4) Baumann contends that the Unnamed Spring identified by BLM R-04244 is a source within Baumann's Simpson Spring #1 Complex, already appropriated by Baumann under V-02326.



There is no excess unappropriated water available for BLM to acquire under the PWR 107 implied reserved water for any sources located in the Shannon Station Allotments.

10. BLM Public Water Reserved (“PWR”) Vested Claims R04233, R04234, R04240, R04241, R04242, R04245, R04246, R04247, R04248: The PWR Claims within the Spanish Gulch Allotments determined not valid.

Baumann objects to vested claims for reserved rights R04233, R04234, R04240, R04241, R04242, R04245, R04246, R04247 and R04248, as claimed by BLM for stockwatering purposes on sources located in Spanish Gulch Allotment. The water sources located in the Spanish Gulch Allotment are already appropriated by Baumann for stockwater pursuant to the Shannon Station Grazing Permit and as evidenced in the 1965 Allotment Agreement. Furthermore, water for sheep is already appropriated by Chad and Rosie Bliss under their Spanish Gulch Grazing Permit. The State Engineer correctly determined the rights to be invalid finding:

- a) BLM R-04233 (Unnamed Spring located within the Spanish Gulch Allotment): The spring does not meet the criteria for a PWR 107 implied reserved water right, even though it shares a POD with valid claim of vested right V-04495, which does not fully appropriate the waters from the source, and determines there is sufficient additional water available for PWR Claim R-04233 to be valid. *See* Preliminary Order p. 287.
- b) BLM R-04234 (Unnamed Spring located within the Spanish Gulch Allotment): The spring does not meet the criteria for a PWR 107 implied reserved water right as it shares a POD with valid claim of vested right V-04496, which fully appropriates all the available waters from this source, and determines that PWR Claim R-04234 is not valid. *See* Preliminary Order p. 305.
- c) BLM R-04240 (Unnamed Spring located within the Spanish Gulch Allotment): Stockwater Claim V-09761 owned by James E. and Vera L. Baumann also utilize this source...the spring does not meet the criteria for a PWR 107 implied reserved water right as it does not produce a minimum of 1,800 gpd and shares the POD with valid claim of vested right V-09761, which fully appropriates all the available waters from this source, and determines that PWR claim R-04240 is not valid. *See* Preliminary Order p. 307.
- d) BLM R-04241 (Unnamed Spring located within the Spanish Gulch Allotment): The BLM did not file a supporting map. The State Engineer finds the lack of a supporting map makes the claim incomplete and the lack evidence presented indicates the spring does not meet the criteria for a PWR 107 implied reserved water right, and determines that PWR Claim R-04241 is not valid. *See* Preliminary Order p. 307.



- e) BLM R-04242 (Unnamed Spring located within the Spanish Gulch Allotment):
The State Engineer finds the evidence indicates the spring does not meet the criteria for a PWR 107 implied reserved water right as it does not produce a minimum 1,800 gpd, and determines that PWR Claim R-04242 is not valid. *See* Preliminary Order p. 308.
- f) BLM R-04245 (Unnamed Spring within the Spanish Gulch Allotment):
Stockwater Claim V-10871 owned by James E. and Vera L. Baumann also utilize this source...the spring does not meet the criteria for a PWR 107 implied reserved water right as it does not produce a minimum of 1,800 gpd, and shares the POD with claim of vested right V-10871, which fully appropriates all the waters of the source, and determines that PWR Claim R-04245 is not valid. *See* Preliminary Order pp. 308-309.
- g) BLM R-04246 (Spanish Gulch Spring within the Spanish Gulch Allotment):
Stockwater Claim V-01423 owned by Peter J. and Gladys P. Goicoechea, stockwater Claim V-04500 owned by Chad D. and Rosie J. Bliss and stockwater Claim V-09759 filed by James E. and Vera L. Baumann also utilize this source...the spring does not meet the criteria for a PWR 107 implied reserved water right even though it produces approximately 18,000 gpd, as it shares a POD with valid claims of vested right V-01423, V-04500 and V-09759, which fully appropriates all the waters of the source, and determines that PWR Claim R-04246 is not valid. *See* Preliminary Order p. 309.
- h) BLM R-04247 (Milk Ranch Spring within the Spanish Gulch Allotment):
Stockwater Claim V-04499 owned by Chad D. and Rosie J. Bliss also utilizes this source...the spring does not meet the criteria for a PWR 107 implied reserved water right as it does not produce a minimum of 1,800 gpd and it shares a POD with valid claim of vested right V-04499, which fully appropriates all the waters of the source, and determines that PWR Claim R-04247 is not valid. *See* Preliminary Order pp. 309-310.
- i) BLM R-04248 (Unnamed Spring within the Spanish Gulch Allotment):
There are no other water right claims on this source... [t]he State Engineer determines the spring does not meet the criteria for a PWR 107 implied reserved water right as it does not produce a minimum 1,800 gpd, and determines that PWR Claim R-04248 is not valid. *See* Preliminary Order, pp. 310-311.

While Baumann does not object to these findings in the Preliminary Order, should these be requested for reinstatement by claimant, Baumann reserves the right to file objections or otherwise contest the claims to water use.

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11. All Rights Reserved.

Baumann agrees with the Preliminary Order of Determination as to V-01423, V-02969, V-02893, V-02903, V-04497, V-04498, V-04509, V-04510, R-04234, R-04240, R-04241, R-04242, R-04245, R-04246, R-04247 and R-04248 and should these be reinstated, Baumann reserves the right to file objections or otherwise contest the claims to water use.

CONCLUSION

The evidence submitted with Baumann's Proofs, the Affidavit of Baumann in Support of Objections and exhibits thereto sufficiently establish all the assertions made in these objections. Baumann vested water claims in the Spanish Gulch Allotment should be granted based on a valid determination pursuant to the authority to graze in the Spanish Gulch Allotment as outlined in Baumann's Shannon Station Grazing Permit and as further evidenced by the 1965 Allotment Agreement. Baumann proofs should recognize the historical use of watering up to 325 head of cattle as evidenced in the 1951 Grazing Permit Application and recent grazing permits. Baumann's use of the water from Poison Spring should be validated pursuant to the authority granted in the 1965 Allotment Agreement and 1981 Range Line Agreement and as evidenced in the 2008 letter from Gerald Robinson. Baumann's use of the water from South Regli 1, 2, 3 should be validated pursuant to their authorized use within the 1965 Allotment Agreement and acknowledgment in the Baumann Affidavit. Chad and Rosie Bliss' Proofs of Appropriation V-04499 and V-04500 should be limited to their authorized use of grazing 647 sheep pursuant to their Spanish Gulch Grazing Permit or rejected based on an insufficient chain of title. Any claims made by Goicoechea to sources in the Spanish Gulch and/or Shannon Station Allotments should be denied based on insufficient chain of title and due to lack of authorization to graze in the



allotments. BLM Public Water Reserved Vested Claims should be re-evaluated to consider Baumanns' prior vested rights on the sources located within the Shannon Station and Spanish Gulch grazing allotments to determine if any water is available at the source after Baumann's prior vested rights are satisfied.

DATED this 6th day of November, 2018.

SCHROEDER LAW OFFICES, P.C.



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Therese A. Ure, NSB #10255

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10615 Double R Blvd., Ste. 100

Reno, NV 89521

Phone: (775) 786-8800

Fax: (877) 600-4971

Attorneys for Claimants Baumann



CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2018, I caused a copy of the foregoing
***CLAIMANTS JAMES E. AND VERA L. BAUMANN'S OBJECTIONS TO PRELIMINARY
ORDER OF DETERMINATION*** to be served on the following parties as outlined below:
VIA PERSONAL SERVICE:

Nevada State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

Dated this 6th day of November, 2018.



Laura A. Schroeder, NSB # 3595
Therese A. Ure, NSB #10255
10615 Double R Blvd., Ste. 100
Reno, NV 89521
PHONE: (775) 786-8800
FAX: (877) 600-4971
counsel@water-law.com
Attorneys for Claimants Baumann



RECEIVED

2013-05-14 11:01
STATE ENGINEER

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counsel@water-law.com
Attorneys for Claimants Baumanns

Affirmation: This document does not contain the social security number of any person.

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF THE
DETERMINATION OF DEFINING THE
RIGHTS IN AND TO ALL WATERS OF
DIAMOND VALLEY, HYDROGRAPHIC
BASIN NO. 10-153, ELKO AND EUREKA
COUNTIES, NEVADA.

**AFFIDAVIT OF CLAIMANT
BAUMANN IN SUPPORT OF
OBJECTIONS TO PRELIMINARY
ORDER OF DETERMINATION**

AFFIDAVIT

State of Nevada)
) SS
County of Washoe)

1. I, James E. Baumann, hereby swear or affirm under the penalty of perjury that the assertions contained in the "Claimants James E. and Vera L. Baumann's Objections to Preliminary Order of Determination" are true and accurate to the best of my information and belief.
2. I further certify that the documents attached hereto and identified on the following exhibit list, are in support of our Objections, were obtained by me or under my direction, and are true and accurate copies thereof.

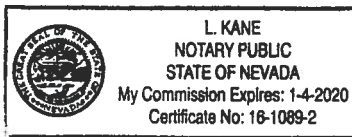


3. In relation to our claim V-09776 for South Regli 1-2-3, the fence line runs to the north of this spring location, thereby this spring is within the fenced area on the Shannon Station Allotment. This fence line was established in this location back in 1981 when the allotment was split in half thereby creating the boundary line between the Black Point Allotment to the north and the Shannon Station Allotment on the south. At all times we have had access to and been authorized to use water at South Regli 1-2-3.

DATED this 2 day of November, 2018.


James E. Baumann

SUBSCRIBED AND SWORN to before me this 2nd day of November 2018, by James E. Baumann (name).




Notary Public for Nevada
My Commission expires: 1-4-2020



EXHIBIT LIST

Exhibit #	Description
1	Baumann Vested Claim List
2	BLM Term Grazing Permit 2002-2012: Authorization for Use of Shannon Station and Spanish Gulch Grazing Allotments
3	BLM Term Grazing Permit 2013-2021: Authorization for Use of Shannon Station and Spanish Gulch Grazing Allotments
4	BLM Master Report for Spanish Gulch Allotment and BLM Authorization Use by Allotment – 2 Bit Ranch Sheep Permit
5	Hunter's Application for Grazing Permit, October 31, 1951
6	BLM Diamond Valley Unit Adjudication and Allotment Agreement, 1965
7	BLM Range Line Agreement, Shannon Station Allotment, 1981
8	Gerald E. Robinson letter re Hunter Ranch operations, December 1, 2008
9	8/11/2016 Correspondence to NDWR re location of South Regli No. 1, 2, 3 (V-09776)
10	5/24/2016 Correspondence to NDWR re location of South Regli No. 1, 2, 3 (V-09776)
11	BLM Allotment Boundary line map re Shannon Station Allotment and surrounding allotments



EXHIBIT 1

EXHIBIT 1

**Baumann Proofs of Appropriation
in Diamond Valley**

Claim No.	NDWR Owner of Record	Source
V01085	James E. Baumann and Vera L. Baumann	Simpson Creek
V01089	James E. Baumann and Vera L. Baumann	Old Bennett Spring
V01133	James E. Baumann and Vera L. Baumann	Simpson Creek & Tributaries (Cottonwood Creek, Spanish Gulch, Poison Spring)
V02324	James E. Baumann and Vera L. Baumann	Wood Trough Spring
V02325	James E. Baumann and Vera L. Baumann	Green Spring
V02326	James E. Baumann and Vera L. Baumann	Simpson No. 1 Spring
V03657	James Baumann and Vera Baumann	Four-Eyed Nicks Spring
V09756	James E. and Vera L. Baumann	Poison Canyon Spring
V09757	James E. and Vera L. Baumann	DePaoli Creek Spring
V09758	James E. and Vera L. Baumann	Cottonwood Creek Springs
V09759	James E. and Vera L. Baumann	Spanish Gulch Spring
V09760	James E. and Vera L. Baumann	Poison Spring
V09761	James E. and Vera L. Baumann	Big Rock Spring
V09762	James E. and Vera L. Baumann	Hole in the Wall Spring
V09763	James E. and Vera L. Baumann	Shirt Creek Springs
V09764	James E. and Vera L. Baumann	Rich Creek Spring (aka Rocky Knoll Spring or Rocky Canyon Spring)
V09765	James E. and Vera L. Baumann	Pass Creek Springs
V09766	James E. and Vera L. Baumann	Rose Spring
V09767	James E. and Vera L. Baumann	Seepage Springs Creek
V09768	James E. and Vera L. Baumann	Milk Ranch Spring
V09769	James E. and Vera L. Baumann	Unnamed #1 (NDWR calls it "Upper Milk Spring")
V09770	James E. and Vera L. Baumann	China Canyon Spring
V09771	James E. and Vera L. Baumann	Eureka Creek
V09775	James E. and Vera L. Baumann	Angelo Belli Flat Spring (aka Angelo Belli Spring or Angelo Billy Spring but not the same Angelo Belli Spring under Cert. 7145)
V09776	James E. and Vera L. Baumann	South Regli No. 1, 2, 3
V09777	James E. and Vera L. Baumann	Rhyolite Spring
V09778	James E. and Vera L. Baumann	Bullwacker Spring
V09779	James E. and Vera L. Baumann	Richmond Spring
V10869	James & Vera Baumann	F. G. Spring
V10870	James E. and Vera L. Baumann	Lani Spring
V10871	James E. and Vera L. Baumann	Hornitos Spring
V10872	James & Vera Baumann	Upper Wood Trough

Claim No.	NDWR Owner of Record	Source
V10873	James E. and Vera L. Baumann	Landslide Spring
V10874	James E. and Vera L. Baumann	High Pass Spring
V10875	James & Vera Baumann	Middle Spring
V10876	James E. and Vera L. Baumann	Simpson Spring # 2
V10877	James E. and Vera L. Baumann	Fred Spring
V10878	James E. and Vera L. Baumann	Pinto Pass Spring
V10879	James E. and Vera L. Baumann	Pedroli Spring

EXHIBIT 2

EXHIBIT 2

OPERATOR COPY

AUTH NUMBER: 2706085
DATE PRINTED: 3/11/2002

Form 4130-2a
(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE NV
OFFICE 060
AUTH NUMBER 2706085
PREFERENCE CODE 03
DATE PRINTED 03/11/2002
TERM 03/01/2002 TO 02/28/2012

GRAZING PERMIT

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

JAMES BAUMANN
P.O. BOX 308
EUREKA NV 89316

THIS GRAZING PERMIT IS OFFERED TO YOU UNDER 43 CFR PART 4100 BASED ON YOUR RECOGNIZED QUALIFICATIONS. YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS, UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT AND COVERED BY THIS PERMIT, UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE. CONTACT YOUR LOCAL BLM OFFICE AT 775-635-4000 IF YOU HAVE QUESTIONS.

MANDATORY TERMS AND CONDITIONS

GRAZING SCHEDULE:

ALLOTMENT	PASTURE	LIVESTOCK NUMBER KIND	GRAZING BEGIN	PERIOD END	%PL	TYPE USE	AUMS
10051 SHANNON STATION (N6)		142 CATTLE	04/01	04/30	97	ACTIVE	136
		300 CATTLE	05/01	10/14	97	ACTIVE	1598
		180 CATTLE	10/15	02/28	97	ACTIVE	786

OTHER TERMS AND CONDITIONS:

IN ACCORDANCE WITH SEC. 114. OF PL 107-67, A GRAZING PERMIT OR LEASE THAT EXPIRES (OR IS TRANSFERRED) DURING FISCAL YEAR 2002 SHALL BE RENEWED UNDER SECTION 402 OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976, AS PROVIDED (43 U.S.C. 1752). THE TERMS AND CONDITIONS CONTAINED IN THE EXPIRING PERMIT OR LEASE SHALL CONTINUE IN EFFECT UNDER THE NEW PERMIT OR LEASE UNTIL SUCH TIME AS THE SECRETARY OF THE INTERIOR COMPLETES PROCESSING OF SUCH PERMIT OR LEASE IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, AT WHICH TIME SUCH PERMIT OR LEASE MAY BE CANCELED, SUSPENDED OR MODIFIED, IN WHOLE OR IN PART, TO MEET THE REQUIREMENTS OF SUCH APPLICABLE LAWS AND REGULATIONS.

THE SPANISH GULCH ALLOTMENT WILL BE GRAZED IN CONJUNCTION WITH THE SHANNON STATION ALLOTMENT WHEN THE PERMITTEE'S LIVESTOCK ARE IN THE SOUTHERN END OF THE SHANNON STATION ALLOTMENT.

THIS PERMIT WILL BE SUBJECT TO CHANGE BASED UPON SPECIFIC MANAGEMENT PRACTICES IDENTIFIED IN THE FINAL MULTIPLE USE DECISION (FMUD) FOR THE SHANNON STATION/SPANISH GULCH ALLOTMENT.

THE TERMS AND CONDITIONS OF THIS PERMIT MUST BE CONSISTENT WITH THE STANDARDS AND GUIDELINES APPROVED FEBRUARY 12, 1997 FOR THE NORTHEASTERN RAC AREA.

ALLOT NO CONDITIONS

(none)

OPERATOR COPY

AUTH NUMBER: 2706085
DATE PRINTED: 3/11/2002

- IN ACCORDANCE WITH 43 CFR 4130.8-1(F): FAILURE TO PAY GRAZING BILLS WITHIN 15 DAYS OF THE DUE DATE SPECIFIED IN THE BILL SHALL RESULT IN A LATE FEE ASSESSMENT OF \$25.00 OR 10 PERCENT OF THE GRAZING BILL, WHICHEVER IS GREATER, BUT NOT TO EXCEED \$250.00. PAYMENT MADE LATER THAN 15 DAYS AFTER THE DUE DATE, SHALL INCLUDE THE APPROPRIATE LATE FEE ASSESSMENT. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS MAY BE A VIOLATION OF 43 CFR SEC. 4140.1(B)(1) AND SHALL RESULT IN ACTION BY THE AUTHORIZED OFFICER UNDER 43 CFR SECS. 4150.1 AND 4160.1-2.
- IN ACCORDANCE WITH 43 CFR 4130.3-2(D): ACTUAL USE INFORMATION, FOR EACH USE AREA, WILL BE SUBMITTED TO THE AUTHORIZED OFFICER WITHIN 15 DAYS OF COMPLETING GRAZING USE AS SPECIFIED ON THE GRAZING PERMIT AND/OR GRAZING LICENSES.
- IN ACCORDANCE WITH 43 CFR 4120.3-1(A): ALL RANGE IMPROVEMENTS SHALL BE INSTALLED, USED, MAINTAINED, AND/OR MODIFIED ON THE PUBLIC LANDS, OR REMOVED FROM THESE LANDS, IN A MANNER CONSISTENT WITH MULTIPLE-USE MANAGEMENT.
- IN ACCORDANCE WITH 43 CFR 4130.3-2(C): IN ORDER TO IMPROVE LIVESTOCK AND RANGELAND MANAGEMENT ON THE PUBLIC LANDS, ALL SALT AND/OR MINERAL SUPPLEMENTS WILL NOT BE PLACED WITHIN 1/4 MILE OF ANY RIPARIAN AREA, WET MEADOW, OR WATERING FACILITY (EITHER PERMANENT OR TEMPORARY) UNLESS STIPULATED THROUGH A WRITTEN AGREEMENT OR DECISION.
- IN ACCORDANCE WITH 43 CFR 4130.3-2(H): ALL GRAZING PERMITTEES SHALL PROVIDE REASONABLE ACCESS ACROSS PRIVATE AND/OR LEASED LANDS TO THE BUREAU OF LAND MANAGEMENT FOR THE ORDERLY MANAGEMENT AND PROTECTION OF THE PUBLIC LANDS.

PURSUANT TO 43 CFR 10.4(G) THE HOLDER OF THIS AUTHORIZATION MUST NOTIFY THE AUTHORIZED OFFICER, BY TELEPHONE, WITH WRITTEN CONFIRMATION, IMMEDIATELY UPON THE DISCOVERY OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). FURTHER, PURSUANT TO 43 CFR 10.4(C) AND (D), YOU MUST STOP ACTIVITIES IN THE IMMEDIATE VICINITY OF THE DISCOVERY AND PROTECT IT FROM YOUR ACTIVITIES FOR 30 DAYS OR UNTIL NOTIFIED BY THE AUTHORIZED OFFICER.

ALLOTMENT SUMMARY (AUMS)

<u>ALLOTMENT</u>	<u>ACTIVE AUMS</u>	<u>SUSPENDED AUMS</u>	<u>PERMITTED USE</u>
10051 SHANNON STATION (N6)	2520	691	3,211

Standard
Terms and Conditions

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
4. Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
8. Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
10. Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
11. No Member of, or Delegate to, Congress or Resident Commissioner, after his/her election or appointment, or either before or after he/she has qualified, and during his/her continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App.1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall be admitted to any share or part in a permit or lease, or derive any benefit to arise therefrom; and the provision of Section 3741 Revised Statutes (41 U.S.C. 22; 18 U.S.C. Sections 431-433, and 43 CFR Part 7), enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS PERMIT: 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES AND 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS PROVIDED BY LAND PLANS AND APPLICABLE LAW; (B) REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:
SIGNATURE OF PERMITTEE: Jim Baum DATE: 03-08-04

APPROVED
BLM AUTHORIZED OFFICER: John H. [Signature] DATE: 3/11/04

RECEIVED
MAIL ROOM
2004 MAR 10 A 11:34
BUREAU OF LAND MANAGEMENT
BATTLE MOUNTAIN
FIELD OFFICE

EXHIBIT 3

EXHIBIT 3



U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT



State: NV
Office: LLNVB01000
Preference Code: 03
AUTHORIZATION: 2703673

GRAZING PERMIT

EFFECTIVE: 03/01/2013 TO 02/28/2021

ISSUED BY:

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

ISSUED TO:

BAUMANN FAMILY TRUST
P.O. BOX 308
EUREKA NV 89316

UNDER 43 CFR PART 4100, THE BUREAU OF LAND MANAGEMENT (BLM) OFFERS YOU THIS GRAZING PERMIT BASED ON YOUR RECOGNIZED QUALIFICATIONS. UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE, YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS UNDER THE JURISDICTION OF THE BLM THAT ARE COVERED BY THIS GRAZING PERMIT. IF YOU HAVE QUESTIONS CONCERNING THIS GRAZING PERMIT, CONTACT YOUR LOCAL BLM OFFICE AT 775-635-4000.

TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK NUMBER KIND	PERIOD		%PL USE TYPE USE	AUMS
			BEGIN	END		
NV10051	SHANNON STATION/SPANISH GULCH	130 CATTLE	04/01	05/14	97 ACTIVE	182
NV10051	SHANNON STATION/SPANISH GULCH	300 CATTLE	05/15	12/31	97 ACTIVE	2,210
NV10051	SHANNON STATION/SPANISH GULCH	68 CATTLE	01/01	02/28	97 ACTIVE	128

THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF SECTION 415, PUBLIC LAW 112-74 AND CONTAINS THE SAME TERMS AND CONDITIONS AS THE PREVIOUS PERMIT OR LEASE. THIS PERMIT OR LEASE MAY BE CANCELED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS.

THE SPANISH GULCH ALLOTMENT WILL BE GRAZED IN CONJUNCTION WITH THE SHANNON STATION ALLOTMENT WHEN THE PERMITTEE'S LIVESTOCK ARE IN THE SOUTHERN END OF THE SHANNON STATION ALLOTMENT.

THIS PERMIT WILL BE SUBJECT TO CHANGE BASED UPON SPECIFIC MANAGEMENT PRACTICES IDENTIFIED IN THE FINAL MULTIPLE USE DECISION (FMUD) FOR THE SHANNON STATION/SPANISH GULCH ALLOTMENT.

THE TERMS AND CONDITIONS OF THIS PERMIT MUST BE CONSISTENT WITH THE STANDARDS AND GUIDELINES APPROVED FEBRUARY 12, 1997 FOR THE NORTHEASTERN RAC AREA.

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

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

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

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

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

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

PURSUANT TO 43 CFR 10.4(G) THE HOLDER OF THIS AUTHORIZATION MUST NOTIFY THE AUTHORIZED OFFICER, BY TELEPHONE, WITH WRITTEN CONFIRMATION IMMEDIATELY UPON THE DISCOVERY OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). FURTHER, PURSUANT TO 43 CFR 10.4(C) AND (D), YOU MUST STOP ACTIVITIES IN THE IMMEDIATE VICINITY OF THE DISCOVERY AND PROTECT IT FROM YOUR ACTIVITIES FOR 30 DAYS OR UNTIL NOTIFIED BY THE AUTHORIZED OFFICER.

IN ACCORDANCE WITH 43 CFR 4130.3-1 (B) - ALL PERMITS AND LEASES SHALL BE MADE SUBJECT TO CANCELLATION, SUSPENSION, OR MODIFICATION FOR ANY VIOLATION OF THESE REGULATIONS OR OF ANY TERM OR CONDITION OF THE PERMIT OR LEASE.

PERMITTED USE SUMMARY

ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS	TEMP SUSPENDED AUMS	PERMITTED USE
NV10051 SHANNON STATION/SPANISH GULCH	2,520	691	0	3,211

TERMS AND CONDITIONS APPLICABLE TO ALL PERMITS AND LEASES

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
 2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
 3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
 4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
 5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
 6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
 7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
 8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
 9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
 10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
 11. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
 12. Members of Congress may not enter into a grazing permit or lease. 41 USC 6306 (2014). Further, no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a permit or lease for grazing or derive any benefit to arise from a permit or lease for grazing.
-

THIS GRAZING PERMIT:

- 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES
- 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED BY:

James E. Baumann
 OPERATOR SIGNATURE
JAMES E. BAUMANN
 PRINTED NAME AND TITLE

10-7-18
 DATE

APPROVED BY:

Jon P. Sherve
 BLM AUTHORIZED OFFICER SIGNATURE
Jon P. Sherve
 PRINTED NAME AND TITLE

10/22/2018
 DATE

AUMS: Animal Unit Months. Animal unit month means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month. For fee calculation purposes, an AUM is one month's use and occupancy of the range by one cow, bull, steer, heifer, horse, burro, mule, 5 sheep or 5 goats that: (1) are over the age of 6 months at the time of entering lands administered by the BLM, (2) are weaned regardless of age; (3) will become 12 months of age during the authorized period of use.

%PL Use: Percent forage from public land use.

Type Use: Categories with specific rules that govern AUM and grazing fee calculation and input on grazing authorizations and bills.

EXHIBIT 4

EXHIBIT 4



**United States Department of the Interior
Bureau of Land Management
ALLOTMENT MASTER REPORT**



NV10051 SHANNON STATION/SPANISH GULCH

Office:	LLNVB01000	MOUNT LEWIS FO
Allotment Number and Name:	NV10051	SHANNON STATION/SPANISH GULCH
Distribution:	OK	
Management Plan Type:	A	AMP IMPLEMENTED
Management Plan Implemented Date:	01/05/2000	
Management Status Code:	I	IMPROVE CATEGORY
Ephemeral Ecosystem:	N	NO
Grazing Availability:	Y	YES
Decision:		
Staff Assignment:		

Supplemental Land Information

Ownership	Acres	AUMs
Public Land:	38,566	3,167
Other Federal:		
State:		
Private:	8,233	
Total:	46,799	3,167

Pastures

0001	WHISTLER MTN
0002	WILLOW
0003	SIXTH STREET
0004	SIMPSON SEEDING
0005	WILLIAMS
0006	NEWARK
0007	ANGELO BELLI
0008	ROCKY KNOLL
0009	SEEDINGS
0010	WHISTLER SEEDING
11	SPANISH GULCH

Type Land Summary

Code	Description	Level	Acres %	AUMs %	Fund Symbol	Exec Order	Office Acres %	State Acres %	County Acres %
01	PL 03		100	100	145032	0			
LLNVB01000	MOUNT LEWIS FO	Office					100		
NV	NEVADA	State						100	
NV011	EUREKA	County							100

Authorization Cross Reference

Authorization Office	Authorization Number	Operator Name	Active AUMs	Suspended AUMs	Temp Suspended AUMs	Permitted Use
LLNVB01000	2703673	BAUMANN FAMILY TRUST	2520	691	0	3211

Allotment Terms and Conditions

Terms and conditions include grazing schedule lines and also any text terms and conditions. The allotment terms and conditions below will print on bills and courtesy applications issued to permittees and lessees.

Terms and Conditions



**United States Department of the Interior
Bureau of Land Management
ALLOTMENT MASTER REPORT**



NV10054 SPANISH GULCH

Office:	LLNVB01000	MOUNT LEWIS FO
Allotment Number and Name:	NV10054	SPANISH GULCH
Distribution:	OK	
Management Plan Type:	A	AMP IMPLEMENTED
Management Plan Implemented Date:	01/05/2000	
Management Status Code:	I	IMPROVE CATEGORY
Ephemeral Ecosystem:	N	NO
Grazing Availability:	Y	YES
Decision:		
Staff Assignment:		

Supplemental Land Information

Ownership	Acres	AUMs
Public Land:	5,985	647
Other Federal:		
State:		
Private:		
Total:	5,985	647

Pastures

0001 SPANISH GULCH

Type Land Summary

Code	Description	Level	Acres %	AUMs %	Fund Symbol	Exec Order	Office Acres %	State Acres %	County Acres %
01	PL 03		100	100	145032	0			
LLNVB01000	MOUNT LEWIS FO	Office					100		
NV	NEVADA	State						100	
NV011	EUREKA	County							100

Authorization Cross Reference

Authorization Office	Authorization Number	Operator Name	Active AUMs	Suspended AUMs	Temp Suspended AUMs	Permitted Use
LLNVB01000	2700240	2 BIT RANCH LLC	647	0	0	647

Allotment Terms and Conditions

Terms and conditions include grazing schedule lines and also any text terms and conditions. The allotment terms and conditions below will print on bills and courtesy applications issued to permittees and lessees.

Terms and Conditions



**United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT
NV10054 SPANISH GULCH**



NV NEVADA
LLNVB01000 MOUNT LEWIS FO
NV10054
SPANISH GULCH
Y
N/A
AMP IMPLEMENTED
1/5/2000

Administrative State
Administrative Office
Allotment Number
Allotment Name
Grazing Allotment
Allotment Decision
Plan Type
Plan Date

Authorization Information

Authorization Number	Admin State	Administrative Office	Authorizing Office	Effective Date	Expiration Date	Issue Date	Actual Active AUMS	Actual Suspended AUMS
2700240	NV	LLNVB01000	MOUNT LEWIS FO	04/11/2017	04/10/2027	04/24/2017	647	0
TOTAL							647	0

Authorization Schedule Information

Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
NV10054	SPANISH GULCH		2700240	643	SHEEP	05/01	09/30	100	ACTIVE	647

EXHIBIT 5

EXHIBIT 5

1,291
(July 1956)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR GRAZING PERMIT

Date October 31, 19 51

I, James Hunter and John Hunter of Eureka, Nevada
(name of applicant) (Post-office address)

Five miles East of Eureka, hereby apply for a permit to
(Location of ranch headquarters)

graze the following livestock, for the period stated, upon lands of the United States customarily used by me within _____ Grazing District

No. 6, under the rules and current rates of charge as prescribed by the Secretary of the Interior:

Cattle	<u>325</u>	; season from	<u>March 15</u>	to	<u>May 31</u>	<u>50%</u>
Cattle	<u>325</u>	; season from	<u>June 1</u>	to	<u>August 15</u>	<u>100%</u>
Cattle	<u>325</u>	; season from	<u>August 15</u>	to	<u>December 15</u>	<u>50%</u>
Horses	<u>75</u>	; season from	<u>February 15</u>	to	<u>March 31, 1953</u>	<u>50%</u>

in common with other users or on an individual allotment and described as follows

In common with other qualified grazers on the flat in winter and individually after they leave the flat in spring till fall.

My brands and earmarks are Cattle - quarter circle H, left hip, wattle
left cheek; slit right ear; hole left ear; Horses C left hip

1. Are you a citizen of the United States? yes By birth? no
By naturalization? yes Date of naturalization March 15, 1921
place Eureka; court District; certificate No. 495099; if not a citizen, have you filed the necessary declaration of intention to become such? --- Date ---; place ---
---; court ---; declaration No. ---

2. Are you interested, directly or indirectly, in any grazing permit held or applied for by any other person, firm or corporation in this or any other grazing district? If so, give the name of permittee and the nature and extent of your interest no

3. Describe land owned by you and used in livestock operation _____
Refer you to description of land attached
 (Plot holdings on accompanying map sheet)

Acres cultivated	Type of crop	Yield in tons	Tons fed to permitted stock	Tons Sold
	<u>approx 175 Alfalfa hay, grass hay, grain hay, and grain</u>	<u>(per acre 2 ton) approx</u>		
	<u>15 cwt per animal</u>		<u>Sold none</u>	

Grazing land owned, acres 975; season used All the time when practical

4. Describe all land leased by you and used in livestock operation. Leased from:

Name	Address	Term of Lease
<u>Richard Boston</u>	<u>Eureka</u>	<u>yearly</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Acres cultivated	Type of Crop	Yield in tons	Tons fed to permitted stock	Tons Sold
<u>60</u>	<u>All grazed this year</u>			
	<u>No hay cut this year due to drought, last year we cut about 20 tons and fed it to our cattle</u>			

Grazing land leased, acres; 100; season used fall and winter

Do you purchase any additional feed? yes If so, describe kind cotton cake - 43% protein Average yearly amount 15 to 25 tons

5. Describe and locate all water or water rights owned or leased by you and used in your livestock operations on the public domain:

Kind (Spring, well, Reservoir, etc.)	Date developed	Name of Owner	Location Township Section	Range	Number of stock	Number of Months
--------------------------------------	----------------	---------------	---------------------------	-------	-----------------	------------------

separate descriptions enclosed

6. Have the base lands and water described in this application been previously used in livestock operations in connection with the public domain involved in this application? yes, more or less since 1865

7. Do you hold a permit to graze stock in a national forest? no
 If so, how many? --- cattle, --- horses --- sheep ---
 goats, ---

Name of the national forest and location of your range therein none

---; period of use ---

8. How many head of livestock over 6 months of age do you own?

Cattle 250

Horses 100

Sheep ---

Goats ---

Does any other person own an interest in the stock applied for in this application? no

If so, give name and nature and extent of interest none

9. How many range stock do you usually run under normal weather and economic conditions? winter, 250 cattle; summer, 350, horses 100

10. How many milk cows do you keep? 6 How many work horses? 12

11. If running cattle, do you operate on a cow and calf, steer, or mixed basis? mixed

12. Do you feed your range stock in winter? yes If so, where? at the ranches, Bar C, Four eyed Nick, Edera Place and Boston Place

How many tons of hay or forage per head is fed? Approx 15 cwt and cake

13. Describe your usual livestock operations the year round The calves are mostly born in March, April and May. We do have a few born in winter. The cattle are run on the flat in winter till the weather gets too stormy, about April they are taken to the hills.

14. If stock are trailed from one range to another in your system of operation, describe routes used The cattle are grazed in the hills in summer, and *In the* fall, drift down to the ranch bases, when we generally wean the calves and the cattle go down onto the Diamond Valley where they graze in common with others, where we have water

Signature of Applicant

EXHIBIT 6

EXHIBIT 6

**Diamond Valley Unit
Adjudication and Allotment
Agreement**

In accordance with 43 CFR 4111.3-2(c), 4111.4-1 and 4111.4-2, Federal Range Code, the undersigned users within the Diamond Valley Unit of the Battle Mountain District, Bureau of Land Management, hereby agree to the following described group and individual allotments within the unit, as illustrated on the accompanying allotment map.

Hay Ranch Allotment

In general, the Hay Ranch allotment will include all of that area within the Diamond Valley Unit lying west of the Devils Gate - Whistler Mountain range of hills, more particularly described as follows:

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., MDM, thence in a northerly direction following the drainage divide over Whistler Mountain, a distance of about ten (10) miles, to the junction of the Diamond Valley Unit and the Roberts Creek Unit at a point on the drainage divide in the NW $\frac{1}{4}$, section 9, T. 21 N., R. 52 E., MDM, thence southwesterly along the Diamond Valley Unit boundary, a distance of about 14 miles to the corner of the Diamond Valley Unit near the treasure well in section 21, T. 20 N., R. 50 E., MDM, thence in a southerly direction along the unit boundary, a distance of about five (5) miles to U. S. Highway 50 at the SE corner of the Bartine Ranch fence in the NE $\frac{1}{4}$ of section 15, T. 19 N., R. 50 E., MDM, thence in an easterly direction along U. S. Highway 50, a distance of about fifteen (15) miles to Devils Gate narrows, the point of beginning. It is further noted that this allotment description is limited only to that area in the Diamond Valley Unit and in no way affects the allotment of the Hay Ranch in the Antelope Unit.

John & Kay Hunter and James Ithurralde Allotment

The allotment of John and Kay Hunter is described as follows:

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., MDM, 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., MDM, 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., MDM, thence continuing along the district line east and north along the drainage divide of the Diamond Range, a distance of about nine (9) miles to the high point on the drainage divide north of Poison (Summit) Spring in the NW $\frac{1}{4}$ SB $\frac{1}{4}$ sec. 36, T. 20 N., R. 54 E., MDM, thence in a southwesterly direction following the high ridges to a point near the center of the west half of section 12, 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 Labarry's private ground in Pastorino Canyon, thence in a northerly direction to the east quarter corner of section 33, T. 20 N., R. 54 E., MDM, thence in a northwesterly direction across Dry Canyon going halfway between the patented ground owned by Hunters and by Labarrys respectively, thence in a northerly direction to the east end of the crested wheat-grass seeding used by Edward Melka, thence southwesterly around this seeding and Melkas 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., MDM, 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., MDM, 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 $\frac{1}{4}$ sec. 3, T. 20 N., R. 52 E., MDM, 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.

The James Ithurralde Spanish Gulch allotment within the Hunter allotment is described as follows:

Beginning at the town of Eureka, thence in an easterly direction remaining at approximately the 7000 ft. elevation contour to Spanish Gulch south of Hunters Ranch, thence southeasterly to the center of Section 27, T. 19 N., R. 54 E., known as Angelo Belli Flat, thence southwesterly to the top of the drainage divide to the NE corner of Section 5, T. 18 N., R. 54 E., MDM, thence along the drainage divide to U. S. Highway 50 at Pinto Summit near the south quarter corner of Section 6, T. 18 N., R. 54 E., thence northerly along the highway to the town of Eureka, the point of beginning.

This area will comprise Ithurralde's area of use within the Diamond Valley Unit to be used in conjunction with the summer sheep range in the Antelope Unit.

The Hunter Ithurralde allotment will be used in common by Hunters' cattle and the Ithurralde sheep are limited to the Spanish Gulch allotment.

It is further understood that Mrs. Jeanne Arambel will retain the right to trail sheep from Pinto Creek through Milk Ranch Spring to their summer range in the Antelope Unit. *We, HUNTERS, further understand that Pinto Creek sheep will trail through once in the spring and return once in the fall of any given year.*

General Conditions

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

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

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

Special Conditions

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

E. P. Cochran
Hay Ranch (Lucky C)

4-5-65
Date

John & Ray Hunter
John & Ray Hunter
Ray Hunter

3-25-65
Date

James Ithurrealde
James Ithurrealde

1-27-65
Date

52

George Brown
George Brown

3-25-65
Date

Edward A. Melka
Edward A. Melka

3-25-65
Date

Sec. Advisory Board Minutes -
Approved Battle Mountain District Advisory Board

June 10, 1965

Essie K. ...
Concur District Manager

12/13/65
Date

EXHIBIT 7

EXHIBIT 7

Copy to Jim Baumann

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

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RANGE LINE AGREEMENT

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

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.

James E. Bauman

(Signature of Permittee/Lessee)

July 14, 81

(Date)

Don Edriffs

(Signature of Permittee/Lessee)

July 13/81

(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.

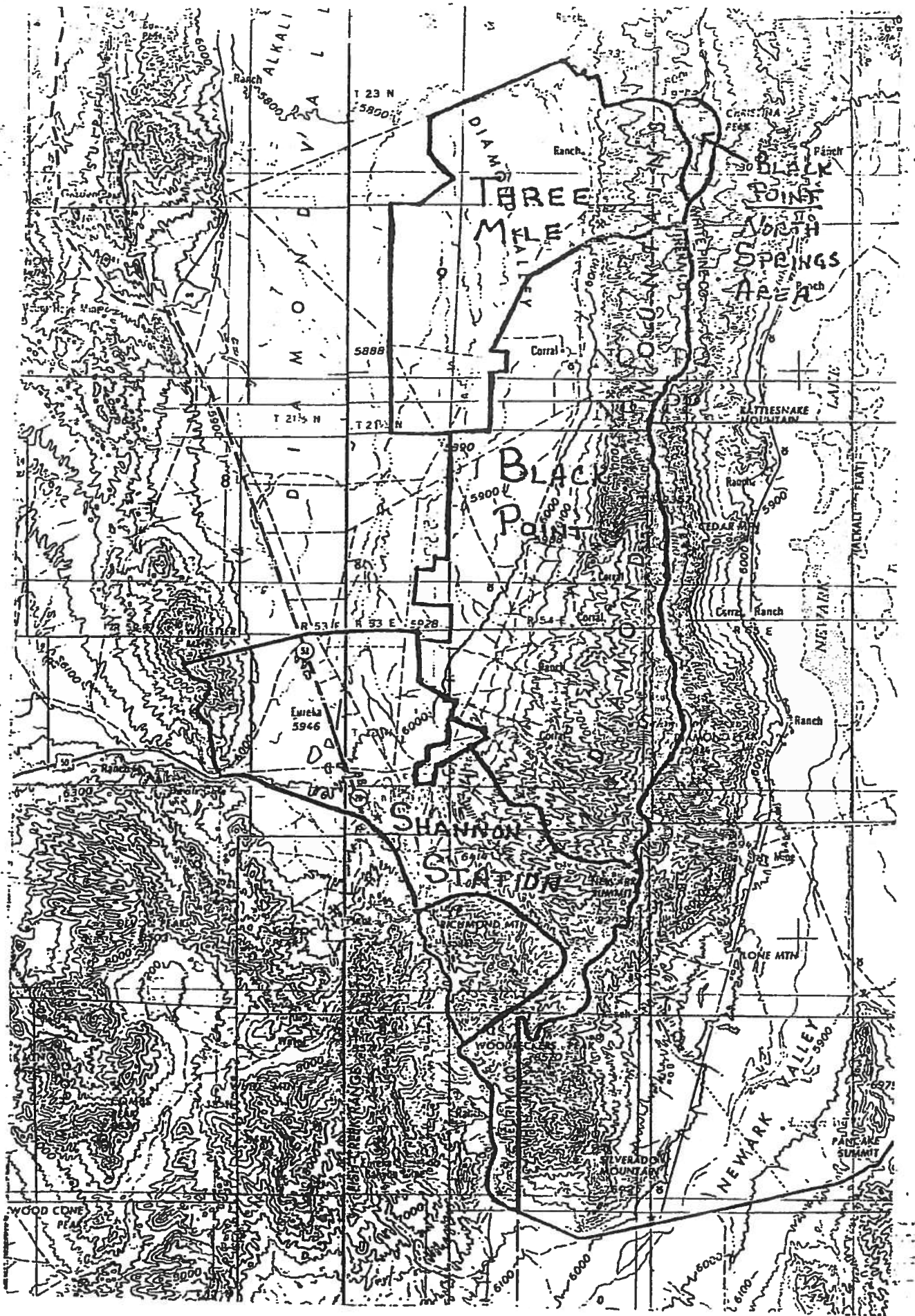


EXHIBIT 8

EXHIBIT 8

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.

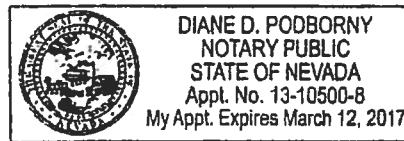
It is common knowledge that the Hunter Ranch (aka Simpson Creek Ranch) utilized the range and water sources prior to 1900 to present.

Signed:

Gerald E. Robinson
Gerald E. Robinson

Gerald E. Robinson

State of Nevada
County of
This instrument was acknowledged
by Gerald E Robinson on April 7, 2016



Diane D. Podborny

RECEIVED
2016 MAY 27 PM 12:40
TATE ENGINEERS OFFICE

EXHIBIT 9

EXHIBIT 9

August 11, 2016

Nevada Division of Water Resources
Attn: Daniel Taylor, Water Rights Specialist II
901 S. Stewart St., Suite 2002
Carson City, NV 89701

RE: Correction of proofs under James E. and Vera L. Baumann

Dear Mr. Taylor:

Thank you for your letter dated June 20, 2016 where you noted some corrections/elaborations that needed to be made on some of our previously filed vested Proofs of Appropriation. We address each of those Proofs noted below.

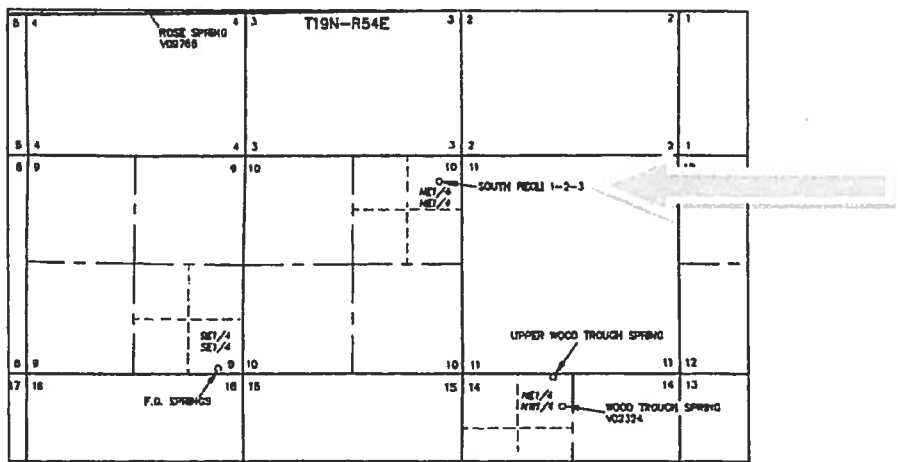
V-03657, Four-Eyed Nicks: We are working with our water rights surveyor to get the omitted acreage added to the map filed in support of this proof. We do note that we submitted a copy of the 1893 Government Land Office survey map that depicts the cultivated areas in T20N R54E Sec. 33. We will be submitting the revised map soon.

V-09765, Pass Creek Spring: Your letter that notes that this spring was not on the map filed in support of the other proofs is correct. However, your statement that there was not a separate map filed for this spring is incorrect. As the claim notes, the map for Pass Creek Spring was included with the original filing of this claim in 2008 in Volume #2 of Simpson Creek Ranch/James & Vera Baumann, already filed with the Nevada Division of Water Resources. At the time, in 2008, this was the same map under the Chloe Held Trust (originally A.C. Florio) Application 7130, Certificate 1322. Please consider the map for this claim as the same we provided in 2008 under Application 7130.

V-09767, Seepage Springs Creek: Similar to the claim above, and as noted on this claim, the map for Seepage Springs Creek was also included with the original filing of this claim in 2008 in Volume #2 of Simpson Creek Ranch/James & Vera Baumann, already filed with the Nevada Division of Water Resources. This is the same map under the A.C. Florio Application 7132, Certificate 1324. Please consider the map for this claim as the same we provided in 2008 under Application 7132.

V-09770, China Canyon Spring: Similar to the claim above, and as noted on this claim, the map for Seepage Springs Creek was also included with the original filing of this claim in 2008 in Volume #2 of Simpson Creek Ranch/James & Vera Baumann, already filed with the Nevada Division of Water Resources. This is the same map as the Ithurralde map in support of his proof V-04497. Please consider the map for this claim as the same we provided in 2008 under Proof V-04497.

V-09776, South Regli No 1,2,3: Your letter states that this spring complex was not included on the map. However, it was included on the map. Below is a screenshot of the portion of the map we submitted showing this spring depicted.



V-10870, Lani Spring: Your letter notes that the spring location in the claim does not match the map. This spring is located very near the quarter-quarter line and the mapping error is due to the inherent accuracy range of the GPS unit. The spring is located in SW1/4SW1/4 of Section 30, T19N, R54E. We will come to the Office of the State Engineer to make the corrections on the map or, if you would accept it, the map for Eureka County claim on Lani Spring, V-04506, can be used. Please let us know if we need to come and make the corrections to the map in person or whether the Eureka County map can be used.

V-10872, Upper Wood Trough: Your letter notes that the spring location in the claim does not match the map. This spring/seep is located very near the section line. In looking at the spring area on Google Earth, it appears that the spring area extends across both sections – that in the claim and that on the map. The GPS location was taken at the center of the spring/seep area. We ask that you correct the proof to clarify that the spring/seep area is across both SE1/4 SW1/4 of Section 11, T19N, R54E and NE1/4 NW1/4 of Section 14, T19N, R54E.

V-10874, High Pass Spring: Thank you for bringing this discrepancy to our attention. After review, we realized that due to recording the wrong GPS location, this ended up plotting this spring near Spanish Gulch. The correct location of this spring is in the same drainage as South Regli No. 1, 2, 3, well north of Spanish Gulch. The location of the spring is SE1/4 NE1/4 of Section 11, T19N, R54E. The GPS location being 39.534718 N, 115.855312 W. We ask you to amend the Proof to correct the spring location. We will come to the Office of the State Engineer to correct the location on the map.

Sincerely,

James E. Baumann
Simpson Creek Ranch

EXHIBIT 10

EXHIBIT 10

May 24, 2016

Nevada Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, NV 89701

RE: Correction of locations listed on stockwater vested claims previously filed in Diamond Valley and dispute of conflicting claims

To Whom It May Concern:

We previously filed multiple stockwater vested claims on springs in Diamond Valley. We visited each spring and took a GPS location of each spring. We did not document the geographic coordinate system or datum that the GPS locations were collected in. It has come to our attention that plotting of these GPS locations in a GIS results in inaccurate placement of the springs. We revisited each spring and took new GPS readings to correct this issue and for our Water Rights Surveyor's use in preparing the required maps. Further, our Surveyor noted that some of new GPS readings do not match the previous legal descriptions. This is likely due to the fact that many of the legal descriptions were copied from previous filings from entities no longer in existence and are located on previously unsurveyed public land. Specifically, we know that the following legal descriptions should be corrected:

V02325 Green Spring, V02326 Simpson #1, V09761 Big Rock Spring, V09757 DePaoli Creek Spring, V09758 Cottonwood Creek Spring, V09759 Spanish Gulch Spring, V09763 Shirt Creek Spring, V09766 Rose Spring, V09768 Milk Ranch Spring, V09769 Upper Milk Ranch Spring, and V09776 South Regli 1-2-3 Spring.

Therefore, the purpose of this letter is to (1) provide the correct GPS locations of our previous filed vested claims in Diamond Valley and (2) ensure the correct legal descriptions are provided under all of our claims. This letter is prepared based on consultation on this issue with Mr. Steve Walmsley via phone call on May 3, 2016.

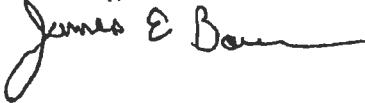
All corrected GPS locations below are provided in WGS 84 in decimal degrees.

Claim	Name	Latitude	Longitude	Legal Description
V 09756	Poison Canyon Spring	39.509833	-115.919297	NE1/4 NW1/4 of Sec. 20, T19N, R54E
V 02324	Wood Trough	39.522369	-115.862093	NE1/4 NW1/4 of Sec. 14, T19N, R54E
V 02325	Green Spring	39.515113	-115.863875	NE1/4 SW1/4 of Sec. 14, T19N, R54E
V 09759	Spanish Gulch	39.492274	-115.908187	NE1/4 NE1/4 of Sec. 29, T19N, R54E
V 09776	South Regli 1-2-3	39.537061	-115.872301	NE1/4 NE1/4 of Sec. 10, T19N, R54E
V 09777	Rhyolite Spring	39.626254	-116.067534	SW1/4 NW1/4 of Sec. 1, T20N, R52E
V 09761	Hole in the Wall	39.498794	-115.911215	SE1/4 SE1/4 of Sec. 20, T19N, R54E
V 09764	Rich Creek Spring	39.510770	-115.930570	SE1/4 SE1/4 of Sec. 18, T19N, R54E
V 09763	Shirt Creek Spring	39.509928	-115.926263	SW1/4 SW1/4 of Sec. 17, T19N, R54E
V 09758	Cottonwood Creek Spring	39.505255	-115.917338	SW1/4 NE1/4 of Sec. 20, T19N, R54E

V 09760	Sigarini Spring (Poison Spring)	39.534300	-115.834000	SE1/4 NE1/4 of Sec. 12, T19N, R54E
V 09766	Rose Spring	39.549832	-115.898125	SE1/4 SW1/4 of Sec. 33, T20N, R54E
V 09775	Angelo Belli Flat Spring	39.472268	-115.891017	NE1/4 SE1/4 of Sec. 33, T19N, R54E
V 07761	Big Rock Spring	39.497400	-115.913000	SE1/4 SE1/4 of Sec. 20, T19N, R54E
V 09757	Depaoli Creek Spring	39.501571	-115.874839	NE1/4 SE1/4 of Sec. 22, T19N, R54E
V 02326	Simpson #1	39.500300	-115.863000	NE1/4 SW1/4 of Sec. 23, T19N, R54E
V 09768	Milk Ranch Spring	39.483620	-115.933337	SW1/4 SE1/4 of Sec. 30, T19N, R54E
V 09778	Bullwacker Spring	39.498914	-115.942826	SW1/4 SW1/4 of Sec. 19, T19N, R54E
V 09779	Richmond Spring	39.500647	-115.943388	NW1/4 SW1/4 of Sec. 19, T19N, R54E
V 09769	Upper Milk Ranch Spring	39.482789	-115.929757	SE1/4 SE1/4 of Sec. 30, T19N, R54E
V 09771	Eureka Creek	39.539628	-115.965614	SE1/4 SE1/4 of Sec. 02, T19N, R54E

We also dispute recent reports of conveyance that transferred prior claims of Chloe Held Trust (originally A.C. Florio claims) to Pete and Gladys Goicoechea. We noted our dispute with the Chloe Held Trust claims in our previously filed support documents for the chain of title and historic and current use of the land and range in which these spring are appurtenant. This is included in Volume #2 of Simpson Creek Ranch/James & Vera Baumann, already filed with the Nevada Division of Water Resources. Our contentions remain the same on these conveyances to Mr. and Mrs. Goicoechea. Neither the Goicoecheas nor their predecessors in interest have ever held proprietary interests in the ranch, range, or grazing allotment on which these springs exist. This allotment is entirely fenced and the Goicoecheas hold no permit for grazing and therefore have no ability to put the water to use, and have never done so. We believe this was a titling error where the interest in these unprovable claims were conveyed in error.

Sincerely,

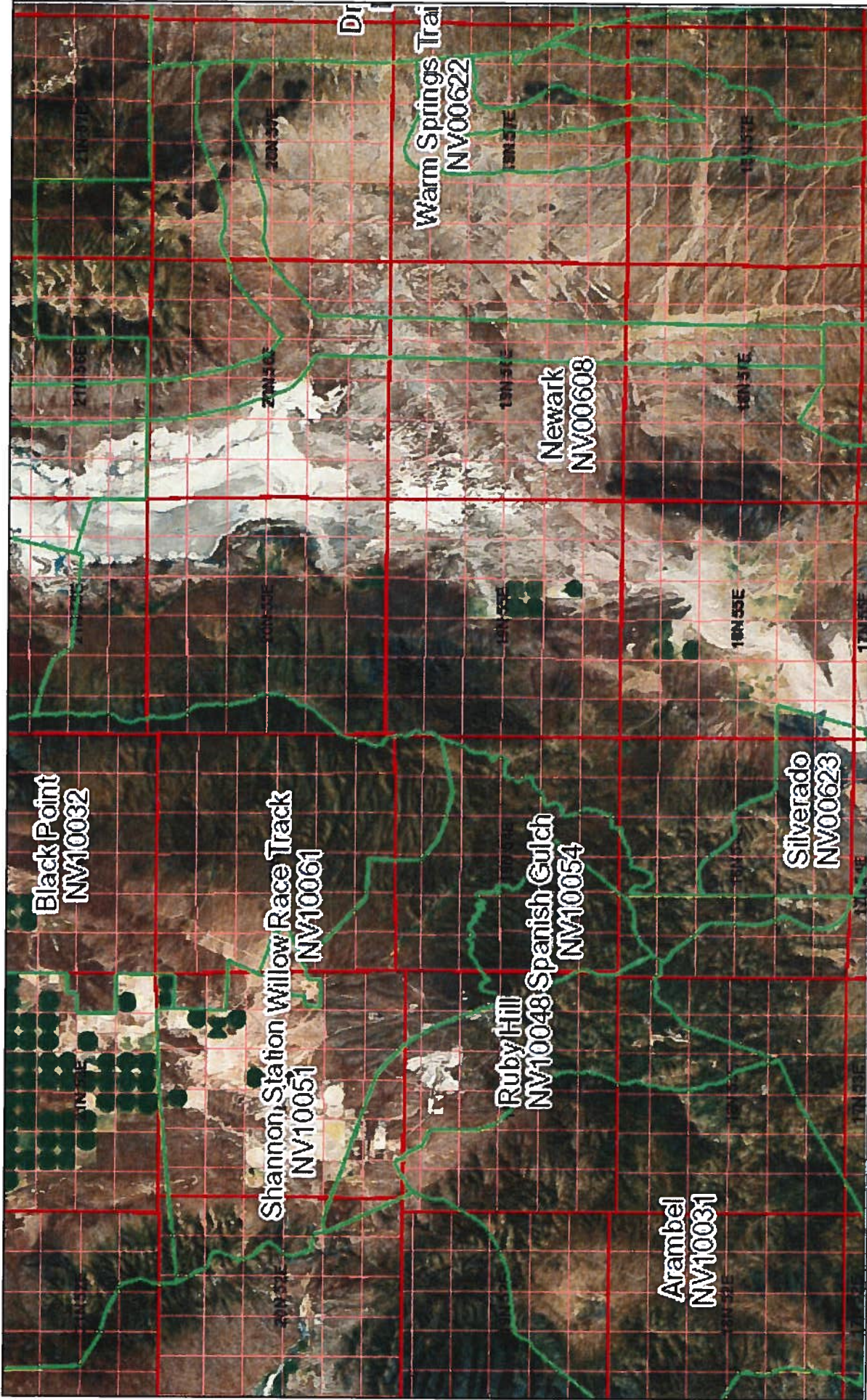


James E. Baumann
Simpson Creek Ranch

EXHIBIT 11

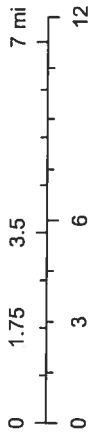
EXHIBIT 11

Shannon Station



10/31/2018 4:58:07 PM

1:288,895



-  Grazing Allotment Polygons
-  PLSS Township
-  PLSS Section

Compiled by the Bureau of Land Management (BLM), National Operations

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2018, I caused a copy of the foregoing *AFFIDAVIT OF CLAIMANT BAUMANN IN SUPPORT OF OBJECTIONS TO PRELIMINARY ORDER OF DETERMINATION* to be served on the following parties as outlined below:

VIA PERSONAL SERVICE:

Nevada State Engineer
Nevada Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

Dated this 6th day of November, 2018.



Laura A. Schroeder, NSB # 3595
Therese A. Ure, NSB #10255
10615 Double R Blvd., Ste. 100
Reno, NV 89521
PHONE: (775) 786-8800
FAX: (877) 600-4971
counsel@water-law.com
Attorneys for Claimants Baumann

