Proof No. 04479

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 | ✓ |

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NAME OF CLAIMANT Kobeh Valley Ranch, LLC c/o General Moly, Inc.

Address 790 Commercial Street, Suite B City of Elko County of Elko

State of Nevada Telephone No. (775) 748-6000 Email Address kkinsella@generalmoly.com

1. Source of water Romano Springs No. 1 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 through holding ponds for distribution through dams, Romano Ditch 1 and dikes
   Dam and ditch, pipeline, flume, natural channel, underground, etc.

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

within the SW1/4 NW 1/4 of Section 13, T.23N., R.52E., M.D.M. at a point from which the W1/4 corner of said Section 13 bears S 47°55'00" ~~E~~ W 1397.21 feet. Refer to map filed in support of Vested Proof V04471. See attachment. KAK 7-1-16

(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 to1861 - See Attachment and completed by 1876 - 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 See Attachment. cubic feet per second.
   448.83 gallons per minute equals 1 cubic feet per second

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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 1861 (Year) was

see attach cattle _____ horses see attach 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:

_____ cattle _____ 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 4 feet, depth 2 feet, for see attachment lineal feet of improvement, on a grade of 1 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 See attachment 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 (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.

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20. Crop(s) of wheat, alfalfa, harvest and wild hay and meadow. 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 cessation in flows and ultimate drying up of Romano Springs No. 1 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 sandy - 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 3.0 cfs See Attachment cubic feet per second. The quantity of water used to irrigate the claimed place of use during an average irrigation season is 854.51 acre-feet per annum.

26. The maximum flow diverted to the claimed place of use in an irrigation season is 3.0 cfs See Attachment 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 |
|---|---|---|---|---|---|
| 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. |

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## ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

See Attachment. This proof is an amendment of the original Proof No. 04479 filed July 15, 1985. Additional historical information and documentation not included with the original proof has been obtained which necessitates the amendment of this proof of appropriation. Proof No. 04471 was filed to support stock water uses from Romano Springs No. 1; this amended proof includes and incorporates irrigation, stock water, and domestic uses. Refer to affidavit by Mr. Dante Siri, with accompanying map, filed under original proof for information that establishes cultural acreage and boundary used historically at the Romano Ranch within lands owned in fee title. Refer to map filed in support of the original proofs dated August 6, 1913 for spring and ditch diversion layout.

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

Kobeh Valley 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 Signature
(Please type or print name) (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
Notary Public
State of Nevada
Appt. No. 13-9936-2
My Appt. Expires Jan. 24, 2017

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.**

SHEET 2 - ROMANO SPRING NO. 1 - PROOF NO. V04479; SPING AND RESERVOIR NO. 2, AND SPRING NO. 4A

| SECTION | SUBDIVISION | TOWN SHIP | RANGE | CULTIVATED ACREAGE | CULTURE DESCRIPTION | DATE OF FIRST CULTURE |
|---|---|---|---|---|---|---|
| 13 | SE1/4 NW1/4 | 23N | 53E | 39.99 | WILD HAY & ALFALFA | Prior to 1861 |
| 13 | SW1/4 NW1/4 | " | " | 0.34 | " | " |
| 13 | SE1/4 NE1/4 | " | " | 2.53 | MEADOW | " |
| 13 | SW1/4 NE1/4 | " | " | 13.82 | " | " |
| 13 | NW1/4 SE1/4 | " | " | 40.18 | " | " |
| 13 | NE1/4 SE1/4 | " | " | 3.56 | " | " |
| 13 | SE1/4 SE1/4 | " | " | 21.01 | " | " |
| 13 | SW1/4 SE1/4 | " | " | 24.13 | " | " |
| 13 | NE1/4 SW1/4 | " | " | 27.13 | WILD HAY & ALFALFA | " |
| 13 | SE1/4 SW1/4 | " | " | 17.19 | " | " |
| | | | Total | 189.88 | | |

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**Post Office Box 51371**
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Attachment
to
Irrigation Water Proofs of Appropriation
Claimant: Kobeh Valley Ranch, LLC

Kobeh Valley Ranch, LLC is the successor to the previous owners of land, historical water claims and Bureau of Land Management (BLM) grazing permits now collectively known as the Romano Ranch located in Diamond Valley, Nevada. The present day Romano Ranch is a consolidation of numerous properties that utilized Sulphur Springs complex, Tule Springs complex, Romano Springs complex, Siri Springs complex and numerous other springs as the sources of water to fulfill a diversified consumption of water on a year round basis (collectively referred to as the "Romano Ranch Springs complex"). Refer to the supporting map filed under amended Proof of Appropriation No. 04476 for a location and listing of the spring sources comprising the Romano Ranch Spring complex.

This attachment has been prepared to provide additional information to support Proofs of Appropriation for irrigation, stock water and domestic purposes on private and public lands. Some of these proofs of appropriations are being filed to augment previously filed Proofs or Permits. Serial numbers will be referenced if applicable.

**Item No. 3 – Points of diversion**

Due to continued declines of spring water flows and cessation of numerous springs located in the northerly portion of Diamond Valley, Nevada, spring locations were confirmed by use of United States Geological Survey (USGS) June 28, 1946 aerial photography as well as other historical aerial photograph, mapping and historical accounts.

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 Romano 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 Romano Ranch Springs complex and tributary water sources.

Historical use of water from Romano Ranch Springs complex has been documented by use of historical aerial photography dating back to 1946 and supporting documentation dating back to prior to 1861. Due to continued declines of water flows

from Romano Ranch Springs complex and tributaries, cultivated acres were confirmed by use of 1946 aerial photography as well as historical accounts and documents.

Amendments to the original Proofs of Appropriation Nos. 04476 through 04480 include:

- The priority has been documented as prior to 1861.
- Additional documentation is provided confirming the pre – statutory beneficial use of water for multiple year round purposes from Romano Ranch Spring complex.
- 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 Romano Ranch Spring complex has been historically utilized to support the economic viability of the Romano Ranch.
- Kobeh Valley Ranch, LLC is the successor to the previous owners of land and historical water claims now known as the Romano Ranch located in Diamond Valley, Nevada.

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

The present day Romano Ranch is a consolidation of numerous properties that utilized Sulphur Springs complex, Tule Springs complex, Romano Springs complex, Siri Springs complex and numerous other springs. Refer to the supporting map filed under amended Proof of Appropriation No. 04476 for the location and listing of the spring sources comprising the Romano Ranch Spring complex.

The Romano Ranch Springs and tributaries are 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 1861. 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 1876 as reported by Alan Boyack, agent under the original filing of Proof Nos. 04476 through 04480 on July 15, 1985.

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

Kobeh Valley Ranch, LLC purchased the land and appurtenant water rights known as the Romano 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 Romano Ranch Springs complex 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 Romano Ranch Springs complex and tributaries continued to be placed to beneficial use on private and public lands. Proof No. 04476 through 04480 have been amended and the culture map

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

Kobeh Valley Ranch, LLC holds fee title interest in the privately held lands and appurtenant water rights. Kobeh Valley Ranch, LLC holds title to water rights appurtenant to public lands. Water from Romano Ranch Springs and tributaries was placed to beneficial use on private and public lands know known as Romano Ranch.

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

Sulphur Springs Station was constructed at Sulphur Springs in or around July 1861 as part of the Pony Express.[1] The water was used to water horses and provide forage for the animals. The Overland trail replaced the Pony Express trail in Diamond Valley. Sulphur Station eventually became Sulphur Springs ranch. The earliest records in Eureka County indicate that Henry Selkirk was the owner of Sulphur Springs Ranch prior to 1873. Eureka County was created from a portion of Lander County in 1873. Tax records in Eureka County in 1873 indicate that Henry Selkirk owned Sulphur Springs Ranch and the Sheep Ranch, located 1 mile above Sulphur Springs.

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The original Proof of Appropriation Nos. 04476 through 04480 filed at the Nevada Division of Water Resources (NDWR) on July 15, 1985 lists the priority for irrigation, domestic use and stock water use as 1876. This date is the date of the conveyance of the Sulphur Springs Ranch by Henry Selkirk to Fred Barnes, et al. The proof is being amended to more accurately reflect the development of the ranch prior to this conveyance by Mr. Selkirk and his predecessors.

Dante Siri, previous owner of the Romano Ranch, recorded at the NDWR an affidavit and a supporting map under Proof No. 04471 describing numerous springs, approximate flows and estimated irrigated acres on private lands.

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 Romano Ranch Springs complex were initiated in prior to 1861. Subsequent uses of water were expanded as the Romano Ranch enlarged it's operation staffing. The priority date under Proof Nos. 04476 through 04480 is amended to prior to 1861 based on the following documentation.

Documentation of pre–statutory beneficial use of Romano Ranch spring complex for multiple year round purposes:

Pre-statutory (pre-1905) uses of the Romano Ranch Spring complex water are noted in numerous documents recorded in Eureka County and the Nevada Division of Water Resources (NDWR) also known as the State Engineer's office.

[1] **https://www.nps.gov/poex/learn/historyculture/upload/Garden-Pass-upright_low-res_final.pdf**

Mr. Romano owned the Romano Ranch Springs complex and ranch at the southeasterly portion of the Shipley Springs. Mr. Sadler also owned pieces of the Romano Ranch Spring Complex at one time. Documentation of the irrigation practices of these two parties is memorialized in a legal dispute between Romano and Sadler. The dispute was resolved and the winter use of spring water by Mr. Romano was recognized. Ultimately Permit 4273 was issued to a successor of Mr. Romano on the Sadler Ranch authorizing winter use of water to wet fields for irrigation in the irrigation season. *See* generally the water right file for Permit 4273.

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

Due to continued declines of spring water flows and cessation of numerous springs located in the northerly portion of Diamond Valley, Nevada, spring locations were confirmed by use of United States Geological Survey (USGS) June 28, 1946 aerial photography as well as other historical aerial photograph, mapping and historical accounts.

Refer to flows identified in the Dante Siri affidavit filed under Proof No. 04471 listing estimated flows of springs.

Refer to Item No. 6 and 25.

**Item No. 8 – Place of use:**

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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:**

Romano Ranch Springs complex water flows into holding ponds and a distribution facility. 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 Nos. 04476 through 04480 were filed at the Nevada Division of Water Resources (NDWR) on July 15, 1985 by Alan S. Boyack, water right

surveyor/agent for James W. and Pamela M. Buffham. Field surveys of the Romano Ranch and lands irrigated by Romano Ranch Springs complex were conducted by Mr. Boyack between October 1 & 2, 1984. A total of 457.42 acres was identified by Mr. Boyack on his culture map filed in support of Proof of Appropriation Nos. 04476 through 04480 as the place of use for irrigation purposes. Utilizing an average 4.0 acre feet per acre duty times 457.42 water righted acres, the total annual demand for water from Romano Ranch Springs complex is 1,829.68 acre feet per annum. Mr. Boyack included the following remark on each proof filed.

- Item No. 20 – The springs on this ranch began drying up in 1965 and were completely dry by 1972 and are still dry to this date. The map was compiled from aerial photographs, field surveys and a field trip with Mr. Dante Siri who owned and operated the ranch from 1922 to 1942. Since there has been no irrigation after 1972, it is very difficult to locate ditches and determine culture. Included with the proof of appropriation is an affidavit by Mr. Danti Siri pertaining to the irrigation of this ranch. Also included is a copy of the BLM field notes and township plat and partial chain of title showing that a portion, if not all of the Romano Ranch was inhabited in 1876.

A review has been completed of historical aerial photography taken before and after the 1984 Boyack field survey of the Romano Ranch fields irrigated by Romano Ranch Springs complex. The culture map prepared by Mr. Boyack illustrated the location of only a portion of the lands irrigated by water from Romano Ranch Springs complex and tributaries. An amended map has been prepared to illustrate the total land area irrigated from water provided by Romano Ranch Springs complex and tributaries. A total of 1,496.10 water righted acres has been historically irrigated by water from Romano Ranch Springs complex and tributaries. Utilizing an average 4.5 acre feet per acre duty times 1,496.10 water righted acres, the total annual demand for water from Romano Ranch Springs complex is 6,732.45 acre feet per annum. Refer to Item No. 20 for discussion of the average duty of 4.5 acre feet per acre per annum.

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**<u>Item No. 20 – Crops and multiple manners of use:</u>**

<u>Average Duty of 4.5 acre feet per acre per year for agricultural purposes utilizing Romano Ranch Springs complex:</u>

Romano Ranch Springs complex water has been utilized for irrigation, stock water, storage, quasi-municipal and commercial purposes on an annual basis since "prior to prior to 1861". In addition to the duty of water for agricultural purposes, further consumption of Romano Ranch Springs complex water is described later in this report.

The owners of the Romano Ranch grew alfalfa, wheat, oats, barley, winter wheat, meadow hay and pasture grasses. Romano Ranch Springs complex produced approximately 74 degrees Fahrenheit water enabling crops produce earlier in the season. There were two cuttings of alfalfa and two cuttings of tame hay, which was significant for Diamond Valley. Sulphur Springs (Amended Proof No. 04478) is listed on the US

Geologic Survey Description of Thermal Springs published in 1965. Water use and historic practice in the valley is also supported by descriptions in Andrew D. Crofut Diamond Valley Dust, and in Floyd Slagowski's Eureka Memories, Eureka County History Project, 1993, Editor Robert D. McCracken.

Water from Romano Ranch Springs complex 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 4.0 acre feet per acre per annum have been used to irrigate crops. An average duty of 4.5 acre feet per acre per annum has been confirmed as a more representative average annual duty for beneficial use of the entire flows from the Diamond Valley springs complex by ranchers.

Based on historical practices and established irrigation efficiencies, the beneficial use of water from Romano Ranch 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 each spring complex 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 the Historical Duty Calculations for Diamond Valley, Nevada spread sheet, being submitted in the Supplemental Information Packet for these proofs, being filed concurrently with this proof.

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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. Field notes of contract land surveyors W.T. Moran verified vast acres of meadows and good soils, as well as hay cultivation in the area of the Romano Ranch. These surveyors were contracted by the US General Land Office to survey and establish township, range and section lines within several township in the northern portion of Diamond Valley.

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.

In the survey of the subdivisions of Township 23N, R52E, MDB&M, conducted on June 26, 1893, surveyor W.T. Moran observed "considerable fields, rich meadows

from which haw is now cut, and a small portion under cultivation" for the lands in this township and ranch. Page 66 survey notes, *see* File No. 2 for Proof V04471.

The manner of use of Romano Ranch Springs complex water includes irrigation, stock water, domestic, commercial, storage and quasi-municipal purposes:

The original Proof of Appropriation filed under 04476 through 04480 states that water was utilized for irrigation and stock water purposes. Research confirms Romano Ranch Springs complex was used for irrigation, stock water, soil salt leaching, domestic, commercial, storage and quasi-municipal purposes to support ranching and commercial operations.

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Stock Water Uses:

Historical accounts noted above confirm the Romano Ranch raised as many as 1,000 head of cattle, 10,000 head of sheep along with other domesticated farm animals. Hogs, lambs and chickens were slaughtered for the Pony Express Station at the Romano Ranch. A large herd of horses, approximately 30, was required for commercial, ranching and farming operations. Romano Ranch Springs complex and tributaries provided water to the domesticated animals on the Romano Ranch and grazing allotment.

Reference is made to the submittal located in File No. 2 of Proof V04471, and the Supplemental Information Packet being filed concurrently with this proof.

Quasi-Municipal Uses:

Historical accounts document fulltime staff required to operate the Romano 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 Pony Express Station operations and the Overland Stage line. Water use and historic practice in the valley is also supported by descriptions in Andrew D. Crofut Diamond Valley Dust, and in Floyd Slagowski's Eureka Memories, Eureka County History Project, 1993, Editor Robert D. McCracken.

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

Flows from the Romano Spring complex 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 Romano Ranch Springs complex water throughout the entire Romano Ranch. Review of 1946 and later historical aerial photographs confirm the storage of spring flows in detention ponds throughout the year.

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 Romano Ranch Springs complex along with a shallow grade of 0.2% to 0.5% 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 Romano 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 Romano Ranch Spring complex is 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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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 Romano Ranch. The approval of this permit confirms the Nevada Division of Water Resources acknowledges the practice of pre-season irrigation for soil moisture augmentation by prior owners of the Romano Ranch in this area.

Frank Romano owned land along the easterly boundary of the private land now known as the Romano 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 Romano Ranch Springs complex 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. The parties to this stipulation also agreed Romano Ranch Springs complex 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.

<u>Grade of ditches and fields between 0.2% and 0.5%:</u>

Romano Ranch Springs complex flows easterly from its' source. A large alkali playa in the north - central portion of Diamond Valley is located east of this spring complex. A series of manmade ditches, levies, natural channels and storage ponds provide spring complex water to Romano Ranch fields of alfalfa, harvest meadow hay and meadow.

Review of the USGS 7.5 minute map entitled Bailey Pass Quadrangle confirms a slope from Romano Ranch Springs complex to the edge of the Diamond Valley alkali playa to be approximately 0.2%.

- Refer to the US Geological Survey 7.5 minute series map Bailey Pass Quadrangle submitted within the Supplemental Information Packet being filed concurrently herewith.

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:**

Refer to Item No. 20

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

Refer to attached spreadsheet.

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

Kobeh Valley Ranch, LLC is the successor to the previous owners of land, historical water claims and Bureau of Land Management (BLM) grazing permits now collectively known as the Romano Ranch located in Diamond Valley, Nevada. The present day Romano Ranch is a consolidation of numerous properties that utilized Sulphur Springs complex, Tule Springs complex, Romano Springs complex, Siri Springs complex and numerous other springs as the sources of water to fulfill a diversified consumption of water on a year round basis. Refer to the supporting map filed under amended Proof of Appropriation No. 04476 for a location and listing of the spring sources comprising the Romano Ranch Spring complex.

Romano Ranch Springs complex and tributaries produced reliable and continuous water flows allowing the Romano Ranch Springs complex Ranch historical owners the ability to support a wide variety of beneficial uses from January 1st through December 31st. The warm characteristics of this water source supplied multiple manners of use supporting the economic viability of the Romano Ranch. The entire flow of Romano Ranch Springs complex 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 Romano Ranch Springs complex and tributaries. Based on historical practices and established irrigation efficiencies, the beneficial use of water from Romano Ranch 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. A total of 1,496.10 water righted acres has been historically irrigated by water from Romano Ranch Springs complex and tributaries. Utilizing an average 4.5 acre feet per acre duty times 1,496.10 water righted acres, the total annual demand for water from Romano Ranch Springs complex is 6,732.45 acre feet per annum.

- Storage of Water, Soil Moisture Augmentation and Leaching of Salts – Historical flows from the Romano Ranch 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 Romano Ranch raised as many as 1,000 head of cattle, 10,000 head of sheep along with other domesticated farm animals. Hogs, lambs and chickens were slaughtered for the Pony Express Station at the Romano Ranch. A large herd of horses, approximately 30, was required for commercial, ranching and farming operations. Romano Ranch Springs complex and tributaries provided water to the domesticated animals on the Romano Ranch and grazing allotment.

Historical accounts and documents confirm the beneficial use of Romano Ranch Springs complex and tributary water flows starting prior to 1861. The entire flow of Romano Ranch Springs complex and tributaries was utilized to satisfy the annual needs of multiple manners of use of the Romano Ranch. All of the springs that comprise the Romano Ranch Springs complex were completely dry by 1972 as reported by Alan Boyack, water right agent under the original Proofs of Appropriation Nos. 04476 through 04480.

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Filing Serial No. 04479

# THE STATE OF NEVADA

## PROOF OF APPROPRIATION OF WATER FOR IRRIGATION

Source: Romano Springs No. 1
Name of natural water source (use separate proofs for each major source)

The water is diverted from its source: Romano Ditch No. 1.
Name of ditch, flume or pipe line

at the following point(s): SW¼ NW¼ of Section 13, T 23 N, R 52 E, MDB & M., at
List all points of diversion from this source, appending a sheet if necessary

a point from which the W¼ corner of said Section 13 bears S 47° 55' 00"
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed

W 1397.21 feet.
land, it should be stated

(1) Name of claimant: James W. and Pamela M. Buffham

Address: DV Route Box 49, County of: Eureka

State of: Nevada 89316

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

(3) The date of the survey of ditch, canal, or pipe line was: October 1984

(4) The construction of the ditch or other works was begun: prior to 1876

and completed: by 1876

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom: 3 feet, width on top: 4 feet, depth: 2 feet, on a grade of: 1 feet per thousand feet.

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

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

and completed

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

(9) The claimant is (~~is not~~) 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: Harvest Meadow Hay
have been grown upon the land irrigated. (e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)

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

(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.

1876, 1.81 acres in the SW¼ NW¼ of Sec. 13, T. 23N, R. 52 E.
Year

1876, 14.96 acres in the SE¼ NW¼ of Sec. 13, T. 23N, R. 52 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.

(14) The maximum acreage irrigated in any year was 16.77 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 1965 thru 1971. The springs started drying up. By 1972 the springs were completely dry and are still dry as of Jan. 1985

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)

(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 (Sandy, gravelly, loam). A continuous flow of ..... cubic feet of water per second has been used to irrigate 16.77 acres of land and 4 acre-feet per acre per annum have been used to irrigate the crops.

(20) Remarks: The springs on this Ranch began drying up in 1965 and were completely dry by 1972 and are still dry to this date. The map was compiled from aerial photographs, field surveys and a field trip with Mr. Dante Siri who owned and operated the Ranch from 1922 1942. Since there has been no irrigation after 1972, it is very difficult to locate ditches and determine culture.

Included with this Proof of Appropriation is an affidavit by Mr. Dante Siri pertaining to the irrigation of this Ranch. Also included is a copy of the BLM field notes and township plat and partial chain of title showing that a portion, if not all of the Romano Ranch was inhabited in 1876.

The claimant is requesting that the State Engineer allow him to make application to appropriate water from an underground source for Irrigation and Stockwater. The amount of water and acreage to be equal to that which is claimed under this Proof of Appropriation.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by James W. & Pamela M. Buffham are full and correct to the best of his knowledge and belief. ALAN S. BOYACK, AGENT

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

Alan S. Boyack

Subscribed and sworn to before me this 17th day of January, 1985

Linda L. Reynolds

Notary Public in and for the County of Elko

My commission expires May 5, 1989

$50

**FILING FEE MUST ACCOMPANY PROOF**

LINDA L. REYNOLDS
Notary Public - State of Nevada
Elko County, Nevada
My appointment expires May 5, 1989

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