

STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER

(Statutory vested water rights are those with a priority date prior to: March 1, 1905 for All Surface Sources; March 22, 1913 for Underground Artesian Waters; March 25, 1939 for Underground Percolating Water)

USE(S):

Primary (Please select only one):

Irrigation	<input checked="" type="checkbox"/>	Stock water	<input type="checkbox"/>	Mining and Milling	<input type="checkbox"/>	Domestic	<input type="checkbox"/>
Municipal	<input type="checkbox"/>	Industrial	<input type="checkbox"/>	Quasi-Municipal	<input type="checkbox"/>	Commercial	<input type="checkbox"/>
Federal Reserved Right	<input type="checkbox"/>	Other (OTH) _____					

Secondary (Select all that may be applicable):

Stock water	<input checked="" type="checkbox"/>	Domestic	<input checked="" type="checkbox"/>
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NAME OF CLAIMANT Wilfred R. Bailey and Barbara Bailey, Co-Trustees of Bailey Family Trust

Address %Fred Bailey P.O. Box 29 City of Eureka County of Eureka

State of Nevada Telephone No. 775-237-5225 Email Address rangeriders@yahoo.com

1. Source of water Bailey Spring

Name of natural water source (use separate proofs for each major source such as a spring, creek, river or underground)

2. The means of diversion Spring and Natural channel prior to improvements, then Ditches A, B, C, D & E

Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):

A point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T24N, R52E, MDB&M from which the SW corner of said section 36 bears N 45°30'00" W a distance of 975.00 feet.

(List all points of diversion from the source, attaching a sheet if necessary. Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner for any other use than stock water. If on unsurveyed land, it should be stated.)

4. The date of construction of the ditch or other works was begun 1863
and completed _____

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:
Beneficial use, Possessory Claims, Deeds, Patents and a minor portion of fenced public domain fenced
Patented, deeded, public domain with grazing permit, etc.

6. The claimant's water right was / ~~was not~~ recorded in the office of the County Recorder of
(circle one)
Eureka County, at Page 86-88 of Book A of Water Loc.
See Abstract of Title filed herein

7. The amount of water diverted for the claim's purpose has been measured at
2.000 cubic feet per second.
448.83 gallons per minute equals 1 cubic feet per second

8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):

(List all places of use for the primary and any secondary purposes being claimed, attaching additional sheet(s) as needed. Describe them as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated. If the watering of livestock is accomplished by utilizing the natural stream channel, then describe the 40-acre legal subdivision at the beginning (upstream point) and the legal subdivision at the end of the stream reach.)

QUESTIONS REGARDING WATERING OF LIVESTOCK

9. The approximate number of animals watered by the claimant during the first year of 1863 was
500 cattle 20 horses _____ sheep _____ other (describe in remarks)
Year

The watering was conducted during each of the following months: 12 months

10. The approximate number of animals watered by the claimant in subsequent years was:
Same cattle Same horses _____ sheep _____ other (describe in remarks)

11. The water is impounded in Spring and Natural Channel prior to improvements
Trough(s), tank(s), pool(s), reservoir, natural channel, etc.

QUESTIONS WITH REGARD TO IRRIGATION

12. The date of survey of ditch, canal, or pipe line was Unknown

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom 2½ feet,
width on top 3½ feet, depth 1½ feet, for _____ lineal feet of improvement,
on a grade of _____ feet per thousand feet. If conduit has been since enlarged, complete questions 16 & 17.
See original map for V01104 for length.

14. The dimensions and type of pipeline as originally constructed were: Diameter of _____ inches with
a type of pipe of _____ for _____ feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

If conduit has been since enlarged, complete questions 16 & 17.

15. The conduit has / has not been enlarged.
(circle one)

16. The work of enlargement of the ditch, canal or pipeline commenced _____
and completed _____

17. The dimensions of the enlarged ditch or canal are: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement, on a grade of _____ feet per thousand feet.

18. The dimensions of the enlarged pipeline are: Diameter of _____ inches with a type of pipe of _____ for _____ lineal feet in length.
Examples: Corrugated Metal Pipe, Riveted Iron Pipe or Wrapped Wooden Pipe

19. The claimant is / is not the owner in the above-described conduit.
(circle one)

If claimant is an owner in the conduit, state interest held on this line.

20. Crop(s) of alfalfa, meadow hay, cultivated or diversified pasture
(e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)

have been grown upon the land(s) irrigated.

21. The season of use for irrigation is typically from January 1 to December 31 of each year. The average number of cuttings in a year is typically 1 cuttings and the maximum number of cuttings in a year is 3 cuttings.

22. The water claimed has / has not been used for irrigation each and every year since the right was initiated.
(circle one)
Bailey Spring used each year until over-obligation of underground water decreased its flow.

23. The years during which no water was used for irrigation or during which the full water right was not used were _____
(If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending a sheet if necessary):

The flow of the original source of Bailey Spring has decreased to a large extent and its flow has been partially mitigated by Permit No. 63497. This proof is for the lands originally receiving water from Bailey Spring

24. The characteristics of the soil are sandy loam
Sandy, gravelly, loam

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is _____ cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is _____ acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is Undetermined cubic feet per second.

27. List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with their corresponding subdivision. (Attach additional sheets as needed.)

Date	Acres		Quarter-Quarter	Section	Township	Range
<u>1863</u>	<u>0.32**</u>	acres in the	<u>Lot 3</u> of Sec.	<u>30</u> , T.	<u>24N</u> (N./S.), R.	<u>53</u> E. ✕ (circle one)
<u>1863</u>	<u>0.39**P</u>	acres in the	<u>NESW</u> of Sec.	<u>30</u> , T.	<u>24N</u> (N./S.), R.	<u>53</u> E. ✕ (circle one)
<u>1863</u>	<u>31.00**</u>	acres in the	<u>Lot 4</u> of Sec.	<u>30</u> , T.	<u>24N</u> (N./S.), R.	<u>53E</u> E. ✕ (circle one)
<u>1863</u>	<u>18.59**P</u>	acres in the	<u>SESW</u> of Sec.	<u>30</u> , T.	<u>24N</u> (N./S.), R.	<u>53E</u> E. ✕ (circle one)
<u>1863</u>	<u>0.40**P</u>	acres in the	<u>Lot 1</u> of Sec.	<u>31</u> , T.	<u>24N</u> (N./S.), R.	<u>53</u> E. ✕ (circle one)
<u>1863</u>	<u>0.04**P</u>	acres in the	<u>NENW</u> of Sec.	<u>31</u> , T.	<u>24N</u> (N./S.), R.	<u>53</u> E. ✕ (circle one)
<u>1863</u>	<u>0.59**P</u>	acres in the	<u>NESE</u> of Sec.	<u>25</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>0.12**</u>	acres in the	<u>SWSE</u> of Sec.	<u>25</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>26.30**</u>	acres in the	<u>SESE</u> of Sec.	<u>25</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>22.61**</u>	acres in the	<u>NENE</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>15.55**</u>	acres in the	<u>NWNE</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>4.21**</u>	acres in the	<u>NWNE</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>0.34P**</u>	acres in the	<u>NENW</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>8.11**</u>	acres in the	<u>SENW</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>0.30**</u>	acres in the	<u>SENW</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>38.05**</u>	acres in the	<u>SWNE</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)
<u>1863</u>	<u>4.52**</u>	acres in the	<u>SWNE</u> of Sec.	<u>36</u> , T.	<u>24N</u> (N./S.), R.	<u>52</u> E. ✕ (circle one)

** Denotes culture of Harvest

P Culture on fenced unpatented land

27. List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with their corresponding subdivision. (Attach additional sheets as needed.)

Date	Acres	Quarter-Quarter	Section	Township	Range
<u>1863</u>	<u>1.40**</u>	acres in the <u>SENE</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>^</u> (circle one)			
<u>1863</u>	<u>0.59**</u>	acres in the <u>SENE</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>28.11**</u>	acres in the <u>NESW</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u><</u> (circle one)			
<u>1863</u>	<u>15.88**</u>	acres in the <u>NWSE</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>23.46**</u>	acres in the <u>NWSE</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>10.51**</u>	acres in the <u>NESE</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>6.38**</u>	acres in the <u>SESW</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>53</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>7.07**</u>	acres in the <u>SESW</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>6.70***</u>	acres in the <u>SESW</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>25.77**</u>	acres in the <u>SWSE</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>26.77**</u>	acres in the <u>SESE</u> of Sec. <u>36</u> , T. <u>24N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>1.75**</u>	acres in the <u>NWNW</u> of Sec. <u>6</u> , T. <u>23N</u> (N./S.), R. <u>53</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>23.16**</u>	acres in the <u>Lot 1</u> of Sec. <u>1</u> , T. <u>23N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>.09**P</u>	acres in the <u>Lot 2</u> of Sec. <u>1</u> , T. <u>23N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>2.49***P</u>	acres in the <u>Lot 2</u> of Sec. <u>1</u> , T. <u>23N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
<u>1863</u>	<u>11.68***</u>	acres in the <u>Lot 3</u> of Sec. <u>1</u> , T. <u>23N</u> (N./S.), R. <u>52</u> E. <u>X</u> (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. _____ (circle one)			

** Denotes Culture of Harvest

P- Culture on fenced unpatented land

*** Denotes cultivated lands

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

See supplement attached

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

Wilfred R. Bailey and Barbara Bailey, Trustees of are full and correct to the best of their knowledge and belief.
(Name) / the Bailey Family Trust

Deponent is the agent for the claimant.

If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant.

Name Fred Bailey Signature Fred Bailey
(Please type or print name) (Please sign in the presence of a Notary Public)

Address P.O. Box 29, Eureka State of NV ZIP Code 89316

Telephone Number 775-237-5225 Email Address rangeriders@yahoo.com

State of Nevada

County of Eureka

Subscribed and sworn to before me on May 25, 2016
(Date)

by Fred Bailey

Diane Podborny
Signature of Notary Public Required



Notary Stamp or Seal Required

THE FILING FEE IS \$120 FOR FILING EACH PROOF OF APPROPRIATION FORM, WITH THE EXCEPTION OF THE EXCLUSIVE FILING FOR A STOCK WATER CLAIM, WHICH HAS A \$60 FILING FEE.

SUPPLEMENT TO AMENDED PROOF OF APPROPRIATION NO. V01104, BAILEY SPRING

In 1912, Wallace Bailey filed for his mother, Marietta Bailey, a Proof of Appropriation of Water for Irrigation. The successors to that Proof are Wilfred and Barbara Bailey, Trustees of the Bailey Family Trust. Please refer to the Report of Conveyance previously submitted as to the chain of title.

An extensive research project was conducted to obtain additional evidence of the year the livestock operation was initiated by the predecessors of the claimant. Prior to the time that Eureka County was formed and Statehood, taxes were assessed by the Territory of Nevada. That assessment roll for Division No. 6 of Collection District No. 1 for the months of July and August of 1864 document a total of 232 cattle slaughtered, 32 swine slaughtered and 394 sheep slaughtered. The Affidavit of Wilfred Rand Bailey, Magazine articles and Press releases state operation of the ranch began in 1863. See Abstract of Title with Exhibits attached.

The tax rolls for the years 1872 prepared by the Lander County Treasurer and the 1873 & 1874 tax rolls prepared by Eureka County Treasurer assess E & R Bailey for a mowing machine, rake and hay press and refer to a possessory claim to a ranch with a described portion of the claimant's ranch property. It is interesting to note that the land described in the 1874 assessment did not have an official General Land Office survey which subdivided T24N, R52E, MDB&M until 1879. However, the East boundary of that township was surveyed, which provided a means of describing the lands by rectangular survey system by protraction. In addition, E&R Bailey acquired several parcels of land which are now included in the present ranch property from A.S. Wait, and T.M. Banks by deeds recorded in 1875. These men had filed possessory claims on the land in those deeds. The earliest possessory claim survey located for the ranch property was prepared in 1863 for Overland Stage/Wells Fargo Agents; Woodward, Wines, Stone and Griswold. This survey included the parcels purchased. See Abstract of Title filed herein.

From those assessment rolls and possessory claims it is evident that water was managed to some extent prior to the dates shown on Proof V01104 in 1912. The 1880 date set forth in the proof therefore was the year that an intensive irrigation system was initiated. From the machinery included in the tax roll, it evidences that a very preliminary system of irrigation was used to produce a crop prior to the construction of the ditches shown in the proof. The evidence of the Stage agents filing on agricultural land later purchased on the ranch suggests hay and grain were grown to fuel the stage operation moving people, packages and gold across the country. There is evidence that Baileys may have been involved with the U.S. Transcontinental Telegraph Line. Both companies used the Overland Trail which passes through Diamond Valley very near the Bailey Ranch. The proof claiming 1880 as the priority was clearly to document continued efforts to effectively irrigate the lands. In addition, the 1876 assessment roll included 800 head of Stock

Cattle. As evidenced by the Affidavit of Wilfred Bailey, it was necessary to have some hay production to support those cattle in winter months. All of which further evidences the need for hay harvest by the machinery which was assessed.

The filing of proofs by Wallace and Marietta Bailey claiming construction of ditches in 1880 and 1901 plus the evidence maintained by Lander and Eureka Counties and the culture map submitted in connection with this amended proof, evidence continued improvement and development of ranching property which supports the Doctrine of Relation Back for all acres claimed being watered by the source.

Based on the above and the Abstract of Title with exhibits for Proof of Appropriation, a priority of 1863 is claimed. Continued development and improvement of the irrigation system from the source-Bailey Spring-supports the Doctrine of Relation Back for the increased acreages shown on the amended proof and supplements the proof filed in 1912 which was clearly to document the change of the manner of use from an "Original Meadow" to the improvements described therein. Improved dams and ditches made it possible to capture source water for 12 months which allowed further acreage to be wetted throughout the year. The proof also was filed for Stockwatering and domestic purposes. The culture map filed with the original claim is very crude compared to maps filed in later years for vested claims.

The claimant has been granted a permit for a well under Permit No. 63497 being certificated under No. 16935 which does not completely mitigate this claim in date of appropriation or in acres. The amended proof is to correct the date of priority of use, the manner of use and extend the place of use for the source in the vested claim and is made on the present approved State claim form which is substantially different from the form of the original. The claim is for the beneficial use of the source in the original claim.

The culture map accompanying this amended proof shows the land in the original proof, the additional land to that proof, the additional ditch "E", dikes and the land under Permit No. 63497 for clarification.

RECEIVED
MAY 15 1912
COUNTY CLERK
EUREKA COUNTY

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

From Bailey Spring
Name of natural water source

Through Ditches
Name of ditch, flume, or pipe line

Wallace Bailey, the undersigned, being first
duly sworn, deposes and says that the facts relative to the appropriation of water by

Marietta Bailey are full and correct to the best of his
knowledge and belief.

This proof is made by the undersigned as the son and manager
of Marietta Bailey and her business interests
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

(1) Name of claimant Marietta Bailey
Address Eureka County of Eureka
State of Nevada

(2) The means of diversion employed Dam and ditches
Dam and ditch, pipe line, flume, etc.

(3) The date of the survey of ditch, canal, or pipe line was no survey

(4) The construction of the ditch or other works was begun Ditch "A" 1880
and completed 1880 - Ditches 15, C. D. 1901

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 2 feet to 2 1/2
feet, width on top 3 1/2 feet, depth 1 1/2 feet, on a grade of 1 1/2 feet per thousand feet.

(6) The conduit has (has not) been enlarged.
NOTE—If enlargement or extension of ditch was made, supply information under (7) and (8)

(7) The work of enlargement of the ditch or canal was begun
and completed

(8) The dimensions of the ditch or canal as enlarged are: Width on bottom _____ feet, width on
top _____ feet, depth _____ feet, on a grade of _____ feet per thousand feet.

(9) The claimant is (~~is not~~) ^{the} owner ^{of} the above-described conduits.

If claimant is an owner in the conduit, state interest held on this line

(10) The nature of the title to the land for which the water right is claimed is
U.S. Patents and State Contract

(11) Crops of Meadow grass - Alfalfa and grain
have been grown upon the land irrigated.

(12) The water has been used for irrigation from April 1 to Sept 30
of each year. Day of month Day of month

(13) The water was first used for irrigation by claimant or her grantors in the year 1880
when 105 acres were irrigated in the Sec. 36

T. 24 N. R. 52 E. being that portion designated as
"Original Meadow" and has been irrigated every
year since 1880.

(14) The additional number of acres first irrigated in subsequent years was as follows:

Year	Acres	Location	Sec.	T.	R.	E.
1901	9 1/2	acres in the SE 1/4 of SW 1/4	36	24 N	R. 52	E.
1901	11 1/2	acres in the Lot 3	1	23 N	R. 52	E.
1909	2 1/2	acres in the Lot 2	1	23 N	R. 52	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.
		acres in the		T.	R.	E.

Remarks: _____
Append a sheet if necessary

(15) The maximum acreage irrigated in any year was 128 1/2 acres.

(16) The water claimed has (~~has not~~) been used for irrigation each and every year since the right was initiated.
Strike out one not wanted

(17) The years during which no water was used for irrigation or during which the full water right was not used were all the water always used every year
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given, appending a sheet if necessary

(18) The claimant's water right was (was not) recorded in the office of the County Recorder of _____ County, said record being at page _____ of Book _____ of _____, and being a claim for _____ of water for the irrigation of _____ acres of land in the following legal subdivisions: _____

NOTE—Failure to record in the county in no way invalidates a water right, but if ditch or right was so recorded, supply full information under (19)

(19) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or irrigation works diverting or conveying the water claimed and the lands irrigated.

(20) Water from the source given and through the works described is also used for the following purposes other than irrigation:.....

(21) Remarks: *The total flow of the Bailey Spring is about two second feet and the claimant is the only user of said water. There is no other claimant to any of said water.*

Wallace Bailey

Subscribed and sworn to before me this *14th* day of *May*, 19*12*

R M Charles, County Clerk,

And ex-officio Clerk of the District Court, Bunkie, La.

Notary Public in and for the County of

My commission expires

This part of form to be left blank by claimant

Filing Serial No. **2104**

STATE OF NEVADA

Proof of Appropriation of
Water for Irrigation

Water Source

Through

Claimant

Filed in the Office of the State Engineer on

191

State Engineer

Certificate No. issued hereunder

191