

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       Stock water       Mining and Milling       Domestic
- Municipal       Industrial       Quasi-Municipal       Commercial
- Federal Reserved Right       Other (OTH) \_\_\_\_\_

Secondary (Select all that may be applicable):

- Stock water       Domestic

NAME OF CLAIMANT Sadler Ranch, LLC

Address Post Office Box 831      City of Forest Knolls      County of Marin

State of California      Telephone No. (415) 609-8077      Email Address rockbrain1@gmail.com

1. Source of water Eva Spring and tributaries  
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 springs flow into holding ponds for distribution through head gates, ditches & dikes  
Dam and ditch, pipeline, flume, natural channel, underground, etc.

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

(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 prior to 1871 - See Attachment  
and completed 1893 - See Attachment

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:  
Fee Simple Title --- See Attachment.  
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)  
See Attachment. County, at Page \_\_\_\_\_ of Book \_\_\_\_\_ of \_\_\_\_\_

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

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**MAY 31 2016** <sup>Page 1</sup>

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

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(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 prior to 1871 was  
Year  
250 cattle 62 horses \_\_\_\_\_ sheep see attach other (describe in remarks)

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

10. The approximate number of animals watered by the claimant in subsequent years was:  
250 cattle 62 horses \_\_\_\_\_ sheep see attach other (describe in remarks)

11. The water is impounded in See Attachment.  
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 See Attachment.

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom Unknown feet, width on top Unknown feet, depth Unknown feet, for see attachment lineal feet of improvement, on a grade of 2 to 5 feet per thousand feet. If conduit has been since enlarged, complete questions 16 & 17.

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)

Claimant holds fee simple title on private lands and a prescriptive right on public lands.

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

20. Crop(s) of alfalfa, meadow hay, meadow and garden See Attachment.

(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 1st to December 31st of each year. The average number of cuttings in a year is typically 2 cuttings and the maximum number of cuttings in a year is see attach cuttings.

22. The water claimed has / has not been used for irrigation each and every year since the right was initiated.  
(circle one)

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):

Due to the cessation in flows and ultimate drying up of Eva Springs and tributaries, the place of use can no longer be delivered water. Refer to the attached supporting map and the 1946 aerial photography for confirmation of the acres irrigated.

24. The characteristics of the soil are clay loam - See Attachment

Sandy, gravelly, loam

25. The minimum flow needed to push the diverted water over the claimed place of use in an average year is 2.1cfs See Attachment cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is 942.66 acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is 2.1cfs See Attachment cubic feet per second.

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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
_____ Sec	_____ Attachment	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)
_____	_____	acres in the _____	of Sec. _____	, T. _____	(N./S.), R. _____ E. (circle one)

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**MAY 31 2016**

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**ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING**

This proof is an amendment of the original Proof No. 02658 filed January 22, 1969. Additional historical information and documentation not included with the original proof has been obtained which necessitates the amendment of this proof of appropriation. See Attachment.

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

Sadler Ranch, LLC are full and correct to the best of their knowledge and belief.  
(Name)

Under authority and direction from 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 Michael D. Buschelman  
(Please type or print name)

Signature *Michael D. Buschelman*  
(Please sign in the presence of a Notary Public)

Address Post Office Box 51371, City of Sparks State of Nevada ZIP Code 89435

Telephone Number 775-355-9628 Email Address mike@mbuschelman.com

State of Nevada

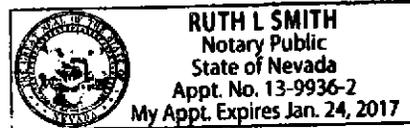
County of Washoe

Subscribed and sworn to before me on 5-29-16  
(Date)

by Michael D. Buschelman

*Ruth L Smith*

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.**

Eva Springs and Tributaries Proof No. 02658

SECTION	SUBDIVISION	TOWNSHIP	RANGE	CULTIVATED ACREAGE	CULTURE DESCRIPTION	DATE OF FIRST CULTURE
5	SW1/4 NW1/4	24N	53E	3.60	MEADOW HAY	Prior to 1871
"	SW1/4 NW1/4	"	"	8.81	MEADOW	"
"	SE1/4 NW1/4	"	"	3.15	"	"
"	NE1/4 SW1/4	"	"	0.97	"	"
"	NW1/4 SW1/4	"	"	1.65	"	"
"	NW1/4 SW1/4	"	"	1.06	MEADOW HAY	"
6	SE1/4 NW1/4	24N	53E	1.20	"	"
"	SE1/4 NE1/4	"	"	18.00	"	"
"	SW1/4 NE1/4	"	"	3.80	"	"
"	NW1/4 SE1/4	"	"	10.00	"	"
"	NE1/4 SE1/4	"	"	8.90	"	"
"	SW1/4 SE1/4	"	"	1.00	"	"
"	SW1/4 SE1/4	"	"	1.87	MEADOW	"
"	SW1/4 SE1/4	"	"	3.39	"	"
"	NE1/4 SW1/4	"	"	20.40	MEADOW HAY	"
"	NE1/4 SW1/4	"	"	0.90	GARDEN	"
"	SE1/4 SW1/4	"	"	13.70	MEADOW HAY	"
"	SE1/4 SW1/4	"	"	3.51	MEADOW	"
"	SE1/4 SW1/4	"	"	4.07	"	"
7	NE1/4 NW1/4	24N	53E	1.27	"	"
"	SE1/4 NW1/4	"	"	1.56	MEADOW	"
"	NW1/4 NE1/4	"	"	21.20	"	"
"	NE1/4 NE1/4	"	"	0.48	"	"
"	SE1/4 NE1/4	"	"	25.96	"	"
"	SW1/4 NE1/4	"	"	17.00	"	"
"	NE1/4 SE1/4	"	"	2.95	"	"
"	NW1/4 SE1/4	"	"	2.02	"	"
"	NW1/4 SW1/4	"	"	9.77	"	"
"	NE1/4 SW1/4	"	"	12.81	"	"
"	SW1/4 SW1/4	"	"	2.24	"	"
8	SW1/4 NW1/4	"	"	2.24	"	"
			TOTAL	209.48		

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Attachment  
to  
Amended Proof of Appropriation No. 02658

Eva Springs and Tributaries also known as the Brown Ranch  
Claimant: Sadler Ranch, LLC

The original Proof of Appropriation No. 02658 for Eva Springs complex was filed by George W. and Rita I. Brown with the Nevada Division of Water Resources on January 22, 1969 along with a culture map and supporting documentation. This spring complex is located on the westerly side of Diamond Valley, approximately 33 miles north of Town of Eureka, Nevada. This ranch commonly referred to as the Brown Ranch was consolidated into the Sadler Ranch holdings which includes the Eva Springs (Proof No. 02658), Shipley Springs (Proof No. 03289) and Indian Camp Springs (Proof No. 03290).

Research has been completed to further refine the priority, confirm the place and manners of use, itemize water right acres and estimate an average duty of water associated with Eva Springs and tributaries. Extensive documentation and historical accounts must be taken into consideration in order to fully define the beneficial use of the entire flow Eva Springs and tributary water sources. Due to the extensive historical documentation of the ranching and farming enterprise maintained by the Sadler Family, a majority of the historical references and practices utilized to support Eva Spring complex amended Proof No. 02658 are associated with the Sadler Family.

Many document packets accompany this proof as supporting material. The batestamped numbers referenced herein refer to those document packets. All documents submitted to support Amended Proof of Appropriation No. 03289 are incorporated herein. Please see the supporting documents being supplied along with this submission. Additional research and evidence can be provided if needed upon request.

Historical use of water from Eva Springs and tributaries has been documented by use of historical aerial photography dating back to 1946 and supporting documentation dating back to 1871. Due to continued declines of water flows from Eva Springs and tributaries, cultivated acres were confirmed by use of 1946 aerial photography as well as historical accounts and documents.

Amendments to the original Proof of Appropriation No. 02658 include:

- The priority has been documented as prior to 1871.

- Additional documentation is provided confirming the pre – statutory beneficial use of water for multiple year round purposes from Eva Springs.
- The manner of use includes irrigation, stock water, soil salt leaching, domestic, storage and quasi-municipal purposes.
- The period of use is January 1<sup>st</sup> through December 31<sup>st</sup> of each year.
- The entire flow of Eva Springs and tributaries has been historically utilized to support the economic viability of the Brown Ranch, now owned by Sadler Ranch, LLC.
- Sadler Ranch, LLC is the successor to the previous owners of land and historical water claims now known as the Brown Ranch located in Diamond Valley, Nevada.

Proof of Appropriate No. 02658 is to be amended based on the following summary of findings and exhibits.

**Item No. 3 – Points of diversion**

The Eva Springs complex flows into holding ponds for distribution through head gates, channels, ditches, seasonal detention basins and dikes throughout the place of use. Refer to map filed under Proof No. 02658.

Lot 6 (NW1/4 SW1/4) of Section 6 T<sup>24N</sup>25N, R53E, MDM at a point from which the NW Corner of said Section 6 bears North 18 degrees 06 minutes West, a distance of 3,051.0 feet. <sup>KAY 7-1-10</sup>

**Item No. 4 – Date of construction of works**

The Eva Springs and tributaries was a naturally flowing spring complex which supported a wide variety of uses. The original settlers of Diamond Valley utilized the natural spring system, drainages and culture from their appearance prior to 1871. These same settlers constructed additional water delivery systems to enhance the productivity of crops, reliability of delivery, storage of water and multiple year round beneficial uses. Construction of the distribution systems was completed in prior to 1893 as reported by George W. and Rita I. Brown, claimants, under the original filing of Proof Nos. 02658 on January 22, 1969.

**Item No. 5 – Claimants title to land and water**

Sadler Ranch, LLC, purchased the land and appurtenant water rights known as the Brown Ranch. The privately held parcels and appurtenant water rights were historically consolidated into a single ownership through multiple acquisitions of possessory claims and land patents. Water from Eva Springs and tributaries was placed to beneficial use on public lands until possessory claimants gained fee title ownership of the land and appurtenant water rights. Water from Eva Springs and tributaries continued to be placed to beneficial use on private and public lands until the flows dried up. Proof No. 02658

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has been amended and the culture map has been expanded to illustrate the total acres irrigated by annual flows from Shipley Springs and tributaries. .

Sadler Ranch, LLC holds fee title interest in the privately held lands and appurtenant water rights. Sadler Ranch, LLC holds title to water rights appurtenant to public lands. Water from Eva Spring and tributaries were placed to beneficial use on private and public lands now known as Brown Ranch.

**Item No. 6 – Claimants water right was recorded in several locations:**

The original Proof of Appropriation No. 02658 filed at the Nevada Division of Water Resources on January 22, 1969 lists the priority for the irrigation of 81.4 acres of land, domestic use and stock water use as 1893. A statement under Item No. 20 of this proof notes that BLM Field survey documents of 1879 were utilized to verify meadows and irrigation from ditches that have existed since that time. Research conducted of the US Bureau of Land Management Cadastral Survey records and the Lander County Recorder, Treasurer and Assessor records has confirmed water diversions for irrigation, domestic and stock water purposes from Eva Springs were initiated in 1871. Subsequent uses of water were expanded as the Sadler Ranch enlarged it's operation staffing. The priority date under Proof No. 02658 is amended to 1871 based on the following documentation.

Eureka County was created from a portion of Lander County in 1873. The first tax records available in Eureka County in 1873 indicate that James White controlled the possessory interest in what is now called the Brown Ranch. White's House was illustrated on the Cadastral Survey for Township 24 North, Range 53 East. The date of the survey of the western boundary was conducted in 1870, discussed below.

- Reference Bates BRT000004, 1873 tax records James White.

**US General Land Office / Bureau of Land Management Cadastral Survey Field Notes from Book No. 76 dated October 1870:**

Samuel Adrian and Louis Bates (Adrian & Bates) were contracted by the US General Land Office to survey and establish township lines between Townships T24N, R52E and T24N and R53E. Field surveys conducted by these two surveyors were documented in field notes. In accordance with the instructions to field surveyors by the US General Land Office, Adrian & Bates included information in their field survey notes as to the existence of settlers, man made improvements, topographical features, character of the soil, vegetation and potential for farming. The surveyors' comments included in the field notes were limited to those features they were able to identify in the vicinity of the contracted survey lines.

- Refer to Bates Number GD000001 US General Land Office Cadastral Field Survey Notes identified as Book No. 76 by Surveyors Samuel Adrian and Louis Bates (Adrian & Bates)

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**MAY 31 2016**

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- Refer to Bates Numbers GD000001 and GD 000027 the US General Land Office Township Plat for T24N, R52 and 53 E
- Refer to Bates Numbers GD000005-000026 Surveyors Adrian & Bates identified several locations where they entered and exited “meadows”. They characterized the land as level with sage brush, grass, meadow and first rate soil. They also identified those land areas with only sage brush.
- Refer to Bates Numbers GD000005-000026 - Surveyors Adrian & Bates traveled north on October 29, 1870 between Sections 13 and 18 of T24N R52 & 53E, they identified the “south west corner of hay corral” as being due north 13.00 chains from the Section Corner common to 19, 24, 13 & 18. The existence of this hay corral confirms the construction of facilities to produce crops, the active harvest of crops and the purposeful irrigation of fields.
- Refer to Bates Numbers GD000005-000026 - Surveyors Adrian & Bates reported in their field notes “North between R52 & 53E, T24N, there are several settlements in the first tier of sections, each side of the range line; also considerable meadow land formed by the sink of the water from Hot Springs.....”.

**Documentation of pre-statutory beneficial use of Eva Springs for multiple year round purposes:**

Pre-statutory (pre-1905) uses of the Big Shipley Springs water are noted in numerous documents recorded in Eureka County and the Nevada Division of Water Resources also known as the State Engineer’s office.

- Refer to the 1873 Eureka Tax Record for James White, Bates BRT000004, notes multiple livestock, haying tools, horse stalls, corrals, etc.
- See also the 1874-1881 Eureka Tax Record for James White, Bates BRT000005-BRT000008, notes multiple livestock, haying tools, horse stalls, corrals, etc.
- Refer to the 1905 Eureka Tax Record for Bernard Siri, Bates BRT000012, notes multiple livestock, haying tools, horse stalls, corrals, etc.

**Item No. 7 – The amount of water diverted:**

The original Proof of Appropriation No. 02658 filed by George W. and Rita I. Brown in 1969 stated Eva Spring complex flows at 2.1 cubic feet per second. Due to the cessation in flows and ultimate drying up of Eva Springs and tributaries, the place of use can no longer be delivered water. Refer to the attached supporting map and the 1946 aerial photography for confirmation of the acres irrigated.

**Item No. 8 – Place of use:**

Refer to Item No. 27 and attached spread sheet.

**Item No. 9 – Approximate number of animals watered:**

Refer to Item No. 20.

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**Item No. 11 – Water is impounded for stock water, soil leaching and irrigation:**

Eva Springs and tributaries complex water flows into holding ponds, channels and distribution facilities. Channels and ditches direct the spring flows to numerous seasonal detention basins throughout the place of use. Field investigations, historical photography and historical aerial photography confirm the seasonal detention basins. Water is stored throughout the year, released from these detention basins to leach soils in fields and to irrigate upper and lower reaches of the place of use. Water in these detention basins and ditch systems are utilized to water domesticated live stock.

**Item No. 12 – Date of surveys**

Proof of Appropriation No. 02658 was filed at the Nevada Division of Water Resources (NDWR) on January 22, 1969 by George W. and Rita I. Brown, claimants. Floyd Sadler, water right surveyor/agent completed the field surveys and prepared a culture map on behalf of the Brown Family. Field surveys of the Brown Ranch and lands irrigated by Eva Springs were conducted by Mr. Sadler on January 9, 1969. A total of 81.4 acres was identified by Mr. Sadler on his culture map filed in support of Proof of Appropriation No. 02658 as the place of use for irrigation purposes. Utilizing an average 4.5 acre feet per acre duty times 81.4 water righted acres, the total annual demand for water from Eva Springs is 231.30 acre feet per annum.

A review has been completed of historical aerial photography taken before and after the 1969 Sadler field survey of the Brown Ranch fields irrigated by Eva Springs. The culture map prepared by Mr. Sadler illustrated the location of only a portion of the lands irrigated by water from Eva Springs and tributaries. An amended map has been prepared to illustrate the total land area irrigated from water provided by Eva Springs and tributaries. A total of 209.48 water righted acres has been historically irrigated by water from Eva Springs and tributaries. Utilizing an average 4.5 acre feet per acre duty times 209.48 water righted acres, the total annual demand for water from Eva Springs is 942.66 acre feet per annum.

**Item No. 20 – Crops and multiple manners of use:**

**Average Duty of 4.5 acre feet per acre per year for agricultural purposes utilizing Eva Springs:**

Eva Springs water has been utilized for irrigation, stock water, storage, domestic and commercial purposes on an annual basis since prior to 1871. In addition to the duty of water for agricultural purposes, further consumption of Eva Springs water is described later in this report.

The owners of the Brown Ranch grew and sold alfalfa, wheat, oats, barley and winter wheat. Eva Springs produced approximately 90 degrees Fahrenheit water enabling crops produce earlier in the season. There were two cuttings of alfalfa and two cuttings of tame hay, which was unusual for Diamond Valley.

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Water from Eva Springs has been utilized agriculturally on a year round basis to support the irrigation of crops, ditch wetting for efficient transportation of water flows, leaching of salts, soil moisture augmentation to increase crop production and storage of water for irrigation. George and Rita Brown state that the character of the soil is sandy loam and an average duty of 4.5 acre feet per acre per annum have been used to irrigate crops. This is a justified and reasonable duty of water based on the following documentation.

Based on historical practices and established irrigation efficiencies, the beneficial use of water from Eva Springs during the irrigation season ranges between 6.25 acre feet per acre and 3.33 acre feet per acre. The average for this range of duties is 4.79 acre feet per acre. These variable duties are dependent upon the type of culture receiving water and the distance from Eva Spring to the irrigated field. These duties do not take into account the non-irrigation season beneficial use of water for leaching of soils to improve productivity estimated at 1.0 acre feet per acre, storage of water in a series of ponds for irrigation purposes and soil moisture augmentation for crop enhancement.

- Refer to Bates Number DE000249 - Historical Duty Calculations for the Sadler Ranch in Diamond Valley, Nevada spread sheet

US General Land Office Field Survey notes confirm the harvest of crops by numerous settlers which requires a higher duty to maintain growth and re-growth for repeated harvesting. Peter Morris and Benjamin Cohen (Morris & Cohen) were contracted by the US General Land Office to survey and establish section lines within Township T24N, R53E. Field surveys conducted in August of 1879 by these two surveyors were documented in field notes.

In October of 1879 another set of surveyors contracted by the US General Land Office complete a survey of the easterly section lines within T24N, R52E. Field surveys were conducted in October of 1879 and were documented in field notes.

In accordance with the instructions to field surveyors by the US General Land Office, each group of surveyors included information in their field survey notes as to the existence of settlers, man made improvements, topographical features, character of the soil, vegetation and potential for farming. The surveyors' comments included in the field notes were limited to those features they were able to identify in the vicinity of the contracted survey.

- Refer to Bates Numbers GD000050-GD000090 US General Land Office / Bureau of Land Management Field Notes from Book No. 176, dated August 18 through 20, 1879:
  - On Pages 149, 151, 153 and 158, Surveyors Morris & Cohen identified several Desert Land Entry claim boundaries intersected during their 1879 field survey. These surveyors noted the location of ponds and of a house

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**MAY 31 2016**

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known as “Whites House”. Numerous settlements were in existence prior to the 1879 field survey.

- On Page 160, Surveyors Morris & Cohen explain that “The subdivided portion of this Township is level and with the exception of the extreme Southern part is all meadow and mostly natural meadow, with rich soil and suitable for cultivation. Hay is now cut from a considerable portion of it and a small part is now under cultivation.”
- Refer to Bates Numbers GD000091-GD000135 US General Land Office / Bureau of Land Management Field Notes from Book No. 181, dated October 15 through 17, 1879:
  - On page 12, the surveyors state “The Eastern part of this township is level land, most of which is meadow and the remainder covered with sage brush and grass, with rich soil all easily irrigated. A considerable portion is now occupied by settlers engaged in cutting hay.”
  - On pages 65 and 66, the surveyors note ditches leading from the Big Shipley Springs.
  - On pages 83 and 84, the surveyors state “A considerable part of this township is now taken up by settlers and several hundred tons of hay is cut yearly from the meadows.”
- Refer to Bates Number GD000027 US General Land Office Cadastral Survey Plat of Township 24 North, Range 52 East, Mount Diablo Meridian, dated November 4, 1879 illustrating the Big Shipley Spring, houses, ditches, meadows, fields and other improvements.

The manner of use of Eva Springs complex water includes irrigation, stock water, domestic, soil leaching and storage purposes:

The original Proof of Appropriation filed under 02658 states that water was utilized for irrigation and stock water purposes. Research confirms Eva Springs was used for irrigation, stock water, soil salt leaching, domestic and storage purposes to support ranching operations.

Numerous historical accounts under the title of “Eureka Memories”, “Diamond Valley Dust”, “Ethel Eccles Sadler Story” and “Ethel Eccles Sadler Diary” provide confirmation of the historic practice in Diamond Valley which included multiple manners of use of annual spring water flows.

- Refer to Bates Numbers BK000001-BK000011 - Diamond Valley Dust
- Refer to Bates Numbers BK000027-BK000054 - Grandma Salder’s Diaries
- Refer to Bates Numbers BK000012-BK000020 - Unpublished diaries of Ethel Eccles Sadler, 1940-1947
- Refer to Bates Numbers LP000014-LP000033 - Testimony provided in the 1946 legal proceedings of the US 9<sup>th</sup> District Court case Sadler vs. Sadler

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Stock Water Uses:

Historical accounts noted above confirm the Brown Ranch raised a variety of animals, including milk cows, horses, stock horses, stock cattle, chickens, and ducks. Tax records show that dozens of horses and hundreds of head of cattle were associated with the ranching operation at Brown Ranch. Eva Springs and tributaries provided water to the domesticated animals on the Brown Ranch and grazing allotment.

- BRT000004: 1873 Taxes include 9 horses, plus milk cows, yearlings, chickens and ducks.
- BRT000005: 1874 Taxes include 11 horses, 33 stock cattle
- BRT000006: 1876 Taxes include 25 horses, 100 stock cattle
- BRT000007: 1877 Taxes include 30 horses, 150 stock cattle
- BRT000008: 1879 Taxes include 55 horses, 250 stock cattle
- BRT000012: 1905 Taxes include 62 horses, 5 milk cows, and 200 stock cattle

Storage, Soil Salt Leaching, Non-Irrigation field soil moisture augmentation and ditch system efficiency wetting:

Flows from the Eva Spring during the non-irrigation season provide water for storage in several detention ponds, provide water to charge the soils in the ditches and fields with moisture for early season transportation as well as crop needs and provide water to leach salts from selected fields. Ice buildup on the fields and water ways in the winter season continues to be an important practice for the storage of Eva Springs water throughout the entire Brown Ranch.

Evaporation and transportation losses must be taken into account during the non-irrigation season in order to effectively provide water flows during the irrigation season. Flow rates from Eva Springs along with a shallow grade (0.5% per Alan Boyak under Proof 03289 and 03290) from the springs to the end of the fields are not sufficient to create a head of water to efficiently overcome dry soil conditions in the ditches, ponds and fields. By placing water in the ditches, ponds and fields during the non-irrigation season, water flows can be delivered to fields throughout the entire Brown Ranch. By pre-wetting of the soils, crops have sufficient moisture to begin growing as soon as the weather and soil conditions warm up in the early spring. As a result, the full flow of Eva Spring was used on a year round basis to irrigate crops, meadows, and pastures within the place of use.

With earthen ditch systems already wet by non-irrigation season water storage practices, the efficiency of transporting water flows during the early irrigation season increases. Water flows from the Eva Spring are not consumed to wet the earthen ditches; therefore, providing water to a more extensive area with greater efficiency. This efficiency allows more acres to be irrigated for a longer period of time which provides increased harvest tonnage.

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Water use practices in this geographic area are shown by numerous accounts and documents. Accounts from the Cadastral Surveyors in 1879 by the US General Land Office / Bureau of Land Management confirm the existence of a pond along their survey of the section line between Sections 17 and 18 T24N, R53E, MDM. Further review of the USGS 7.5 minute series map entitled Bailey Pass Quadrangle illustrates a pond in the same location cited by the Cadastral Surveyors.

- Refer to Bates Numbers GD000050-GD000090 - US General Land Office / Bureau of Land Management Field Notes from Book No. 176, dated August 19 and 20, 1879 with a reference to the east edge of a pond bearing 4 chains west of the section line between Sections 17 and 18 T24N, R53E, MDM.
- Refer to Bates Number GD000192 US Geological Survey 7.5 minute series map Bailey Pass Quadrangle

Permit No. 4273 (Certificate No. 964) was approved by the Nevada Division of Water Resources for delivery of Big Shipley Springs water during the non-irrigation season for the pre-irrigation of land now known as a portion of the Sadler Ranch. The approval of this permit confirms the Nevada Division of Water Resources acknowledges the practice of pre-season irrigation for soil moisture augmentation.

- Refer to Bates Numbers SED000109-000122 Culture Map filed under Permit No. 4273 which includes the following statement by the Water Right Surveyor “The area within the dotted line and fence is flooded with water from Big Shipley Spring during the months of January, February, and March. The soil is such that the moisture is then held until time for haying.”
- Refer to Bates Numbers BK000012-000020 - Ethel Eccles Sadler notes in her diary the use of warm water from the Big Shipley Spring helped to bring crops up sooner.

Frank Romano owned land along the easterly boundary of the private land now known as the Sadler Ranch. He entered into a stipulated agreement with Edgar Sadler etal confirming the diversion of 5 cubic feet per second being one-third (1/3) flow of Big Shipley Springs water during January, February and March for flooding and irrigation of the Romano Ranch lands. The stipulated agreement states that “without the flooding and irrigating of said lands of Plaintiff (Romano) during said months, no crop may be produced thereon, and said lands become worthless.” This stipulation further confirms the practice of utilizing Eva Spring flows to leach salts and wet soils during the non-irrigation season.

The parties to this stipulation also agreed Big Shipley Springs water is “permitted to flow in a Easterly direction along the ditch shown on said map running parallel to said natural water channel...” By placing the water flows in the ditch, Big Shipley Spring flows could be delivered to the Romano Ranch far more effectively. This ditch is illustrated on the USGS 7.5 Minute Map entitled Bailey Pass Quadrangle.

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- Refer to Bates Numbers LP000004-000013 - Stipulated Agreement known as Frank Romano, Plaintiff, versus Edgar Sadler and Huntington and Diamond Valley Stock and Land Company, a Corporation, Defendant, dated March 1913 filed in Eureka County Courthouse under Book XX of Miscellaneous, Pages 527 through 534.

George W. and Rita I. Brown state on the original Proof of Appropriation No. 02658 that the season of use was January 1 through December 31.

Grade of ditches and fields between 0.2% and 0.5%:

Big Shipley and Eva Springs flow easterly from these sources located within Section 23 and 26 T24N, R52E, MDM. Review of the USGS 7.5 minute map entitled Bailey Pass Quadrangle confirms a slope from Big Shipley and Eva Springs to the section corner common to Sections 17, 18, 19 and 20 to be (25 +/- feet elevation drop over 13,200 +/- feet) to be approximately 0.2%.

- Refer to Bates Number GD000192 US Geological Survey 7.5 minute series map Bailey Pass Quadrangle

Shallow grades require more time and losses to transport water to fields located at the outer boundaries of cultivation. It was imperative to maintain the soil moisture levels in the ditches and fields during the non-irrigation seasons to provide flows to the fields at the beginning and throughout the duration of the irrigation season.

**Item No. 21 – Season of use and average number of cuttings:**

Refer to Item No. 20

**Item No. 24 – Characteristics of the soil:**

George W. and Rita I. Brown state on the original Proof of Appropriation No. 02658 the character of the soil to be clay loam. Soil character was improved by leaching. Refer to Item No. 20

**Item No. 25 – Maximum flow needed:**

Refer to Item No. 7

**Item No. 27 – List the year of priority for acreages irrigated:**

Refer to attached spreadsheet.

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**Additional supporting remarks regarding this proof's filing:**

Sadler Ranch, LLC is the successor to the previous owners of land and historical water claims now collectively known as the Sadler Ranch located in Diamond Valley, Nevada. The present day Sadler Ranch is a consolidation of numerous properties that utilized Big Shipley Springs and tributaries, Indian Camp Springs and tributaries and Eva Springs and tributaries as the sources of water to fulfill a diversified consumption of water on a year round basis. Eva Spring and tributary complex no longer flows or are visible at the surface. The water once supplied by Eva Springs is currently provided to the Brown Ranch through several wells.

Eva Springs and tributaries produced reliable and continuous water flows allowing the Sadler Ranch, LLC historical owners the ability to support a wide variety of beneficial uses from January 1<sup>st</sup> through December 31<sup>st</sup>. The warm characteristics of this water source supplied multiple manners of use supporting the economic viability of the Sadler Ranch. The entire flow of the Eva Springs and tributaries complex supported the following manners of use on an annual basis.

- Irrigation – Historical aerial photography, culture maps and field surveys confirm the historical irrigation of 209.48 acres of land with a variety of cultures from Eva Springs and tributaries. Based on historical practices and established irrigation efficiencies, the beneficial use of water from Eva Springs complex during the irrigation season ranges between 6.25 acre feet per acre and 3.33 acre feet per acre. The average for this range of duties is 4.79 acre feet per acre. Floyd Sadler as water right agent under Proof of Appropriation No. 02658 stated the soil needs 5.0 acre feet per acre to properly irrigate crops. In an effort to remain consistent with findings under amended Proof Nos. 03289 (Shipley Springs) and 03290 (Indian Camp Springs), a total of 942.66 acre feet per season (209.48 acres of irrigated lands times an average duty of 4.5 acre feet per acre) has historically been utilized for irrigation purposes.
- Storage of Water, Soil Moisture Augmentation and Leaching of Salts – Historical flows from the Eva Spring complex during the non-irrigation season provides water for storage in numerous detention ponds and storage in the form of ice buildup located throughout the place of use. Continuous spring flows provide water to charge the soils in the ditches and fields with moisture for efficient year round transportation as well as crop needs and provide water to leach salts from selected fields.
- Stock Water - The Brown Ranch, predecessors to Sadler Ranch, LLC, raised as many as 250 head of cattle, along with other domesticated farm animals. Hogs, lambs and chickens were slaughtered for local businesses and sold throughout the year in the Sadler Store in the Town of Eureka. A large herd of up to 62 horses was required for ranching and farming operations. Eva Springs and tributaries provided water to the domesticated animals on the Sadler Ranch and grazing allotment.

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Historical accounts and documents confirm the beneficial use of Eva Springs and tributary water flows starting prior to 1871. The entire flow of Eva Springs and tributaries was utilized to satisfy the annual needs of multiple manners of use of the Brown Ranch. Flow rates from Eva Springs and tributaries range from historical accounts of 2.1 cubic feet per second. Eva Springs and tributaries no longer flow and are dried up.

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**STATE ENGINEER'S OFFICE**

FILED  
Jan. 22, 1969  
STATE ENGINEER'S OFFICE

Filing Serial No. 02658

THE STATE OF NEVADA  
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source Eva Spring  
Name of natural water source

The water is diverted from its source by the East ditch  
Name of ditch, flume or pipe line

at the following point Lot six Section six T24 N R53E

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  
The cor of Secs. 1, 6, 36, + 31, T. 24 + 25 N.

Range 52 + 53 E

(1) Name of claimant George W. Brown + Rita I. Brown

Address Eureka, County of Eureka

State of Nevada

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

(3) The date of the survey of ditch, canal, or pipe line was Nov. 14, 1968

(4) The construction of the ditch or other works was begun 1893

and completed 1893

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom 2'

feet, width on top 4' feet, depth 1 1/2 feet, on a grade of 2 feet per thousand feet.

(6) The conduit 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~~) an owner in the above-described conduit.

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 Private land

owned by George W. + Rita I. Brown

(11) Crops of Alfalfa, grain + wild hay

have been grown upon the land irrigated.

(12) The water has been used for irrigation from January 1 to December 31

of each year. Day of month Day of month

(13) The water was first used for irrigation by claimant or James White grantors in the year 1893

when 81.4 acres were irrigated in Sec. 6

T. 24 N, R. 53 E.

(14) The date of culture, number of acres and legal description of the land irrigated in subsequent years:

1893, 26 acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 6, T. 24, R. 53 E.  
 Year  
 1893, 3.8 acres in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 6, T. 24, R. 53 E.  
 1893, 18.0 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 6, T. 24, R. 53 E.  
 1893, 8.9 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 6, T. 24, R. 53 E.  
 1893, 10.0 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 6, T. 24, R. 53 E.  
 1893, 1.0 acres in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 6, T. 24, R. 53 E.  
 1893, 13.7 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 6, T. 24, R. 53 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.  
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 ..... acres in the ..... of Sec. ...., T. ...., R. .... E.  
 ..... acres in the ..... of Sec. ...., T. ...., R. .... E.

(15) The maximum acreage irrigated in any year was ..... acres.

(16) The water claimed 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 .....  
 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 of 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) Water from the source given and through the works described is also used for the following purposes other than irrigation: stock water

(20) The character of the soil is clay loam The soil needs 5 acre-feet per annum to properly irrigate the crops. A continuous flow of 2.1 cubic feet of water per second, during the irrigation season of 6 months, is needed to irrigate each 100 acres of land.

(21) Remarks: I interviewed several of the oldest residents in the community who verified the continuous use of the waters of Eva Spring since 1893 on the above described land.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by \_\_\_\_\_ are full and correct to the best of his knowledge and belief.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant

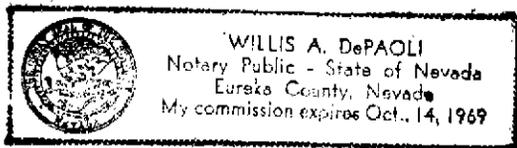
George W. Brown  
Rita J. Brown

Subscribed and sworn to before me this 21st day of January, 1969

Willis A. DePaoli

Notary Public in and for the County of EURYDA

My commission expires 10-14-69



This part of form to be left blank by claimant

Filing Serial No. 02658

STATE OF NEVADA  
PROOF OF APPROPRIATION OF  
WATER FOR IRRIGATION

Water Source.....

Through.....

Claimant.....

Filed in the office of the State Engineer on

....., 19.....

..... State Engineer.

Certificate No. .... issued hereunder

....., 19.....



OFFICE  
STATE ENGINEER  
1959 JAN 22 AM 9 56