Proof No. 03289

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

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1. Source of water Big Shipley Springs 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 headgates, 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 1863 - See Attachment
   and completed 1879 - 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 (circle one) recorded in the office of the County Recorder of
   See Attachment. County, at Page _____ of Book _____ of _____.

7. The amount of water diverted for the claim's purpose has been measured at
   15.00 See Attachment 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):

See Attachment.

(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 1863 (Year) was

1,200 cattle 30 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:

1,200 cattle 30 horses _____ sheep see attach other (describe in remarks)

11. The water is impounded in See Attachment.
Trough(s), tank(s)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 3 +/- feet, width on top 8 +/- feet, depth 3 +/- 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 (circle one) been enlarged.

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

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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 (circle one) the owner in the above-described conduit.

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 (circle one) been used for irrigation each and every year since the right was initiated.

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 reduction in flows from Shipley Springs and tributaries, a substantial portion of 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 sandy 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 15.00 See Attachment cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is 8,627.94 acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is 15.00 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
See	Attachment	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.

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ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

This proof is an amendment of the original Proof No. 03289 filed January 15, 1980. 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.

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

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

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 [signature] (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

[signature]

Signature of Notary Public Required

RUTH L SMITH
Notary Public
State of Nevada
Appt. No. 13-9936-2
My Appt. Expires Jan. 24, 2017

Notary Stamp or Seal Required

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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.

Big Shipley Springs and Tributaries Proof No. 03289

SECTION	SUBDIVISION	TOWNSHIP	RANGE	CULTIVATED ACREAGE	CULTURE DESCRIPTION	DATE OF FIRST CULTURE
13	NW1/4 NE1/4	24N	52E	0.66	MEADOW	Prior to 1863
"	NE1/4 NE1/4	"	"	12.97	"	"
"	SE1/4 NE1/4	"	"	15.03	"	"
"	SW1/4 NE1/4	"	"	19.15	"	"
"	NW1/4 SE1/4	"	"	14.09	"	"
"	NW1/4 SE1/4	"	"	13.46	HARVEST MEADOW HAY	"
"	NE1/4 SE1/4	"	"	9.79	MEADOW	"
	SE1/4 SE1/4	"	"	0.46	"	
"	SE1/4 SE1/4	"	"	30.35	HARVEST MEADOW HAY	"
"	SW1/4 SE1/4	"	"	32.64	"	"
"	NW1/4 SW1/4	"	"	6.21	HARVEST ALFALFA	"
"	NE1/4 SW1/4	"	"	16.05	"	"
"	NE1/4 SW1/4	"	"	1.74	MEADOW	"
"	NE1/4 SW1/4	"	"	8.38	HARVEST MEADOW HAY	"
"	SE1/4 SW1/4	"	"	20.36	"	"
"	SE1/4 SW1/4	"	"	19.17	HARVEST ALFALFA	"
"	SW1/4 SW1/4	"	"	19.64	"	"
7	SE1/4 SW1/4	24N	53E	29.72	MEADOW	"
17	SE1/4 SW1/4	24N	53E	13.22	"	"
"	SW1/4 SW1/4	"	"	7.88	"	"
18	NE1/4 NW1/4	24N	53E	2.21	"	"
"	SW1/4 NW1/4	"	"	0.46	"	"
"	NW1/4 SE1/4	"	"	19.26	"	"
"	NE1/4 SE1/4	"	"	2.23	"	"
"	SE1/4 SE1/4	"	"	10.81	"	"
"	SW1/4 SE1/4	"	"	13.8	"	"
"	NW1/4 SW1/4	"	"	2.84	"	"
"	NE1/4 SW1/4	"	"	21.38	"	"
"	SE1/4 SW1/4	"	"	27.71	"	"
"	SW1/4 SW1/4	"	"	19.56	"	"
"	SW1/4 SW1/4	"	"	4.93	HARVEST MEADOW HAY	"
			TOTAL:	416.160		

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Big Shipley Springs and Tributaries Proof No. 03289

SECTION	SUBDIVISION	TOWNSHIP	RANGE	CULTIVATED ACREAGE	CULTURE DESCRIPTION	DATE OF FIRST CULTURE
23	SE1/4 NE1/4	24N	52E	6.49	HARVEST ALFALFA	Prior to 1863
"	NE1/4 SE1/4	"	"	8.72	"	"
"	NE1/4 SE1/4	"	"	1.33	HARVEST MEADOW HAY	"
"	SE1/4 SE1/4	"	"	16.71	HARVEST ALFALFA	"
24	NW1/4 NW1/4	"	"	31.33	"	"
"	NE1/4 NW1/4	"	"	5.86	"	"
"	NE1/4 NW1/4	"	"	33.55	HARVEST MEADOW HAY	"
"	SE1/4 NW1/4	"	"	30.79	"	"
"	SW1/4 NW1/4	"	"	16.21	"	"
"	SW1/4 NW1/4	"	"	23.44	HARVEST ALFALFA	"
"	NW1/4 NE1/4	"	"	38.52	HARVEST MEADOW HAY	"
"	NE1/4 NE1/4	"	"	39.61	"	"
"	SE1/4 NE1/4	"	"	12.37	"	"
"	SW1/4 NE1/4	"	"	18.14	"	"
"	NW1/4 SE1/4	"	"	5.83	"	"
"	NE1/4 SE1/4	"	"	0.99	"	"
"	SE1/4 SE1/4	"	"	27.82	"	"
"	SW1/4 SE1/4	"	"	32.38	"	"
"	NW1/4 SW1/4	"	"	10.58	HARVEST ALFALFA	"
"	NW1/4 SW1/4	"	"	19.33	HARVEST MEADOW HAY	"
"	NE1/4 SW1/4	"	"	28.64	"	"
"	SE1/4 SW1/4	"	"	37.18	"	"
"	SW1/4 SW1/4	"	"	13.01	"	"
"	SW1/4 SW1/4	"	"	25.85	HARVEST ALFALFA	"
19	NW1/4 NW1/4	24N	53E	1.49	HARVEST MEADOW HAY	"
"	NW1/4 NW1/4	"	"	29.94	MEADOW	"
"	NE1/4 NW1/4	"	"	31.95	"	"
"	SE1/4 NW1/4	"	"	1.69	"	"
"	SW1/4 NW1/4	"	"	2.66	"	"
"	NW1/4 NE1/4	"	"	6.69	"	"
"	NE1/4 NE1/4	"	"	0.57	"	"
"	SE1/4 NE1/4	"	"	6.66	"	"
"	SW1/4 NE1/4	"	"	13.19	"	"
"	SW1/4 SE1/4	"	"	5.41	HARVEST MEADOW HAY	"
"	SE1/4 SW1/4	"	"	8.26	"	"
"	SW1/4 SW1/4	"	"	12	"	"
20	NW1/4 NW1/4	"	"	5.21	MEADOW	"
"	NE1/4 NW1/4	"	"	1.14	"	"
			TOTAL:	611.54		

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Big Shipley Springs and Tributaries Proof No. 03289

SECTION	SUBDIVISION	TOWNSHIP	RANGE	CULTIVATED ACREAGE	CULTURE DESCRIPTION	DATE OF FIRST CULTURE
28	SW1/4 SW1/4	24N	53E	5.35	MEADOW	Prior to 1863
29	NW1/4 NW1/4	24N	53E	11.1	HARVEST MEADOW HAY	"
"	NE1/4 NW1/4	"	"	18.55	"	"
"	SE1/4 NW1/4	"	"	26.46	"	"
"	SW1/4 NW1/4	"	"	30.37	"	"
"	SW1/4 NE1/4	"	"	0.93	"	"
"	NW1/4 SE1/4	"	"	11.73	MEADOW	"
"	SE1/4 SE1/4	"	"	7.13	HARVEST MEADOW HAY	"
"	SE1/4 SE1/4	"	"	30.26	MEADOW	"
"	SW1/4 SE1/4	"	"	35.83	"	"
"	SW1/4 SE1/4	"	"	1.33	HARVEST MEADOW HAY	"
"	NW1/4 SW1/4	"	"	14.73	"	"
"	NE1/4 SW1/4	"	"	0.52	"	"
"	SE1/4 SW1/4	"	"	15.09	MEADOW	"
"	SW1/4 SW1/4	"	"	0.41	"	"
32	NE1/4 NW1/4	24N	53E	1.56	"	"
"	NW1/4 NE1/4	"	"	3.65	HARVEST MEADOW HAY	"
"	NW1/4 NE1/4	"	"	36.00	MEADOW	"
"	NE1/4 NE1/4	"	"	2.14	"	"
"	NE1/4 NE1/4	"	"	34.58	HARVEST MEADOW HAY	"
"	SE1/4 NE1/4	"	"	36.08	MEADOW	"
"	SW1/4 NE1/4	"	"	20.29	"	"
"	NW1/4 SE1/4	"	"	1.35	"	"
"	NE1/4 SE1/4	"	"	0.90	"	"
33	NW1/4 NW1/4	24N	53E	~~34.79~~	31.97 "	"
"	NE1/4 NW1/4	"	"	5.38	"	"
"	SE1/4 NW1/4	"	"	3.2	"	"
"	SW1/4 NW1/4	"	"	24.84	"	"
			TOTAL:	~~414.55~~		"

411.73

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Big Shipley Springs and Tributaries Proof No. 03289

SECTION	SUBDIVISION	TOWNSHIP	RANGE	CULTIVATED ACREAGE	CULTURE DESCRIPTION	DATE OF FIRST CULTURE
25	NW1/4 NW1/4	24N	52E	27.7	HARVEST ALFALFA	Prior to 1863
"	NW1/4 NW1/4	"	"	12.14	HARVEST MEADOW HAY	"
"	NE1/4 NW1/4	"	"	39.84	"	"
"	SE1/4 NW1/4	"	"	26.38	"	"
"	SW1/4 NW1/4	"	"	1.13	"	"
"	NW1/4 NE1/4	"	"	26.63	"	"
"	NW1/4 NE1/4	"	"	13.37	MEADOW	"
"	NE1/4 NE1/4	"	"	10.24	"	"
"	NE1/4 NE1/4	"	"	17.1	HARVEST MEADOW HAY	"
"	SE1/4 NE1/4	"	"	38.7	MEADOW	"
"	SE1/4 NE1/4	"	"	1.3	HARVEST MEADOW HAY	"
"	SW1/4 NE1/4	"	"	22.55	"	"
"	SW1/4 NE1/4	"	"	11.74	MEADOW	"
26	NE1/4 NE1/4	24N	52E	10.99	HARVEST ALFALFA	"
30	NW1/4 NW1/4	24N	53E	19.15	HARVEST MEADOW HAY	"
"	NE1/4 NW1/4	"	"	12.09	"	"
"	SE1/4 NW1/4	"	"	1.28	MEADOW	"
"	SE1/4 NW1/4	"	"	32.35	HARVEST MEADOW HAY	"
"	SW1/4 NW1/4	"	"	20.61	"	"
"	SW1/4 NW1/4	"	"	17.04	MEADOW	"
"	NW1/4 NE1/4	"	"	23.09	HARVEST MEADOW HAY	"
"	NE1/4 NE1/4	"	"	9.88	"	"
"	SE1/4 NE1/4	"	"	28.83	"	"
"	SW1/4 NE1/4	"	"	21.17	"	"
"	NW1/4 SE1/4	"	"	11.83	"	"
"	NE1/4 SE1/4	"	"	17.94	"	"
			TOTAL:	475.07		

Indian Camp Spring Proof No. 03290

"	NW1/4 SE1/4	"	"	8.23	HARVEST MEADOW HAY	Prior to 1863
"	NW1/4 SE1/4	"	"	25.24	MEADOW	"
"	NE1/4 SE1/4	"	"	40	"	"
"	NW1/4 SW1/4	"	"	32.49	HARVEST ALFALFA	"
"	NE1/4 SW1/4	"	"	10.61	"	"
"	NE1/4 SW1/4	"	"	22.58	HARVEST MEADOW HAY	"
"	SE1/4 SW1/4	"	"	30.87	"	"
			TOTAL:	170.02		

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(775) 355-9628 Office
(775) 355-9629 Fax

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Attachment
to
Amended Proof of Appropriation No. 03289

Big Shipley Springs and Tributaries also known as the Sadler Ranch
Claimant: Sadler Ranch, LLC

The original Proof of Appropriation No. 03289 for Big Shipley Springs and Tributaries was filed with the Nevada Division of Water Resources on January 15, 1980 along with a culture map and supporting documentation. This spring complex is located on the westerly side of Diamond Valley, approximately 30 miles north of Town of Eureka, Nevada.

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 Big Shipley Springs and tributaries aka Sadler Ranch Springs complex. Extensive documentation and historical accounts must be taken into consideration in order to fully define the beneficial use of the entire flow Big Shipley Springs and tributary water sources. 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 Big Shipley Springs and tributaries has been documented by use of historical aerial photography dating back to 1946 and supporting documentation dating back to 1863. Due to continued declines of water flows from Big Shipley 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. 03289 include:

- The priority has been documented as 1863.
- The documents provided contemporaneously with Amended Proof of Appropriation No. 03289 and incorporated herein provides documentation confirming the pre – statutory beneficial use of 1.5 cfs of water from Indian Camp Springs for year-round purposes

- The manner of use includes irrigation, stock water, soil salt leaching, domestic, commercial, storage and quasi-municipal purposes.
- The period of use is January 1st through December 31st of each year.
- The entire flow of Indian Camp Springs and tributaries aka Sadler Ranch Springs have historically been utilized to support the economic viability of the Sadler Ranch.
- Sadler Ranch, LLC, is the successor to the previous owners of land and historical water claims now known as the Sadler Ranch located in Diamond Valley, Nevada.

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Proof of Appropriate No. 03290 is being amended based on the following summary of findings and exhibits:

Item No. 3 – Points of diversion

The Shipley Springs complex flows into a holding pond and a distribution facility with three separate head gates. These head gates provide flows into main ditches for distribution into feeder ditches throughout the place of use.

Point of Diversion No. 1 (Ditch No. 1), NE1/4 SE1/4 of Section 23 T24N, R52E, MDM at a point from which the NE Corner of said Section 23 bears North 10 degrees 49 minutes 41 seconds East, 3,516.39 feet.

Point of Diversion No. 2 (Ditch No. 2) NE1/4 SE1/4 of Section 23 T24N, R52E, MDM at a point from which the NE Corner of said Section 23 bears North 10 degrees 54 minutes 23 seconds East, 3,557.39 feet.

Point of Diversion No. 3 (Ditch No. 3) NE1/4 SE1/4 of Section 23 T24N, R52E, MDM at a point from which the NE Corner of said Section 23 bears North 12 degrees 58 minutes 54 seconds East, 4,039.74 feet.

Item No. 4 – Date of construction of works

Big Shipley Springs and tributaries is 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 before 1863. 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 1879 as reported by Alan Boyack, agent under the original filing of Proof No. 03289 on January 15, 1980.

Item No. 5 – Claimants title to land and water

Sadler Ranch LLC purchased the land that comprises what commonly called Sadler Ranch, and appurtenant range rights and water rights in 2011. The privately held parcels and appurtenant range rights and water rights were historically consolidated into a

single ownership through multiple acquisitions of possessory claims and land patents (*See* SRT000001-SRT000042). Water from Big Shipley 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 Big Shipley Springs and tributaries continues to be placed to beneficial use on private and public lands. Proof No. 03289 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 Big Shipley Spring and tributaries were placed to beneficial use on private and public lands know known as Sadler Ranch.

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

The original Proof of Appropriation No. 03289 filed at the Nevada Division of Water Resources on January 15, 1980 lists the priority for the irrigation of 1,657.28 acres of land, domestic use and stock water use as "prior to 1879". 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 and Assessor records has confirmed water diversions for irrigation, domestic and stock water purposes from Big Shipley Springs were initiated on or before September 1863. The 1879 Cadastral Survey illustrates a portion of the ditch surveyed in 1863 flowing in a southeasterly direction from Big Shipley Hot Springs. Subsequent uses of water were expanded as the Sadler Ranch enlarged its operation staffing. The priority date under Proof No. 03289 is amended to 1863 based on the following documentation.

- Refer to Bates Number SRT000011 (Index 1 on Abstract of Title). Eureka County Survey Book A, Page 14, dated September 12, 1863 for L. Wines, et al.

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.

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- 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)
- 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. In Section 24 T24N, R52E is a very hot spring about 60 feet in diameter, from which flows a stream 10 links wide and 3 feet deep with a strong current and sinks in about 2 miles." There are 100 links in a surveyor's chain. A surveyor's chain is 66 feet in length. The 10 links in width referenced by Adrian & Bates equates to a width of 6.6 feet. The dimensions of the stream from Big Shipley Springs coincides with ditch dimensions identified by Alan Boyack, Water Right Surveyor, when he conducted his field survey in preparation and submittal of a culture map in 1980 to support Proof of Appropriation No. 03289.

Lander County Tax Records 1870 and 1871:

Research was also conducted at the Lander County Recorder's and Assessor's offices. Additional documentation was obtained that verifies water use from both, Big Shipley Springs and Indian Camp Springs. The historical tax and assessment records show that William Shipley was raising domesticated animals and occupying property in Diamond Valley in the 1870 and 1871 time frame.

- Refer to Bates Numbers LPP000468-LPP000476 - Lander County Assessment Rolls show that William Shipley paid assessments in November of 1870 for 4 horses, 8 mules, 95 head of cattle and 2 wagons.
- Refer to Bates Numbers LPP000468-LPP000476 - Lander County Assessment Rolls show that William Shipley paid assessments in 1871 for improvements listed as "stockade, house and ranch in Diamond Valley".

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Documentation of pre–statutory beneficial use of Big Shipley 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. The following four summaries represent a sample of the documentation confirming the beneficial use of the entire flows from Big Shipley Springs.

- 1912 Payne Field Investigation, Bates Numbers SED000234-235. In 1912 Mr. Payne from the State Engineer's Office conducted a field investigation of several ranches in Diamond Valley, including the ranches now comprising the consolidated Sadler Ranch. At the time Sadler owned the majority of the current Sadler Ranch, and Mr. Romano owned the southeasterly most lands of the current Sadler Ranch. Mr. Payne noted a large reservoir off Shipley Hot Springs consisting of approximately 2 acres in size that supplied water to the lands owned by Sadler and Romano. Mt. Payne noted the flow of water supplied by the spring to be 8 cfs, or more. He also noted that of the nearly 3000 acres of the ranch owned by Mr. Sadler that 250 acres is alfalfa, grain and garden, with the rest being meadowland, part of which is cut for hay and the remainder being used for pasture. Mr. Payne added that in the winter time Mr. Romano received water directly from Shipley Hot Springs, and in the irrigation season Mr. Romano received the tail waters from the upstream use on Mr. Sadler's Ranch.
- 1913 Romano vs. Sadler Bates Numbers LPP000004-000013, LPP000264-LPP000278 summarized in Bates Numbers LPP000279-LPP000340. Legal stipulation of Frank Romano vs. Edgar Sadler and the Huntington and Diamond Valley Stock and Land Company, District Court of the Third Judicial District of Nevada specified 5 cubic feet per second (cfs) water from the Big Shipley Spring (one third of the spring flow) to be sent down a series of ditches and channels, flowing 2.5 miles, to the Romano Ranch (now part of the Sadler Ranch) during the months of January, February and March of each year. The winter water prepared the land for crops in the spring, and without this flow, the land was deemed "valueless". The stipulation stated that the ditches and dams than ran across the full extent of the Sadler property had been in place since before 1883 and had been in continuous maintenance and use. All of these structures still exist, and there is documentation that this same land was hayed in modern times (1973) before the decline in water Bates Numbers LPP000279-LPP000340.
- 1913 Huntington Application #2679 to the Nevada State Division of Water Resources for 45 cfs of Big Shipley Spring resulted in a visit to the Sadler Ranch by the State Engineer. He concluded that all water of the Big Shipley Spring had been put to beneficial use under a title dating back beyond the year 1905 and considered the Sadler water rights to be valid and the Huntington application was denied. See slides 34 and 35, Bates Numbers SED000211-SED000233.
- 1917 Application #4273 to the Nevada State Division of Water Resources by Matilda Eccles for 5 cfs of Big Shipley Spring (certificate #964 granted in 1924) sought a certificate to apply a portion of the 5 cfs Shipley Spring water in the

Romano Stipulation (above) to adjacent government land that it had been watering since before 1905. The certificate was needed so that the desert land could be acquired from the US government. This government land – three miles from the Big Shipley Spring, received overflow water from the Shipley Spring and served as good pasture and / or hay since before 1905 (15-20 years prior to 1917). Certificate #964 was granted for 234.2 acres with 2.342 cfs or 702.6 acre-feet / three month season (Jan, Feb, March). See slides 19-28, Bates Numbers LPP000279-LPP000340.

Item No. 7 – The amount of water diverted:

Historic evidence indicates that Big Shipley Hot Springs had flows as high as 12.5 to 15 cfs prior to groundwater development in Diamond Valley:

- *See* Bates Numbers GD000182, GD000186. Thermal Waters of Nevada, Bulletin 91 (1979). Nevada Bureau of Mines and Geology indicate a flow rate of approximately 6,750 gallons per minute (15 cfs) for Big Shipley Hot Springs. The date reported on this measurement is September 18, 1952.
- *See* LPP000272. In the case of Romano v. Sadler it was recognized that 5 cfs comprised 1/3 of the total flow of Big Shipley Hot Springs.
- *See* LPP000266-LPP000268. In 1912, George S. Nickerson, a water surveyor with 25 years experience, attested that Big Shipley Hot Springs has a continuous flow of 500 to 600 miners inches (12.5 cfs to 15 cfs).
- *See* LPP000138. In Reconnaissance Series Report 6, Thomas E. Eakin noted that the discharge of Shipley Hot Springs was reported to be about 15 cfs.
- *See* GD000139 Thomas E. Eakin made field notes in 1961 that Shipley Hot Springs discharged about 12.5 cfs.
- *See* Bates Numbers BKS000026. A local resident, Mr. Slagowski, of Eureka, Nevada, stated that in his experience Shipley Hot Springs flowed about 12 cfs in the collection of interviews transcribed in Eureka Memories, 1993.

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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.

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

Shipley Springs complex water flows into a holding pond and a distribution facility at the above described points of diversion under Item No. 3. Head gates, channels and ditches direct the spring flows and releases from the holding pond 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. 03289 was filed at the Nevada Division of Water Resources (NDWR) on January 15, 1980 by Alan S. Boyack, water right surveyor/agent for Robert E. and William Loudy. Field surveys of the Sadler Ranch and lands irrigated by Big Shipley Springs were conducted by Mr. Boyack between February 15 and March 4, 1978. A total of 1,657.28 acres was identified by Mr. Boyack on his culture map filed in support of Proof of Appropriation No. 03289 as the place of use for irrigation purposes. Utilizing an average 4.5 acre feet per acre duty times 1,657.28 water righted acres, the total annual demand for water from Big Shipley Springs is 7,457.76 acre feet per annum.

A review has been completed of historical aerial photography taken before and after the 1978 Boyack field survey of the Sadler Ranch fields irrigated by Big Shipley Springs. The culture map prepared by Mr. Boyack illustrated the location of only a portion of the lands irrigated by water from Big Shipley Springs and tributaries. An amended map is being prepared to illustrate the total land area irrigated from water provided by Big Shipley Springs and tributaries. A total of 1,917.32 water righted acres has been historically irrigated by water from Big Shipley Springs and tributaries. Utilizing an average 4.5 acre feet per acre duty times 1,917.32 water righted acres, the total annual demand for water from Big Shipley Springs is 8,627.94 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 Big Shipley Springs:

Big Shipley Springs water has been utilized for irrigation, stock water, storage, quasi-municipal and commercial purposes on an annual basis since "prior to 1863~~1870~~". In addition to the duty of water for agricultural purposes, further consumption of Big Shipley Springs water is described later in this report.

The owners of the Sadler Ranch grew and sold alfalfa, strawberry clover, wheat, oats, barley and winter wheat. Big Shipley Springs produced approximately 104 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. The Sadler Ranch produced 700-900 tons of hay each season which was enough to support 700-1000 cattle.

- Refer to Bates Numbers BK000027-000054; and Bates Numbers BK000012-BK000020 - Ethel Eccles Sadler Diary and Summary Slides, page 38
- Refer to Bates Numbers BK000001-BK000011 - Andrew D. Crofut Diamond Valley Dust

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- Refer to Bates Numbers BK000021-BK000026 - Floyd Slagowski Eureka Memories, Eureka County History Project, 1993, Editor Robert D. McCracken

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Water from Big Shipley 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. Mr. Boyack states 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 Big Shipley 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 Big Shipley 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 Exhibit Bates Numbers DE000455 - 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 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."

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- 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.

Haying activity that occurred on the property shown in the surveys of the Wines possessory claims from 1863 and 1875 are also referenced in the Eureka County Tax Rolls. These lands were identified as the "Main Hay Ranch" in the tax assessment of Mr. Wines in 1876. This portion of the current Sadler Ranch owned by Mr. Wines is located approximately 1 mile southwesterly from Big Shipley Hot Springs.

- Refer to Bates SRT000011.
- Refer to Bates SRT000020.
- Refer to Bates SRT000023.

<u>The manner of use of Big Shipley Springs complex water includes irrigation, stock water, domestic, commercial, storage and quasi-municipal purposes:</u>

The original Proof of Appropriation filed under 03289 states that water was utilized for irrigation and stock water purposes. Research confirms Big Shipley Springs was used for irrigation, stock water, soil salt leaching, domestic, commercial, ice production, dairy products, storage and quasi-municipal purposes to support ranching and commercial operations. Field investigation and reports on file at the Nevada Division of Water

Resources include statements by State staff confirming "all" of the water from Big Shipley Springs is beneficially used.

- 1913 Huntington Application #2679 to the Nevada State Division of Water Resources for 45 cubic feet per second (cfs) of Big Shipley Spring resulted in a visit to the Sadler Ranch by the State Engineer. He concluded that all water of the Big Shipley Spring had been put to beneficial use under a title dating back beyond the year 1905 and considered the Sadler water rights to be valid and the Huntington application was denied. See Bates Numbers LPP000279-LPP000340

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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 multiple manners of use of Big Shipley Springs annual 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 Ethyl Eccles Sadler, 1940-1947
- Refer to Bates Numbers LPP000014-LPP000033 - Testimony provided in the 1946 legal proceedings of the US 9th District Court case Sadler vs. Sadler

Stock Water Uses:

Historical accounts noted above confirm the Sadler Ranch raised as many as 1,000 head of range cattle, 100 head of dairy cattle, 30 head of horses 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 horses was required for commercial, ranching and farming operations. Big Shipley Springs and tributaries provided water to the domesticated animals on the Sadler Ranch and grazing allotment.

- Refer to Bates Numbers LPP000014-LPP000033 - Testimony provided in the 1946 legal proceedings of the US 9th District Court case Sadler vs. Sadler cites a mortgage in which 30 horses are offered as collateral.

Quasi-Municipal Uses:

Historical accounts document fulltime staff required to operate the Sadler Ranch. Housing was provided to fulltime ranch hands. Kitchen facilities were necessary to support fulltime staff. Multiple buildings, barns and other essential improvements were completed to support the normal ranching and dairy operations. Accounts by Floyd Slagowski describe him working on a haying crew 7 days a week for 70 days before all the haying was finished.

- Refer to Bates Numbers BK000021-BK000026 - Floyd Slagowski Eureka Memories, Eureka County History Project, 1993, Editor Robert D. McCracken

- Refer to Bates Numbers BK000001-000011, Andrew Crofut – there was always a lot of work to be done there and several employees at all times. He had a cook employed to do the cooking
- Refer to Bates Numbers LPP000014-000033, 1946 legal proceedings of the US 9th District Court case Sadler vs. Sadler, page 394 – In testimony, Clarence Sadler states Edgar (Sadler) needs to hire 8-10 men in haying season.
- Refer to Bates Numbers LPP000014-000033, 1928, 1946 legal proceedings of the US 9th District Court case Sadler vs. Sadler, page 584, Alfred Sadler refers in a letter to a bank report that expenses for hired help at the Sadler Ranch were $1000
- Refer to Bates Numbers LPP000012-000020, Unpublished diaries of Ethyl Eccles Sadler, 1940-1947, 1940 (July 30th) - paid $421 for haying and $88 for a cook; 1942 (Aug 19th) - paid $4/day for stackers; 1947 (Aug 3rd) - paid $700 to put up hay
- Refer to Bates Numbers LPP000027-000054- Ethel Eccles Sadler Diary accounts of cooking for the hay crews. She says that "Haying was finally over and the carpenters were still there until October. I had cooked so much and for so many people that I felt that I just couldn't even cook cereal anymore."

The Sadler Ranch provided housing and meals to numerous additional seasonal employees during periods of fencing fields, haying, harvest crops/grains for sale at the Sadler Store in the Town of Eureka and ice production. Water from Big Shipley Springs was utilized for quasi-municipal and commercial purposes to support the variety of needs of the owners, employees, guests and travelers. Due to the warmth of the water from Big Shipley Springs, winter use of water was much more prevalent than a cold water spring source and the ranch operations were varied and highly productive.

The Sadler Ranch planted an 80 acre vegetable garden each season. A variety of vegetables were cultivated including potatoes, carrots, turnips, lettuce, radishes, corn, onions, string beans, wax beans, peas, turnips, squash, cauliflower, currants and cabbage. Strawberries and asparagus were raised in hot beds. The garden supported the needs of the families, permanent staff and seasonal crews. The garden also supplied the Sadler Store in Town of Eureka.

- Refer to Bates Numbers LPP000027-000054 of Ethel Eccles Sadler Diary
- Refer to Bates Numbers LPP000279-LPP000340 - Summary Slides

Cattle, hogs, lambs and chickens were slaughtered for local businesses in Eureka throughout the year and they raised and sold eggs. Large quantities of butter were produced and sold in the Sadler Store in Town of Eureka.

Muskrats were trapped in the diversion structures, ditches and ponds. Their hides sold for fur. This practice was documented in the 1920's and 1940's. In 1941, for example, it was noted by Ethel Eccles Sadler in her diary that more than 80 muskrats had been caught by the 5th of March. The muskrats were occupying the diversion structures and ditches transporting water from the Big Shipley Springs. In order to support such a

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large population of muskrats, the ditches were transporting substantial water flows on a year round basis.

- Refer to Bates Numbers LPP000012-LPP00020 of Ethel Eccles Sadlers Diary
- Refer to Bates Numbers LPP000279-LPP000340 - Summary Slides

Due to the warm temperature of the Big Shipley Springs, staff working on the ranch as well as people throughout the Valley would swim and soak in the ponds to seeking enjoyment and relief.

- Refer to Bates Numbers LPP000012-LPP00020 - Ethel Eccles Sadler Diary
- Refer to Bates Numbers LPP000001-LPP00020 - Andrew D. Crofut Diamond Valley Dust

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

Flows from the Big Shipley Spring during the non-irrigation season provide water for storage in numerous ponds located throughout the place of use, 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 Big Shipley Springs water throughout the entire Sadler Ranch.

- Refer to Photo of the Sadler Ranch, circa 1920

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 Big Shipley Springs along with a shallow grade (0.5% per Alan Boyak under Proof 03289) 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 Sadler 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.

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 Big Shipley 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.

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

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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

Alan Boyack noted several ponds on the culture map he prepared to support Proof of Appropriation No. 03289. Further review of historical aerial photographs prior to and after the Boyack's field survey in 1978 confirm the parcels noted as "water" on the Boyack culture map are fields with culture growing.

- Refer to Bates Numbers SED000058-000065 Copy of the Boyack Culture Map filed to support Proof of Appropriation 03289 overlaid on a 1985 aerial photograph of the Sadler Ranch.

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 Big Shipley Spring flows to leach salts and wet soils during the non-irrigation season.

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The parties to this stipulation also agreed Big Shipley Springs water is "permitted to flow in an 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.

- Refer to Bates Numbers LPP000004-000013 - 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.
- Refer to Bates LPP000269-LPP000278.

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Commercial Ice Production:

Water from Big Shipley Springs was diverted during the non-irrigation season into ponds for ice production and storage for irrigation. Historical accounts by Ethel Eccles Sadler in her diary confirm the consumption of water for the production of ice. Starting in December, ice blocks were cut in the winter and stored in cellars insulated with hay at the Sadler Ranch. Ice was utilized at the Sadler Ranch for a number of uses including the preservation of dairy products. Ice was also used to preserve produce and dairy products sold at the Sadler Store in the Town of Eureka. Ethel Eccles Sadler mentions in her diary the ice blocks would last until August.

- Refer to Bates Numbers BK000027-000054 and other accounts throughout Ethel Eccles Sadler Diary
- Refer to Bates Numbers LPP000279-LPP000340 - Summary Slides
- Refer to Photo of the Sadler Ranch, circa 1920

Commercial Dairy Herd and Products:

The Sadler Ranch supported a herd of dairy cattle which provided a supply of milk and milk products for the owners and others in the Diamond Valley area. Historical accounts describe a herd of 100 or more dairy cattle being milked each day. Butter and other milk products were sold and distributed throughout Diamond Valley. The Sadler Family owned and operated a store in the Town of Eureka where dairy products from the Ranch were sold.

- Refer to Bates Numbers BK000027-000054 - Ethel Eccles Sadler Diary
- Refer to Exhibit Bates Numbers LPP000279-LPP000340 Summary Slides

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

Big Shipley Springs flows easterly from its' source located within Section 23 T24N, R52E, MDM. A large alkali flat in the north - central portion of Diamond Valley is located approximately 2.5 miles east of this spring. A series of manmade ditches,

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levies, natural channels and storage ponds provide Big Shipley Spring water to Sadler Ranch fields of alfalfa, harvest meadow hay and meadow. As described by Alan Boyack under Item No. 5 of Proof of Appropriation No. 03289 ("on a grade of 5 +/- feet per 1,000 feet"), the slope of the land and ditch systems is approximately 0.5%.

Review of the USGS 7.5 minute map entitled Bailey Pass Quadrangle confirms a slope from Big Shipley 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.

Culture map prepared by Alan S. Boyack dated January 14, 1980 in support of Proof of Appropriation No. 03289 – Big Shipley Springs corresponds to US General Land Office Field Survey Notes of 1870:

The meadow culture, irrigation boundaries and ditch features identified in the Adrian & Bates 1870 field survey notes correspond to the culture map signed January 14, 1980 by Alan S. Boyack, Nevada State Water Right Surveyor No. 358, in support of Proof of Appropriation Nos. V03289 and V03290. Mr. Boyack limited his field survey and accounting of cultivated acres to private land holdings. Further review of historical documents, personal accounts and aerial photographs confirm the cultivation, irrigation and harvest of lands beyond the boundaries of the Boyack culture map.

- Refer to Bates Numbers GD000002-GD000026 US General Land Office Cadastral Field Survey Notes identified as Book No. 76 – Surveyors Adrian & Bates confirm in their 1870 field notes that hot springs water is utilized for the irrigation of meadows. They state "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. In Section 24 T24N, R52E is a very hot spring about 60 feet in diameter, from which flows a stream 10 links wide and 3 feet deep with a strong current and sinks in about 2 miles." The Boyack culture map shows harvest meadow and alfalfa extending approximately 2 to 2.5 miles to the east of the Big Shipley Springs

- Refer to Bates Numbers SED000058-000065 Boyack culture map on file at the Nevada Division of Water Resources under Proof of Appropriation No. 03289 - The main supply ditch dimensions leading from Big Shipley Springs as identified on the Boyack culture map are shown to be similar in size to the 6.6 feet wide by 3 feet deep stream with a strong current reported by Adrian & Bates. Boyack has

identified Ditch No. 1 as 3 feet by 8 feet, Ditch No. 2 as 3 feet by 5 feet and Ditch No. 3 as 2 feet by 10 feet.

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

Refer to Item No. 20

Item No. 24 – Characteristics of the soil:

Refer to Item No. 20

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 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 Eva Springs as the sources of water to fulfill a diversified consumption of water on a year round basis. Indian Camp Spring and Eva Springs no longer flow or are visible at the surface. Big Shipley Springs flows have recently been measured at less than 1.0 cubic feet per second.

Big Shipley Springs and tributaries produced reliable and continuous water flows allowing the Big Shipley Springs Ranch historical owners the ability to support a wide variety of beneficial uses from January 1st through December 31st. As confirmed during field investigations by the Nevada Division of Water Resources staff report in 1913, all of the water from Big Shipley Springs and tributaries has been placed to beneficial use. The warm characteristics of this water source supplied multiple manners of use supporting the economic viability of the Sadler Ranch. The entire flow of Big Shipley Springs and tributaries supported the following manners of use on an annual basis.

- Irrigation – Historical aerial photography, culture maps and field surveys confirm the historical irrigation of 1,917.32 acres of land with a variety of cultures from Big Shipley Springs and tributaries. Based on historical practices and established irrigation efficiencies, the beneficial use of water from Big Shipley 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. Alan Boyack as water right agent under Proof of Appropriation No. 03289 stated an average duty of 4.5 acre feet per acre is utilized for irrigation purposes. A total of 8,627.94 acre feet per season (1,917.32 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 Big Shipley 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 Sadler Ranch raised as many as 1,000 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 horses, approximately 30, was required for commercial, ranching and farming operations. Big Shipley Springs and tributaries provided water to the domesticated animals on the Sadler Ranch and grazing allotment.

- Commercial Garden - The Sadler Ranch planted and maintained an 80 acre vegetable garden each season. A variety of vegetables were cultivated including potatoes, carrots, turnips, lettuce, radishes, corn, onions, string beans, wax beans, peas, turnips, squash, cauliflower, currants and cabbage. Strawberries and asparagus were raised in hot beds. The garden supported the needs of the families, permanent staff and seasonal crews. The garden also supplied produce to the Sadler Store in the Town of Eureka.

- Commercial Butcher and Dairy - Cattle, lambs, hogs, chickens and eggs were raised, slaughtered and sold by the Sadler Ranch to local businesses in Diamond Valley and the Town of Eureka. Historical accounts describe a herd of 100 or more dairy cattle being milked each day. Butter and other milk products were sold and distributed throughout Diamond Valley including the Sadler Store in the Town of Eureka.

- Commercial Ice Production - Water from Big Shipley Springs was diverted during the non-irrigation season into ponds for ice production and storage for irrigation. Ice blocks were cut and utilized at the Sadler Ranch for a number of uses including the preservation of produce and dairy products. Ice blocks were also used to preserve produce and dairy products transported to and sold at the Sadler Store in the Town of Eureka.

Historical accounts and documents confirm the beneficial use of Big Shipley Springs and tributary water flows starting in 1863. The entire flow of Big Shipley Springs and tributaries was utilized to satisfy the annual needs of multiple manners of use of the Sadler Ranch. Flow rates from Big Shipley Springs and tributaries range from historical accounts of 15 cubic feet per second to the present day flow of less than 1.0 cubic feet per second.

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03289

Filing Serial No. 03289

THE STATE OF NEVADA
PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Loudy

Source Big Shipley Springs and Tributaries
Name of natural water source

The water is diverted from its source by Springs, Ponds and Ditches
Name of ditch, flume or pipe line

at the following point(s) Point of Diversion No. 1 (Ditch No. 1), NE¼ SE¼ of Section 23, T 24 N, R 52 E, MDM., at a point from which the NE Corner of said Section 23 bears N 10° 49' 41" E 3516.39 feet. Point of Diversion No. 2 (Ditch No. 2) NE¼ SE¼ of Section 23, T 24 N, R 52 E, MDM., at a point from which the NE Corner of said Section 24 bears N 10° 54' 23" E 3557.39 feet. Point of Diversion No. 3 (Ditch No. 3) NE¼ SE¼ Section 23, T 24 N, R 52 E, MDM., at a point from which the NE Corner of said Section 23 bears N 12° 58' 54" E 4039.74 feet.
List all points of diversion from this source, appending a sheet if necessary
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

(1) Name of claimant Robert E. and William Loudy

Address Eureka, County of Eureka

State of Nevada

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

(3) The date of the survey of ditch, canal, or pipe line was November 1977

(4) The construction of the ditch or other works was begun prior to 1879

and completed by 1879

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom ± 3 feet, width on top ± 8 feet, depth ± 3 feet, on a grade of ± 5 feet per thousand feet.

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

100%
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

Fee Simple
Fee simple, public domain, etc.

(11) Crops of Alfalfa, Harvest Meadow Hay, Meadow have been grown upon the land irrigated.

(12) The water has been used for irrigation from January 1 (Day of month) to December 31 (Day of month) of each year.

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(13) List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

1879 (Year), .66 acres in the NW¼ NE¼ of Sec. 13, T. 24N., R. 52 E.

1879, 12.97 acres in the NE¼ NE¼ of Sec. 13, T. " , R. " E.

1879, 19.15 acres in the SW¼ NE¼ of Sec. 13, T. " , R. " E.

1879, 15.03 acres in the SE¼ NE¼ of Sec. 13, T. " , R. " E.

1879, 6.20 acres in the NW¼ SW¼ of Sec. 13, T. " , R. " E.

1879, 26.17 acres in the NE¼ SW¼ of Sec. 13, T. " , R. " E.

1879, 19.64 acres in the SW¼ SW¼ of Sec. 13, T. " , R. " E.

1879, 39.53 acres in the SE¼ SW¼ of Sec. 13, T. " , R. " E.

1879, 27.55 acres in the NW¼ SE¼ of Sec. 13, T. " , R. " E.

1879, 32.64 acres in the SW¼ SE¼ of Sec. 13, T. " , R. " E.

1879, 30.35 acres in the SE¼ SE¼ of Sec. 13, T. " , R. " E.

1879, 21.42 acres in the SW¼ SW¼ of Sec. 18, T. " , R. 53 E.

1879, 2.84 acres in the NW¼ SW¼ of Sec. 18, T. " , R. 53 E.

1879, 21.38 acres in the NE¼ SW¼ of Sec. 18, T. " , R. " E.

1879, 27.71 acres in the SE¼ SW¼ of Sec. 18, T. " , R. " E.

1879, 12.75 acres in the NW¼ SE¼ of Sec. 18, T. " , R. " E.

1879, 13.80 acres in the SW¼ SE¼ of Sec. 18, T. " , R. " E.

1879, 10.81 acres in the SE¼ SE¼ of Sec. 18, T. " , R. " E.

1879, 7.88 acres in the SW¼ SW¼ of Sec. 17, T. " , R. " E.

, See ATTACHED acres in the of Sec. , T. , R. E.

(14) The maximum acreage irrigated in any year was 1657.28 acres.

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

(16) 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

(17) 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 (17)

DATE	ACRES	LOCATI	SECTION	TOWNSH	RANGE
1879	9.78	SW¼ SW¼	19	24N	53E
1879	8.26	SE¼ SW¼	19	"	"
1879	5.63	SW¼ SE¼	"	"	"
1879	21.60	NW¼ NW¼	"	"	"
1879	30.63	NE¼ NW¼	"	"	"
1879	6.69	NW¼ NE¼	"	"	"
1879	2.66	SW¼ NW¼	"	"	"
1879	1.69	SE¼ NW¼	"	"	"
1879	13.19	SW¼ NE¼	"	"	"
1879	6.49	SE¼ NE¼	23	"	52E
1879	10.05	NE¼ SE¼	"	"	"
1879	16.71	SE¼ SE¼	"	"	"
1879	31.33	NW¼ NW¼	24	"	"
1879	39.41	NE¼ NW¼	24	"	"
1879	30.79	SE¼ NW¼	"	"	"
1879	39.55	SW¼ NW¼	"	"	"
1879	29.91	NW¼ SW¼	"	"	"
1879	38.08	SW¼ SW¼	"	"	"
1879	28.64	NE¼ SW¼	"	"	"
1879	37.18	SE¼ SW¼	"	"	"
1879	38.52	NW¼ NE¼	"	"	"
1879	39.61	NE¼ NE¼	"	"	"
1879	18.14	SW¼ NE¼	"	"	"
1879	12.37	SE¼ NE¼	"	"	"
1879	5.83	NW¼ SE¼	"	"	"
1879	.99	NE¼ SE¼	"	"	"
1879	30.52	SW¼ SE¼	"	"	"
1879	21.97	SE¼ SE¼	"	"	"
1879	39.84	NW¼ NW¼	25	"	"
1879	39.84	NE¼ NW¼	"	"	"
1879	1.13	SW¼ NW¼	"	"	"
1879	26.38	SE¼ NW¼	"	"	"
1879	36.65	NW¼ NE¼	"	"	"
1879	24.85	NE¼ NE¼	"	"	"
1879	34.29	SW¼ NE¼	"	"	"
1879	40.00	SE¼ NE¼	"	"	"
1879	10.99	NE¼ NE¼	26	"	"
1879	11.10	NW¼ NW¼	29	"	53E
1879	18.55	NE¼ NW¼	"	"	"
1879	26.46	SE¼ NW¼	"	"	"
1879	30.37	SW¼ NW¼	"	"	"
1879	14.73	NW¼ SW¼	"	"	"
1879	.52	NE¼ SW¼	"	"	"
1879	.93	SW¼ NE¼	"	"	"
1879	11.73	NW¼ SE¼	"	"	"
1879	37.16	SW¼ SE¼	"	"	"
1879	37.39	SE¼ SE¼	"	"	"
1879	18.52	NW¼ NW¼	30	"	"
1879	10.76	NE¼ NW¼	"	"	"
1879	37.65	SW¼ NW¼	"	"	"
1879	33.63	SE¼ NW¼	"	"	"
1879	23.09	NW¼ NE¼	"	"	"
1879	9.88	NE¼ NE¼	"	"	"
1879	21.17	SW¼ NE¼	"	"	"
1879	28.83	SE¼ NE¼	"	"	"
1879	11.83	NW¼ SE¼	"	"	"
1879	17.94	NE¼ SE¼	"	"	"
1879	36.72	NE¼ NE¼	32	"	"
1879	39.65	NW¼ NE¼	"	"	"

1657.28

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

(19) The character of the soil is Sandy - Loan (Sandy, gravelly, loam) 4½ acre-feet per acre per annum have been used to irrigate the crops. A continuous flow of ..... cubic feet of water per second has been used to irrigate ..... acres of land.

(20) Remarks: Included with this Proof of Appropriation are copies of the original BLM Field Notes of 1879 when the township was surveyed referring to meadows and irrigation ditches. Also included is a copy of the deposition of Mr. Reinhold Sadler pertaining to Irrigation of the Ranch..

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Robert E. and William Loudy are full and correct to the best of his knowledge and belief. Agent

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

LINDA L. REYNOLDS
Notary Public - State of Nevada
Elko County Nevada
My Commission Expires May 5, 1981

Alan S. Boyack
Alan S. Boyack
582½ West Cedar Street
Elko, Nevada 89801

Subscribed and sworn to before me this 14th day of January, 1980.

Linda L. Reynolds
Notary Public in and for the County of Elko

My commission expires May 5, 1981

$10 FILING FEE MUST ACCOMPANY PROOF