Proof No. E 40868

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 Wilfred R. Bailey and Barbara Bailey Trustees of Bailey Family Trust

Address % Fred Bailey, PO Box 29 City of Eureka County of Eureka

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

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1. Source of water Natural seeps - Bull Field

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 None sub irrigated from seeps

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

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

No diversion- water was spread naturally from seeps Spring Complex arising within portions of the SW¼NE¼, SE¼NE¼, NW¼SE¼ and NE¼SE¼, all located within Section 2 T.23N, R.52E, M.D.B.&M.

(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 1897

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 and patented, deeded lands

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

_____ County, at Page _____ of Book _____ of _____.

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

not measurable _____ cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

10-153
30

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

Livestock watering within S½ NE ¼ and N½SE ¼ of Section 2, T23 N, R52E, MDB&M

(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: 12 months

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 Seeps

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 None

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 Native Hay and garden
(e.g. alfalfa, native hay, grain, orchard, meadow or diversified pasture)
have been grown upon the land(s) irrigated.

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

Water was used each year until over-obligation of underground water decreased the flow

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

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

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

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

See attached supplement

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

Wilfred R. Bailey and Barbara Bailey Trustees of Bailey Family Trust 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 PROOF OF APPROPRIATION FOR NATURAL SEEPS-BULL FIELD

This parcel has been used in conjunction with the Bailey Ranch upon which there is an appropriation under V01104. Due to its close proximity to the ranch and natural seeps which produced a considerable amount of forage, it was used by the Bailey family for pasture, garden and stockwater. Title to the parcel was obtained by Grant Bargain and Sale Deed in 1904. See amended Proof V01104 where exhibits are already on file.

The Abstract of Title accompanying amended Proof V01004 refers to a deed executed by Frank Romano to Robert D. Bailey in 1904. The Abstract of Title also refers to a deed for the property from Andrea Zunnino to Frank Romano in 1897. Further research will provide further evidence to the prior use and ownership of the parcel. The Quit Claim Deed to Romano is the basis for the 1897 priority for this claim.

The parcel was fenced years later and used for garden, pasture and stockwater. In addition, a pipeline was constructed delivering water to a trough outside of the fenced area which provided water to 500 cattle. However, due to over-obligation of the water in Diamond Valley, the seeps, which were the source, ceased to produce water.

Please refer to the map that accompanied amended Proof No.V01104 to accompany this proof.