AMENDED

Proof No. V04162

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 Bailey Family Trust and Sadler Ranch, LLC

Address see remarks: P.O. Box 29 City of Eureka County of Eureka

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

1. Source of water Union Creek 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 Ten Voord Springs and channel

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

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

A point in lot 10 of Section 5, T26N, R53E, MDB&M at a point from which the NW corner of said Section 5 bears N 52° 04' 00" W a distance of 6,685.63 feet.

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

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

and completed

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Public domain with grazing permit

Patented, deeded, public domain with grazing permit, etc.

6. The claimant's water right was / was not recorded in the office of the County Recorder of
(circle one)

Eureka County, at Page A of Book 41 of Water Location

7. The amount of water diverted for the claim's purpose has been measured at

0.0155 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):

Point of Diversion thence Easterly along stream

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

## QUESTIONS REGARDING WATERING OF LIVESTOCK

9. The approximate number of animals watered by the claimant during the first year of 1863 (Year) was

500 cattle _____ horses _____ sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: April through November

10. The approximate number of animals watered by the claimant in subsequent years was:

500 cattle _____ horses _____ sheep _____ other (describe in remarks)

11. The water is impounded in Natural channel

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 _____

13. The dimensions of the ditch or canal as originally constructed were: Width on bottom _____ feet, width on top _____ feet, depth _____ feet, for _____ lineal feet of improvement, on a grade of _____ 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)

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

20. Crop(s) of _____
(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 _____ to _____ of each year. The average number of cuttings in a year is typically _____ cuttings and the maximum number of cuttings in a year is _____ 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):

_____

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

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

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

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

| Date | Acres | | Quarter-Quarter | | Section | | Township | | Range |
|---|---|---|---|---|---|---|---|---|---|
| _____ | _____ | 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. |

## ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

See supplement attached.

NAME OF CLAIMANT: Wilfred R. Bailey and Barbara Bailey, Trustees of the Bailey Family Trust as to an undivided 50% interest.
ADDRESS: %Fred Bailey, P.O. Box 29, Eureka, Nevada 89316

Sadler Ranch, LLC., a Nevada limited liability company, as to an undivided 50% interest.
ADDRESS: % Theodore Yednock Revocable Trust
Attn: Theodore Yednock
P.O. Box 831
Forest Knolls, CA 94933
cc: Mr. Michael Buschelman
P.O. Box 51371
Sparks, Nevada 89435

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

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

Deponent is the agent for claimant

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

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

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

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

State of Nevada
County of Eureka

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

by Fred Bailey

Diane D Podborny
Signature of Notary Public Required

DIANE D. PODBORNY
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 13-10500-8
My Appt. Expires March 12, 2017

Notary Stamp or Seal Required

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

# SUPPLEMENT TO AMENDED PROOF OF APPROPRIATION NO. V04162, UNION CREEK AND TRIBUTARIES

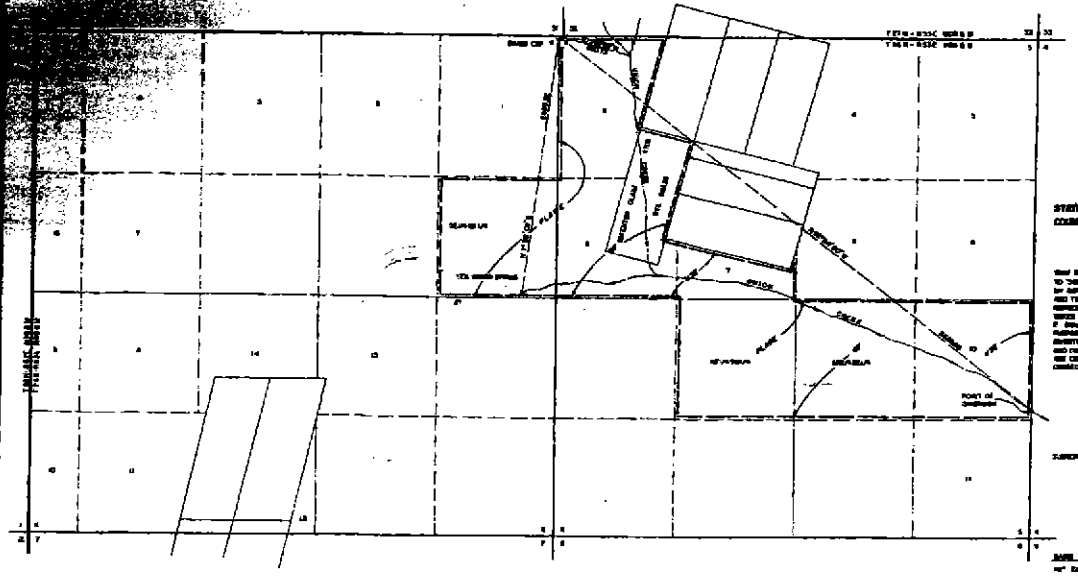
In 1894, R. Sadler and R. Bailey filed a Notice of Water Location in Eureka County for the Waters of Union Creek for agricultural purposes and for watering stock cattle and horses (see exhibits already filed under V01104).

In 1984, a Proof of Appropriation was filed on the source of this Proof jointly with F. Donald Sokol and Wilfred or Barbara Bailey. The successors to that Proof are the Bailey Family Trust and the Sadler Ranch, LLC. Please refer to the Report of Conveyance previously submitted for both parties as to the chain of title.

This proof gave a priority date of 1894 which is not correct in that livestock were grazed in the area from a reported date of 1863, when the ranching operation of the Bailey Family Trust was initiated. The proof claiming 1894 as the priority was clearly to document the change of the manner of use from an open channel to the improvements described therein. The proof was filed jointly for a total of 500 cattle. The source of water is listed as Union Creek and Tributaries, and the water is diverted by Ten Voord Springs, Natural Channel.

Please refer to amended Proof V01104 for the 1894 Water Location, where exhibits are already on file for the Bailey Ranch base property and to Reports of Conveyance to Sadler Ranch, LLC for chain of title and for additional priority information. Please refer to the map that accompanied V04162 to accompany this proof.

This amended Proof is to correct the date of priority of use and is made on the present approved State claim form which is substantially different from the form of the original. The numbers of livestock and the amount of water are for the original claimed.



STATE OF NEVADA
COUNTY OF ELKO } S.S.

SCALE: 1" = 500'

FILED

**MAP**
TO ACCOMPANY PROOF OF APPROPRIATION
FOR
STOCKWATER PURPOSES
BY
K. DONALD ROGERS & WILFRED DE BARBARA HOLLY
FROM WATER CHECK & TRANSFORMER
IN NEVADA COUNTY, NEVADA

W-84001

04162