

1 IN THE OFFICE OF THE STATE ENGINEER
2 OF THE STATE OF NEVADA
3

4 IN THE MATTER OF THE DETERMINATION
5 OF THE RELATIVE RIGHTS IN AND TO
6 ALL WATERS OF DIAMOND VALLEY,
7 HYDROGRAPHIC BASIN NO. 10-153,
8 ELKO AND EUREKA COUNTIES, NEVADA.

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STATE ENGINEERS OFFICE

9
10 **EUREKA COUNTY'S OBJECTIONS TO**
11 **PRELIMINARY ORDER OF DETERMINATION**

12 EUREKA COUNTY, by and through its undersigned counsel, ALLISON MacKENZIE, LTD.,
13 pursuant to NRS 533.145 and the Letter from the State Engineer dated August 31, 2018, files its
14 Objections to the Preliminary Order of Determination issued in this matter on August 30, 2018. The
15 following Objections are verified by the Affidavit of Robert O. Anderson, P.E., CFM, WRS, of R.O.
16 Anderson Engineering, Inc., agent for EUREKA COUNTY, filed herewith and incorporated herein by
17 reference. EUREKA COUNTY is the owner of record of water rights claimed by Proofs of
18 Appropriation Nos. V04501, V04503-V04510 and numerous groundwater rights in the Diamond
19 Valley Hydrographic Basin. In support of this Objection, EUREKA COUNTY states as follows:

- 20 1. **For Eureka County Claims V04501; V04503; V04504; V04505; V04506; V04507;**
21 **V04508; V04509; and V04510: Objection to Allowed Diversion Rate/Duty.**

22 Eureka County objects to the State Engineer's diversion rates and duties granted for the above
23 claims in its Preliminary Order of Determination based solely upon the State Engineer's single site
24 visit on June 13, 2017 measuring spring flow and reported flows to the State Engineer by Eureka
25 County on October 27, 2016 and June 4, 2018. The State Engineer appears to have randomly picked
26 one of these measurements as the basis for diversion for each claim in the Preliminary Order of
27 Determination. For other claims filed in this adjudication, the State Engineer appears to have accepted
28 at face value the claimed diversion rate stated in the claim with no investigation yet "finding" a basis
for the diversion at the claimed rate. See for example, Claim of Public Water Reserve R-04237, R-
04238 and R-04243. It is not appropriate in an adjudication that seeks to confirm the historic maximum

1 diversion rate of water to rely on a single measurement where spring flows are known to fluctuate
2 depending on several factors. While the measurements relied upon by the State Engineer in the
3 Preliminary Order are evidence of flow rate on the specific date of measurement (or a computation of
4 the average daily flow rate derived from the monthly volumes recorded by Eureka County for the past
5 12 months), there exists other evidence of flow rate and Eureka County's historic water use. Eureka
6 County provides the following in support of its claimed diversions:

- 7 • Water Right Permits 40156 through 40164, were issued to Eureka Water Association,
8 Inc., predecessor to Eureka County, for these same surface water sources by the State
9 Engineer in April 1982.
- 10 • Proofs of Completion of Work for each respective permit were subsequently submitted
11 in accordance with the permit terms.
- 12 • On June 21, 1989, on behalf of Eureka Water Association, Inc., a Proof of Beneficial
13 Use together with supporting documentation was submitted. The supporting
14 documentation included meter readings that were compiled between August 1986 and
15 May 1989. The diversion rate measurement was taken at a meter located at the
16 confluence of the flows from the respective springs.
- 17 • The water works at each spring and meter readings were subsequently field verified by
18 a representative (Robert Steward) of the State Engineer's Office – see record of Field
19 Investigation dated December 17, 1990.
- 20 • In response to the field investigation, the State Engineer issued its certificate for each
21 of the permits (e.g. 12927 – 12935) for an appropriation of up to 0.111 cfs, but not to
22 exceed 26.18 million gallons annually.
- 23 • These data are from records within the State Engineer's office; they represent the best
24 available flow data for the combined duty of the sources; and are prima facie evidence
25 of the actual flows derived from the springs during the period. **See for example**
26 **Exhibit A.**
- 27 • The amount of water available from spring sources is known to vary seasonally;
28 however, since Eureka County, as a successor-in-interest to Eureka Water Association,

ALLISON MacKENZIE, LTD.
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1 Inc., acquired the springs, they have captured and beneficially used 100% of the flow
2 from each of these sources. See Affidavit of Ron Damele, dated May 19, 2016,
3 paragraph 21; Affidavit of Leonard Fiorenzi, dated May 18, 2016, paragraph 13.

- 4 • While 2017 was a relatively wet water year, it followed several consecutive, or nearly
5 consecutive drought years. Flow measurements captured during one wet year within a
6 series of drought years doesn't provide enough data from which to ignore established,
7 previously accepted and certificated flow measurements for purposes of an
8 adjudication.

9 *Request: Recognize previously submitted flow measurements, acknowledge historic practice of the*
10 *Permittee to capture 100% of the available flow, and accept the water right certificates previously*
11 *issued by the State Engineer, which provide for up to 0.111 cfs from each source with a combined duty*
12 *limited to 26.18 million gallons annually.*

13 2. **For Proofs V-04503; V04504; V04506; and V04508-V04510, Eureka County**
14 **objects to the State Engineer's determination of the priority date for the claims of**
15 **vested right on the springs as the date the water was first put to beneficial use for**
16 **municipal purposes. (Preliminary Order of Determination, pages 262-270).**

17 For each of these claims, the State Engineer's Preliminary Order of Determination recognizes the
18 water was used for mining or other purposes from the priority date claimed by Eureka County for the
19 vested right. Notwithstanding the acknowledged chain of title and use of each spring on the date
20 claimed by Eureka County in its Proof, the State Engineer disregarded the established prior use and
21 erroneously determined the priority date for Eureka County's claims of vested right on these springs
22 as the date the water was first put to beneficial use for municipal purposes. The change in manner of
23 use of these sources occurred pre-1905 (refer to newspaper articles establishing the date water was
24 delivered to the town for fire protection and other purposes). There was no codified water law prior
25 to 1905 and Eureka County's predecessors would not have been able to file a change application for
26 the manner of use of the vested claim prior to 1905. NRS 533.085(1) prevents any application of a
27 statute that impairs rights which had vested prior to the enactment of the 1913 water law statutes. See
28 *In re Waters of Manse Springs*, 60 Nev. 280, 283-284, 108 P.2d 311, 313-314 (1940), *Andersen Family*
Associates, v. Hugh Ricci, P.E., 124 Nev. 182, 179 P.3d 1201 (2008).

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3. **Regarding V04509 (Bullwacker Spring) and V04510 (Richmond Spring), Eureka County objects to the State Engineer's rejection of Eureka County's claims based on when the Town of Eureka incorporated the sources into its water system, circa 1962.**

- The State Engineer ignored the detailed and thorough chain of title provided with and in support of their respective claims of vested rights, which demonstrate that the County is the successor-in-interest to the original patent holder (John E. Platter, USA Survey 104, 11/24/1876; Mineral Certificate No. 283, Patent No. 2094). The GLO Surveyor noted "The improvements consist of the pipe conveying water from the springs to the tanks, ditches, tunnels, to which I hereby certify were made by the applicant."
- The submitted chains of title further establish that there are no other parties having an interest in these sources of water.
- Supporting documentation including pictures and the Affidavit from Ron Damele, Public Works Director for Eureka County, demonstrate that:
 - Bullwacker Spring was a tunnel and included evidence that the site had been hand drilled (as opposed to mechanically drilled).
 - The works at Richmond Springs were found to be "consistent with the old era".
- Historically, and even today, water developed for mining and milling purposes was also used for fire protection and culinary or quasi-municipal purposes. The importance of water for fire protection purposes from springs south of the historic town site was well documented in the historic newspaper articles included in the submitted materials.

4. **Objections to Baumann's Claims to Lani, Middle, Fred, Bullwacker and Richmond Springs.**

- The records of the State Engineer's files show that neither Baumann nor their predecessors-in-interest, protested Applications 26532 – 26540, which were filed in 1972 by Eureka Water Association, Inc. for these same spring sources.
- The records of the State Engineer's files show that neither Baumann nor their predecessors-in-interest, protested Applications 40156, 40157, 40160, 40161 and

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40162, which were filed in 1979 by Eureka Water Association, Inc. for these same spring sources.

- While the Baumann’s supporting documentation demonstrate ownership of Simpson Creek Ranch (sometimes referred to as Hunter’s Creek Ranch or Shannon Station), there is no actual evidence or proof included with their vague documentation to support a claim for the actual and definitive use of the listed springs prior to 1905.
- The Simpson Creek Ranch is located approximately 2.3 miles east of the springs. Baumann cannot, therefore, claim a title interest in these springs. **See attached map.**
- The Baumanns did not appear or claim title to Lani, Middle, Fred, Bullwacker and Richmond Spring in the quiet title action EUREKA COUNTY filed in 2010. *See Judgment Quieting Title filed September 17, 2010 in Case No. CV 10006-141 filed in the Seventh Judicial District Court of the State of Nevada, In and For the County of Eureka, entitled Eureka County vs. Eureka Water Association, Inc. and all persons unknown claiming any right, title, estate, lien or interest in the real property described in the complaint adverse to Eureka County’s ownership, et al.* The Court found Defendants and “all other person claiming rights in the said water rights, are permanently enjoined from asserting any adverse claim to Eureka County’s right, title to, or interest in, said water rights.” *See Judgment Quieting Title at page 11.*
- Eureka County’s chain of title establishes and confirms their interests as a successor-in-interest to the original patent holder for Richmond Spring and Bullwacker Spring. Their title and interest in these sources is unbroken and unencumbered by any third-party including Baumann.
- If Baumann had any claims to Lani, Middle, Fred, Bullwacker and Richmond Springs, any such claims have been abandoned by Baumann.
- For Richmond Spring and Bullwacker Spring, Baumann cannot rightfully claim that they have historically “used (and still is being used)” by their ranch “prior to the formation of, and in conjunction with the Eureka Water Association or Eureka County abandoned the use of this spring in approximately 1992”. Neither Eureka County, nor

1 its predecessor-in-interest, ever abandoned the use of either of these springs for
2 municipal uses in the Town of Eureka. In fact, the records on file at the office of the
3 State Engineer confirm that the Town of Eureka, Eureka Water Association and/or
4 Eureka County was making continuous progress toward demonstrating beneficial use
5 of these sources from 1979 until they were certificated in 1991.

6 • Documentation submitted in support of Eureka County's claims to these springs (and
7 others) establish that between 2011 and 2013, Eureka County spent \$2,936,200 to
8 rehabilitate its springs. To address comments made by Nevada Department of Wildlife
9 (NDOW) as part of the environmental assessment for the spring rehabilitation project,
10 Eureka County agreed to add a wildlife trough to mitigate loss of wildlife at Bullwacker
11 Spring. The right of way stipulation also states the claims of Baumann on the Richmond
12 and Bullwacker Springs will be recognized and Eureka County will provide a meter
13 and appurtenances necessary for the Baumann's to divert their claim of 1/20 of a cubic
14 foot per second (22.44 gallons per minute), for use during the grazing season of their
15 term grazing permit(s). Ron Damele, Eureka County Public Works Director, has never
16 seen Baumann's cows at Richmond Spring or Bullwacker Spring since the troughs were
17 put in. Ithurrealde historically watered his cows and sheep in the area of these springs,
18 not Baumann. In the right of way stipulation Eureka County did not relinquish its right
19 to object to Baumann's claims of vested right at Richmond and Bullwacker Springs in
20 a future adjudication process, only to provide the referenced water works.

21 • Until these springs were improved by Eureka County in 2012 to include troughs for
22 wildlife purposes, there was no physical provision for stock to access these springs.
23 Use of the springs by cattle would have conflicted with the municipal and domestic
24 (drinking water) purposes of Eureka County.

25 • The Baumann's claims are within the Spanish Gulch Grazing Allotment. As set forth
26 in Paragraph 24 and Exhibit 5 to the Affidavit of Ron Damele filed on May 27, 2016
27 in this matter, the Baumann's, through previous agreements, could not graze on the
28

1 allotment above 7,000 feet and Bullwacker and Richmond Spring are at elevations
2 above 7,000 feet.

- 3 • Lani Spring: Eureka County's chain of title establishes and confirms their interests as
4 a successor-in-interest to the party who filed the Notice of Water Right Location
5 (1889). Their title and interest in this source is unbroken and unencumbered by any
6 third-party including Baumann.
- 7 • Middle Spring: Eureka County's chain of title, dating back to 1873, establishes and
8 confirms that they are the successor-in-interest to the owner of the water source. From
9 1873 forward in time, their title and interest in this source is unbroken and
10 unencumbered by any third-party including Baumann.
- 11 • Fred Spring: Eureka County's chain of title establishes and confirms their interest in
12 this source from county tax records (1878). From that date forward, their title and
13 interest in this source is unbroken and unencumbered by any third-party including
14 Baumann. Additionally, at the time of Eureka County's Spring Rehabilitation Projects
15 (2011 – 2013) this spring was not visible, and the actual location was indistinguishable
16 without the aid of a metal detector. As a result, there was no surface water available at
17 this source for Baumann's stock.

18 **5. Conclusion.**

19 With regard to Eureka County's Claims and for its objections to the Baumann Claims, Eureka
20 County further refers the State Engineer to the Affidavits and attached exhibits, the court records, maps
21 and all Eureka County's documentation submitted in this matter on file with the State Engineer's
22 office.

23 In the event objections are filed in this proceeding which may impact the findings of the State
24 Engineer with respect to the claims of Eureka County and the other claims objected to, Eureka County
25 requests that it have the opportunity and reserves its right to review such objections so as to be able to
26 defend against them in the Administrative Hearing.

27 ///

28 ///

1 Respectfully submitted this 7th day of November, 2018.

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4 Carson City, NV 89703
5 Telephone: (775) 687-0202
6 Email: kpeterston@allisonmackenzie.com

7 By: 

8 KAREN A. PETERSON, Esq.
9 Nevada State Bar No. 366

10 Attorneys for EUREKA COUNTY
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of **ALLISON MacKENZIE, LTD.**, Attorneys at Law,
and on this date, I caused to be delivered the foregoing document(s) as follows:

**James E. & Vera L. Baumann
P.O. Box 308
Eureka, NV 89316**

DATED this 7th day of November, 2018.


NANCY FONTENOT

4830-4478-4250, v. 1

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Exhibit A

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

THIS SPACE FOR OFFICE USE ONLY

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

Returned to applicant for correction.....

Corrected application filed..... Map filed Feb. 24, 1972 under 26532

The applicant Eureka Water Association, Inc.
 P.O. Box 263 of Eureka
Street and No. or P.O. Box No. City or Town
 Nevada 89316 hereby make application for permission to appropriate
State and Zip Code No.
 the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.) Nevada - March 22, 1967.....

1. The source of the proposed appropriation is Richmond Spring
Name of stream, lake, spring, underground or other source.
2. The amount of water applied for is 111 c.f.s. second feet.
One second foot equal 448.83 gallons per minute.
 (a) If stored in reservoir give number of acre-feet 200,000 gallon storage tank
3. The water to be used for Municipal and Domestic
Irrigation, power, mining, manufacturing, domestic or other use.
4. If use is for:
 - (a) Irrigation
State number of acres to be irrigated.
 - (b) Stockwater
State number and kinds of animals to be watered.
 - (c) Other use (describe fully under "No. 12. Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream

1-2-73
 1-2-73
 1-2-73

5. The water is to be diverted from its source at the following point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19,
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
T. 19 N., R. 54 E., M.D.B. & M. OR at a point from which the W 1/16
Corner Section 13-24, T. 19 N., R. 53 E., M.D.B. & M. bears N. 51° 41' W.,
5,383.08 feet distant.

6. Place of use... SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, SW $\frac{1}{4}$
Describe by legal subdivisions, if on unsurveyed land, it should be so stated.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, T. 19 N., R. 53 E.,
M.D.B. & M.

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

8. Description of proposed works (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Water is piped to a storage tank
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.
then to the place of use.

9. Estimated cost of works \$15,000.00

10. Estimated time required to construct works completed

11. Estimated time required to complete the application of water to beneficial use 30 days

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

The water from this spring is presently being used for Municipal and Domestic purposes and has been used since the year 1873.

For the supporting map please refer to No. 26532.

Eureka Water Association, Inc.
Applicant
1979 DEC 21 PM 2

STATE ENGINEER OFFICE

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

By *Richard W. Forman*
Richard W. Forman, Agent
P.O. Box 150
Street and No. or P.O. Box No.
Ely, Nevada 89301
City, State, Zip Code No.
2280 (Rev. 11-72)

\$35 FILING FEE MUST ACCOMPANY APPLICATION

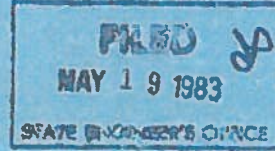
PROOF OF COMPLETION OF WORK

Richmond

Permit No. 40156

STATE OF NEVADA

COUNTY OF CARSON CITY



ss.

Comes now Lumos & Assoc., Inc., the Agent for Town of Eureka

who after being first duly sworn, deposes and says that at least Two Thousand dollars (\$2,000.00 has been expended in work or improvements performed or made under the conditions provided in Permit No.

40156, pertaining to the completion of said works, and at the expense of the permittee.

Said improvements consisted of Perforated collector line connected to a 4" transmission line which was constructed in 1968. A totalizing meter to measure flow from springs identified in Permit 40156 through 40165 is being installed as a part of a water system contract approved May 6, 1983.

If an underground source, state size and depth of well with casing and make and type of pump and motor.

said work being essential to the actual diversion of the water applied for and in the completion of the work required under said permit. Said work completed prior to in 1983, 1968 and prior thereto.

Point of diversion located within the NW 1/4 SW 1/4 Sec. 19, T. 19 N., R. 54 E., M. D. B. & M.

WELL LOG FILED Yes [] No [] N/A

Subscribed and sworn to before me this 17th day of

May, 1983

Shirley E. Matthews

Notary Public in and for the County of Carson City

State of Nevada

My commission expires 12/31, 1988

Signed [Signature] Lumos & Associates, Inc. Address 625 Fairview Drive #102 Carson City, NV 89701



TEN dollar filing fee must accompany this proof

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

OFFICE MEMORANDUM

To: WAYNE TESTOLIN, ELKO OFFICE

Date: Aug 10, 1990

From: STEVE BROWN, HYDRAULIC ENGINEER

Subject: FIELD INVESTIGATE PERMIT NO.: 40156
PLEASE FIELD INVESTIGATE AT YOUR CONVENIENCE.

OF
PROOFS OF BENEFICIAL USE

PERMIT 40156

1. Owner of Record and Address EUREKA WATER ASSN INC. P.O. BOX
537 EUREKA NV. 89316
2. Representative PAY LUMOS - LUMOS & ASSOCIATES
3. Source SPRING Description of works of diversion, measuring
vices and Pump and Motor if installed PIPELINE FROM SPRING TO
BILL WACKER SPRING PIPELINE TO HOLDING TANKS
4. Is the point of diversion as shown on map? If not, give approximate location
YES
5. Is manner of use as described on Proof of Beneficial Use? If not, explain, if
irrigation, give method YES
6. Is place of use or culture as described on map? If not, give description
YES
7. Give measurement of water and method of measurement NONE
8. Explain fully all discrepancies noted MEASUREMENT OF WATER
DONE BY TOTALIZING METER ON MAIN LINE
WHICH GIVES MEASUREMENT OF ALL SPRINGS
CONNECTED TO MAIN LINE. 51905.9
9. Opinion: NONE

2191111111

20 DEC 30 10:19

Robert Stewart
Investigating Party

12-17-90
Date

Permit No. 40156

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF PERMITTEE

FILED
JUN 21 1989
STATE ENGINEER'S OFFICE

NOTE—Questions 1 to 11, inclusive, must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See NRS 533.400, NRS 533.405 and NRS 533.410.)

QUESTION 1. What is your name, occupation, and post office address?

Answer.. Paul Lumos, Lumos & Associates, Inc., 800 E. Graves Lane, Carson City, NV 89706
Civil Engineer

QUESTION 2. Are you acting in behalf of the permittee? If so, state his name, address, and your authority for acting in his behalf.

Answer.. Permittee is Eureka Water Assn, Inc. P.O. Box 537, Eureka, NV 89316

We are his agent paid to act in his behalf.

QUESTION 3. What is the number of the permit under which this proof is made? Answer 40156

QUESTION 4. From what source do you obtain your water supply?

Answer.. Richmond Spring

Underground, stream, spring, etc.

QUESTION 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer.. Eureka Water System

QUESTION 6. To whom was the permit issued? If current owner is not the original permittee, give the succession of title.

Answer.. Eureka Water Association, Inc.

If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.

QUESTION 7. For what purpose are you using the water for which you are now making proof?

Answer.. Municipal & Domestic

Irrigation, municipal, quasi-municipal, mining, etc.

QUESTION 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer.. 0.130 CFS combined flow of springs under permits 40156-40165 inclusive

QUESTION 9. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of persons who made the measurements. Measurements must be made by a licensed State Water Right Surveyor.

Answer.. Date 5/87 to 5/88. Point meter at confluence of springs.

Name: Paul Lumos, Lumos & Associates, Inc, 800 E. Graves Lane, Carson City
NV 89706

QUESTION 10. State the period during the year when water has been beneficially used.

Answer.. January 1 to December 31

QUESTION 11. Water is diverted from its source at the following point W 1/4 NW 1/4 SW 1/4 Section 19,

T19N, R54E, MDB&M or at a point from which the W 1/16 corner common to Sections 13
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.
and 24, T19N, R53E bears N 51°41'W, a distance of 5,383.08'

IF WATER IS USED FOR IRRIGATION ANSWER THE FOLLOWING:

QUESTION 12. Upon how many acres have you beneficially used water? N/A

QUESTION 13. Give the number of acres in each legal subdivision. Enumerate only acreage upon which water has actually been beneficially used.

Answer.. N/A
_____ acres in the _____ of Sec....., T....., R.....E.
_____ acres in the _____ of Sec....., T....., R.....E.
_____ acres in the _____ of Sec....., T....., R.....E.
_____ acres in the _____ of Sec....., T....., R.....E.
_____ acres in the _____ of Sec....., T....., R.....E.
_____ acres in the _____ of Sec....., T....., R.....E.
_____ acres in the _____ of Sec....., T....., R.....E.
_____ acres in the _____ of Sec....., T....., R.....E.

QUESTION 14. Have you installed a headgate and weir or meter at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate or description of meter.

Answer.. N/A

QUESTION 15. Do you use the rotation system for irrigating?

Answer.. N/A

QUESTION 16. What is the character of the soil irrigated?

Answer.. N/A

**IF WATER IS USED FOR STOCK WATERING OR DOMESTIC PURPOSES
ANSWER THE FOLLOWING:**

QUESTION 17. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs.

Answer.. System of 2" to 6" diameter pipes, two 300,000 gallon steel tanks, and
one 200,000 gallon underground concrete tank.

QUESTION 18. Give approximate number and kind of animals watered. If water used for domestic purpose, describe such use.

Answer.. Domestic serves population of approximately 500 persons

**IF WATER IS USED FOR POWER OR MINING AND MILLING PURPOSES
ANSWER THE FOLLOWING:**

QUESTION 19. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer.. N/A

QUESTION 20. What are the dimensions of the cross-section of the pipe, flume, or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer.. N/A

QUESTION 21. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer.. N/A

QUESTION 22. Give any information concerning annual consumption of water for power or mining purposes, i.e., number of hours per day and days per year water is diverted. If consumption was metered, include summary of meter readings.

Answer.. N/A

IF WATER IS USED FOR ANY PURPOSE NOT HERETOFORE NAMED DESCRIBE FULLY:

Give all information relative to the works of diversion manner of use and place of use. Include a description of the number and types of units being served. Include actual meter readings if required by permit terms, or if available but not required. If metered readings are not included, give information concerning actual annual consumption of water. Include any other data or information you deem important for full description of beneficial use. Use attachments if necessary.

SE 1/4, SE 1/4 Section 15; SE 1/4 NE 1/4, NE 1/4 Section 23, SW 1/4 NW 1/4, W 1/4 SW 1/4
Section 13; W 1/4 NW 1/4 Section 24, T19N, R53E, MDB&M

Use map supporting application No. 26532

See attached Eureka County Water Meter Readings (1 sheet)

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed..

Paul [Signature]
Agent or Permittee

Subscribed and sworn to before me this 21 day of

June, 1989

Richard [Signature]

Notary Public in and for the County of Carson City,

State of Nevada

My commission expires October 14, 1991



(TEN DOLLAR FILING FEE MUST ACCOMPANY THIS PROOF)

**EUREKA COUNTY
WATER METER RECORDS**

Filename: EUR1200

DATE	ATHLETIC WELL	MONTHLY TOTAL	SPRINGS	MONTHLY TOTAL	TOTAL
8-13-86			36,025,900	2,070,700	2,070,700
9-8-86	5,557,450	230,610	38,096,600	1,975,200	2,205,810
10-7-86	5,788,060	66,080	40,071,800	3,298,800	3,364,880
11-21-86	5,854,140	50	43,370,600	2,350,400	2,350,450
12-24-86	5,854,190	(40)	45,721,000	2,628,100	2,628,060
1-29-87	5,854,150	(10)	48,349,100	2,017,400	2,017,390
2-25-87	5,854,140	0	50,366,500	2,353,100	2,353,100
3-26-87	5,854,140	235,310	52,719,600	3,208,600	3,443,910
4-28-87	6,089,450	110,750	53,928,200	3,082,100	3,192,850
5-26-87	6,200,200	167,800	59,010,300	3,725,700	3,893,500
6-25-87	6,368,000	438,640	62,736,000	3,714,100	4,152,740
7-28-87	6,806,640	444,450	66,450,100	2,933,300	3,377,750
8-25-87	7,251,090	360,200	69,383,400	2,680,000	3,040,200
9-24-87	7,611,290	303,700	72,063,400	2,106,000	2,409,700
10-22-87	7,914,990	25,960	74,169,400	2,299,000	2,324,960
11-24-87	7,940,950	13,510	76,468,400	2,324,400	2,337,910
12-30-87	7,954,460	104,300	78,792,800	1,725,100	1,829,400
1-27-88	8,058,760	210,240	80,517,900	4,207,000	2,208,620 #
3-30-88	8,269,000	124,580	84,724,900	1,874,200	1,998,780
4-26-88	8,393,580	292,830	86,599,100	2,320,500	2,613,330
5-24-88	8,686,410	372,080	88,919,600	2,777,100	3,149,180
6-27-88	9,058,490	349,150	91,696,700	2,565,100	2,914,250
7-26-88	9,407,640	266,130	94,261,800	3,002,000	3,268,130
8-30-88	9,673,770	1,306,880	97,263,800	2,514,300	3,821,180
9-26-88	980,650 #	0	99,778,100	2,380,100	2,380,100
10-26-88	887,380 #	0	2,158,200	2,560,700	2,560,700
11-29-88	887,380 #	0	4,718,900	8,025,000	2,006,250 #
		0			
3-28-89		0	12,743,900	2,093,700	2,093,700
4-26-89		0	14,837,600	2,355,200	2,355,200
5-24-89		0	17,192,800		

NOTE: # TOTAL INDICATES AVERAGE MONTHLY VALUE OVER INTERVAL
READING DOES NOT APPEAR ACCURATE

ANNUAL TOTALS:

5/87-4/88	2,304,130	30,670,900	32,975,030
6/87-5/88	2,486,210	29,909,300	32,395,510
7/87-6/88	2,690,490	28,960,700	31,651,190
8/87-7/88	2,601,000	27,811,700	30,412,700
9/87-8/88	2,422,680	27,880,400	30,303,080
	2.69 MG = 8.26 AF	30.67 MG = 94.13 AF	32.975 MG =
		2.170 CFS	401.20 AF

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Paul Lumos, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Richmond Spring through a collector line, storage tanks and distribution system for Municipal and Domestic purposes. The point of diversion of water from the source is as follows:

NW1/4 SW1/4 Section 18, T.19N., R.54E.,
M.D.B.&M. or at a point from which the W1/16
corner common to Sections 13 and 24, T.19N.,
R.53E., M.D.B.&M. bears N. 51° 41' W. a
distance of 8,383.08 feet situated in Eureka
County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.426, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator: Eureka Water Association, Inc.
Source: Richmond Spring
Manner of Use: Municipal and Domestic
Amount of appropriation: 0.111 c.f.s. but not to exceed 26.18 million gallons annually
Period of use: January 1st to December 31st of each year
Date of priority of appropriation: December 21, 1979

Description of the works of diversion, manner and place of use:

Water is developed by means of a perforated collector line connected to a 4 inch pipeline to two 300,000 gallon steel tanks and one 200,000 gallon underground concrete tank, thence through a distribution system to the Town of Eureka located in the SE1/4 NE1/4, SE1/4 Section 14; SE1/4 NE1/4, N1/2 NE1/4, Section 23; SW1/4 NW1/4, W1/2 SW1/4, Section 13; W1/2 NW1/4, Section 24, T.19N., R.53E., M.D.B.&M.

The total combined rate of diversion under any certificates issued under Permits 40156, 40157, 40158, 40159, 40160, 40161, 40162, 40163, 40164 and 40165 shall not exceed 0.13 c.f.s.

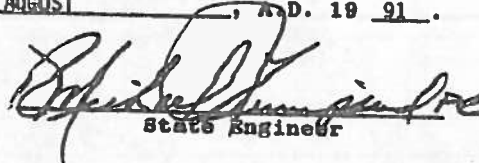
The total combined duty of water under any certificates issued under Permits 40156, 40157, 40158, 40159, 40160, 40161, 40162, 40163, 40164 and 40165 shall not exceed 30.67 million gallons annually.

This certificate is issued subject to the terms of the permit.

continued

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

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of AUGUST, A.D. 19 91.


State Engineer

bk/vjw

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

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

Returned to applicant for correction.....

Corrected application filed.....

Map filed..... February 1972 under 26532

The applicant Eureka Water Association, Inc.

P. O. Box 263, of Eureka

Nevada 89316, hereby make application for permission to appropriate the public

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Nevada - March 22, 1967

1. The source of the proposed appropriation is Bullwacker Spring

2. The amount of water applied for is .111 cfs second-feet

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

3. The water to be used for Municipal and Domestic

4. If use is for:

(a) Irrigation (state number of acres to be irrigated).....

(b) Stockwater (state number and kinds of animals to be watered).....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point: in the SW 1/4 SW 1/4 Section 19, T. 19N.,

R. 54E., M.D.B.&M. or at a point from which the W 1/16 Corner Section 13-24,

T. 19N., R. 53E., M.D.B.&M. bears N. 46°53' W., 5,844.21 feet distant.

it should be stated.

6: Place of use SE 1/4 NE 1/4, SE 1/4 Section 14, SE 1/4 NE 1/4, N 1/2 NE 1/4 Section 23, SW 1/4 NW 1/4, W 1/2 SW 1/4

Section 13, W 1/2 NW 1/4 Section 24, T. 19N., R. 53E., M.D.B.&M.

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

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

then to the place of use.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

- 9. Estimated cost of works..... \$ 15,000
- 10. Estimated time required to construct works..... completed
- 11. Estimated time required to complete the application to beneficial use..... 30 days
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

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

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

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

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

APPROVAL OF STATE ENGINEER

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

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

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

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

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

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

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

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

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

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

Commencement of work filed.....
Completion of work filed..... MAY 19 1983
Proof of beneficial use filed..... 6-21-89
Cultural map filed.....
Certificate No. 12928 Issued AUG 15 1991

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

A.D. 1982

State Engineer

PROOF OF COMPLETION OF WORK

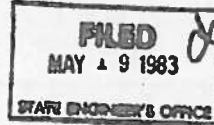
Bullwhacker

Permit No. 40157

STATE OF NEVADA

COUNTY OF CARSON CITY

} ss.



Comes now LUMOS & ASSOC., INC., the Agent for Town of Eureka

who after being first duly sworn, deposes and says that at least Seven Thousand dollars (\$7,000.00) has been expended in work or improvements performed or made under the conditions provided in Permit No.

40157, pertaining to the completion of said works, and at the expense of the permittee.

Said improvements consisted of Complete rehabilitation by cleaning spring site, install gravel bedding, install 2" collector line and connect to 4" A.C. transmission line. Said 4" transmission line extends to connection with storage reservoir in Eureka. A totalizing meter to measure flow from springs identified in Permits 40156 through 40165 is being installed as a part of a water system contract approved May 6, 1983.

If an underground source, state size and depth of well with casing and make and type of pump and motor.

said work being essential to the actual diversion of the water applied for and in the completion of the work required under said permit. Said work completed in 1983, 1968 and prior thereto.

Point of diversion located within the SW 1/4 SW 1/4 Sec 19, T 19 N, R 54 E, M. D. B. & M.

WELL LOG FILED Yes [] No [] N/A

Subscribed and sworn to before me this 19th day of May, 1983

Sharon E. Matthews

Notary Public in and for the County of Carson City

State of Nevada

My commission expires 12/83, 1980

Signed [Signature] Lumos & Associates, Inc. Address 625 Fairview Dr. #102 Carson City, NV 89701



Three dollar filing fee must accompany this proof

Permit No. 40157

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

FILED
JUN 21 1989
STATE ENGINEER'S OFFICE

DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 11, inclusive, must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See NRS 533.400, NRS 533.405 and NRS 533.410.)

QUESTION 1. What is your name, occupation, and post office address?

Paul Lumos, Lumos & Associates, Inc. 800 E Graves, Carson City, NV 89706

Answer.. Civil Engineer

QUESTION 2. Are you acting in behalf of the permittee? If so, state his name, address, and your authority for acting in his behalf.

Permittee is Eureka Water Assn, Inc, P.O. Box 537, Eureka NV 89316

Answer..

We are his agent paid to act in his behalf

QUESTION 3. What is the number of the permit under which this proof is made? Answer 40157

QUESTION 4. From what source do you obtain your water supply?

Bullwacker Spring

Answer..

Underground, stream, spring, etc.

QUESTION 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Eureka Water System

Answer..

QUESTION 6. To whom was the permit issued? If current owner is not the original permittee, give the succession of title.

Eureka Water Association, Inc.

Answer..

If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.

QUESTION 7. For what purpose are you using the water for which you are now making proof?

Municipal & Domestic

Answer..

Irrigation, municipal, quasi-municipal, mining, etc.

QUESTION 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer.. 0.130 CFS combined flow of springs under permits 40156-40165 inclusive

QUESTION 9. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of persons who made the measurements. Measurements must be made by a licensed State Water Right Surveyor.

Answer.. Date 5/87 to 5/88 Point meter at confluence of springs.

Name: Paul Lumos Lumos & Associates, Inc. 800 E Graves Lane

Carson City, NV 89706

QUESTION 10. State the period during the year when water has been beneficially used.
January 1 to December 31

Answer..

QUESTION 11. Water is diverted from its source at the following point Within SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19.

Describe as being within a 40-acre subdivision of
T19N, R54E, MDB&M or at a point from which the W1/16 Corner to Sections
13 and 24, T19N, R53E, bears N46 $^{\circ}$ 53'W, a distance of 5,844.21'
public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.

IF WATER IS USED FOR IRRIGATION ANSWER THE FOLLOWING:

QUESTION 12. Upon how many acres have you beneficially used water? N/A

QUESTION 13. Give the number of acres in each legal subdivision. Enumerate only acreage upon which water has actually been beneficially used.

Answer.. N/A acres in the _____ of Sec....., T....., R..... E.
_____ acres in the _____ of Sec....., T....., R..... E.
_____ acres in the _____ of Sec....., T....., R..... E.
_____ acres in the _____ of Sec....., T....., R..... E.
_____ acres in the _____ of Sec....., T....., R..... E.
_____ acres in the _____ of Sec....., T....., R..... E.
_____ acres in the _____ of Sec....., T....., R..... E.
_____ acres in the _____ of Sec....., T....., R..... E.

QUESTION 14. Have you installed a headgate and weir or meter at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate or description of meter.

Answer.. N/A

QUESTION 15. Do you use the rotation system for irrigating?

Answer.. N/A

QUESTION 16. What is the character of the soil irrigated?

Answer.. N/A

**IF WATER IS USED FOR STOCK WATERING OR DOMESTIC PURPOSES
ANSWER THE FOLLOWING:**

QUESTION 17. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs.

Answer.. System of 2" to 6" diameter pipes, two 300,000 gallon steel tanks, and one
200,000 gallon underground concrete tank.

QUESTION 18. Give approximate number and kind of animals watered. If water used for domestic purpose, describe such use.

Answer.. Domestic serves population of approximately 500 persons

**IF WATER IS USED FOR POWER OR MINING AND MILLING PURPOSES
ANSWER THE FOLLOWING:**

QUESTION 19. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer.. N/A

QUESTION 20. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer.. N/A

QUESTION 21. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer.. N/A

QUESTION 22. Give any information concerning annual consumption of water for power or mining purposes, i.e., number of hours per day and days per year water is diverted. If consumption was metered, include summary of meter readings.

Answer.. N/A

IF WATER IS USED FOR ANY PURPOSE NOT HERETOFORE NAMED DESCRIBE FULLY:

Give all information relative to the works of diversion manner of use and place of use. Include a description of the number and types of units being served. Include actual meter readings if required by permit terms, or if available but not required. If metered readings are not included, give information concerning actual annual consumption of water. Include any other data or information you deem important for full description of beneficial use. Use attachments if necessary.

SE 1/4 NE 1/4, SE 1/4 Section 14; SE 1/4 NE 1/4, N 1/4 NE 1/4 Section 23, SW 1/4 NW 1/4, W 1/4 SW 1/4
section 13, W 1/4 NW 1/4 Section 24, T19N, R53E, MDB&M
Use map supporting application No 26532
See attached Esraka County water Meter Readings (1 sheet)

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed 
Agent or Permittee

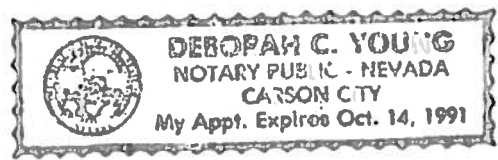
Subscribed and sworn to before me this 21 day of

June, 1989


Notary Public in and for the County of Carson City

State of Nevada

My commission expires October 14, 1991



**EUREKA COUNTY
WATER METER RECORDS**

Filename: EUR1200

DATE	ATHLETIC WELL	MONTHLY TOTAL	SPRINGS	MONTHLY TOTAL	TOTAL
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11-24-87	7,940,950	13,510	76,468,400	2,324,400	2,337,910
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8-30-88	9,673,770	1,306,880	97,263,800	2,514,300	3,821,180
9-26-88	980,650 #	0	99,778,100	2,380,100	2,380,100
10-26-88	887,380 #	0	2,158,200	2,560,700	2,560,700
11-29-88	887,380 #	0	4,718,900	8,025,000	2,006,250
3-28-89		0	12,743,900	2,093,700	2,093,700
4-26-89		0	14,837,600	2,355,200	2,355,200
5-24-89		0	17,192,800		

NOTE: # TOTAL INDICATES AVERAGE MONTHLY VALUE OVER INTERVAL
READING DOES NOT APPEAR ACCURATE

ANNUAL TOTALS:

5/87-4/88	2,304,130	30,670,900	32,975,030
6/87-5/88	2,486,210	29,909,300	32,395,510
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8/87-7/88	2,601,000	27,811,700	30,412,700
9/87-8/88	2,422,680	27,880,400	30,303,080

2.69 MG = 8.26 AF

30.67 MG = 94.13 AF

32975 MG =

2,130 CFS

401.20 AF

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Paul Lumos, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Bullwacker Spring through a collector line, storage tanks and distribution system for Municipal and Domestic purposes. The point of diversion of water from the source is as follows:

SW1/4 SW1/4 Section 19, T.19N., R.54E., M.D.B.&M. or at a point from which the W1/16 corner common to Sections 13 and 24, T.19N., R.53E., M.D.B.&M. bears N. 46° 53' W. a distance of 5,844.21 feet situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator: Eureka Water Association, Inc.
Source: Bullwacker Spring
Manner of Use: Municipal and Domestic
Amount of appropriation: 0.111 c.f.s. but not to exceed 26.18 million gallons annually
Period of use: January 1st to December 31st of each year
Date of priority of appropriation: December 21, 1979

Description of the works of diversion, manner and place of use:

Water is developed by means of a perforated collector line connected to a 4 inch pipeline to two 300,000 gallon steel tanks and one 200,000 gallon underground concrete tank, thence through a distribution system to the Town of Eureka located in the SE1/4 NE1/4, SE1/4 Section 14; SE1/4 NE1/4, N1/2 NE1/4, Section 23; SW1/4 NW1/4, W1/2 SW1/4, Section 13; W1/2 NW1/4, Section 24, T.19N., R.53E., M.D.B.&M.

The total combined rate of diversion under any certificates issued under Permits 40156, 40157, 40158, 40159, 40160, 40161, 40162, 40163, 40164 and 40165 shall not exceed 0.13 c.f.s.


The total combined duty of water under any certificates issued under Permits 40156, 40157, 40158, 40159, 40160, 40161, 40162, 40163, 40164 and 40165 shall not exceed 30.67 million gallons annually.

This certificate is issued subject to the terms of the permit.

continued

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

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of AUGUST, A.D. 19 91.


State Engineer

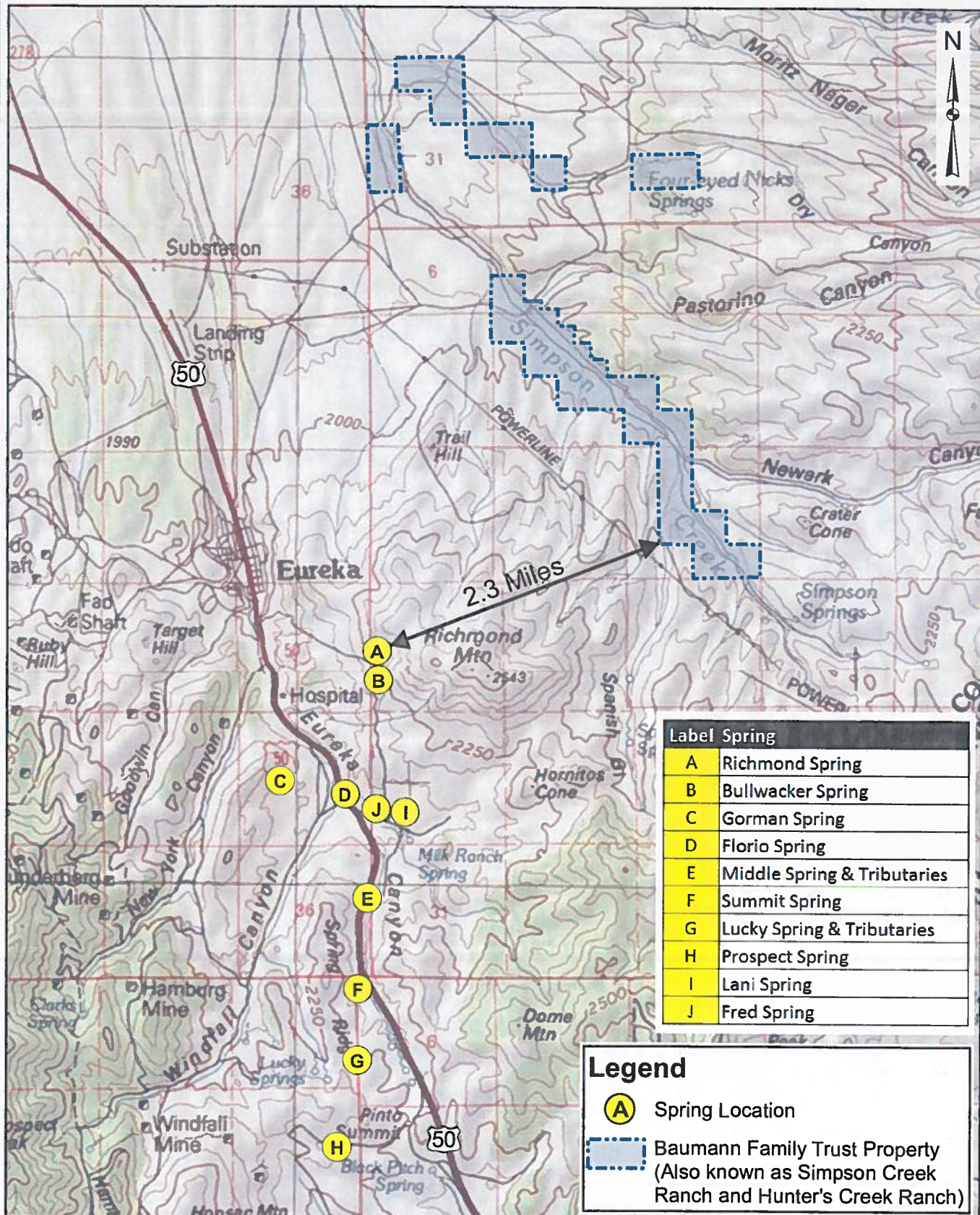
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**Attachment to
Eureka County's Objections to
Preliminary Order of Determination**

(Map re Simpson Creek Ranch)

Eureka County, Nevada

SPRING RELATIONSHIPS TO BAUMANN FAMILY TRUST PROPERTIES



Label	Spring
A	Richmond Spring
B	Bullwacker Spring
C	Gorman Spring
D	Florio Spring
E	Middle Spring & Tributaries
F	Summit Spring
G	Lucky Spring & Tributaries
H	Prospect Spring
I	Lani Spring
J	Fred Spring

Legend

- (A)** Spring Location
- (Dashed Blue Line)** Baumann Family Trust Property (Also known as Simpson Creek Ranch and Hunter's Creek Ranch)

RECEIVED

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

2018 NOV -7 PM 4: 06
STATE ENGINEERS OFFICE

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.

AFFIDAVIT OF ROBERT O. ANDERSON, P.E., W.R.S., C.F.M.

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

ROBERT O. ANDERSON, P.E., W.R.S., C.F.M., under penalty of perjury, does
solemnly swear and affirm that the following assertions are true:

1. I received my Bachelor of Science degree in Civil Engineering from Montana State University. I am a registered Professional Engineer licensed in the states of Nevada (P.E. 7767), California (P.E. 41711) and Washington (P.E. 42196). I am a Water Right Surveyor (No. 814) in the state of Nevada and have been continuously licensed as such since 1988. I am also a Certified Floodplain Manager. I founded R.O. Anderson Engineering, Inc. in 1989 and I am responsible for the daily activities of the firm. Since 1989, a significant portion of my clients and assignments have been attributable to water right-related services. These services have routinely included preparing and processing water right permit applications; researching and documenting water right title for both public and private clients; preparing claims of vested rights and participating as necessary in surface water adjudication hearings; preparing opinions of water right values; and consulting with and advising clients relative to Nevada water right-related issues. In addition, I have been qualified to testify as a water right expert in several Nevada District Courts including Washoe County, Lyon County, Carson City and Douglas County. I have been qualified to testify before the Nevada State Engineer as an expert civil engineer and water right surveyor in matters relating to water rights and water right permitting.

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2. I make this affidavit as agent for objector EUREKA COUNTY and in support of Eureka County's request that I prepare Objections to 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, issued by the State Engineer on August 30, 2018.

3. In my capacity as agent for objector EUREKA COUNTY, I am qualified and authorized to file and verify Eureka County's Objections to Preliminary Order of Determination filed concurrently with this Affidavit.

4. I have carefully examined all the statements, exhibits and matters contained in Eureka County's Objections to Preliminary Order of Determination; all such statements made and exhibits and matters set forth therein are true and correct to the best of my knowledge, information and belief. Eureka County's Objections to Preliminary Order of Determination are made in good faith, with the intention of presenting evidence in support thereof in every particular.

5. I have further reviewed all the statements, exhibits and matters contained in Eureka County's Objections to Preliminary Order of Determination with representatives of EUREKA COUNTY.

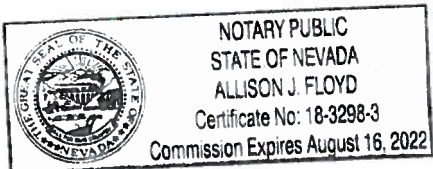
DATED this 7th day of November, 2018.



ROBERT O. ANDERSON, P.E.

STATE OF NEVADA)
 : ss.
COUNTY OF DOUGLAS)

On November 7th, 2018, personally appeared before me, a Notary Public, ROBERT O. ANDERSON, P.E., personally known (or proved) to me to be the person whose name is subscribed to the foregoing document, and who acknowledged to me that he executed the foregoing document.





NOTARY PUBLIC

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of **ALLISON MacKENZIE, LTD.**, Attorneys at Law,
and on this date, I caused to be delivered the foregoing document(s) as follows:

**James E. & Vera L. Baumann
P.O. Box 308
Eureka, NV 89316**

DATED this 7th day of November, 2018.



NANCY FONTENOT

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