Proof No. 10961

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 c/o Doug Frazer as to 50% and Bailey Family Trust as to 50%

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

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

1. Source of water Pasture Spring
   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 Natural Springs and Natural Channel
   Dam and ditch, pipeline, flume, natural channel, underground, etc.

3. The water is diverted from the following point(s):
   Spring source within the SW1/4 SW1/4 of Section 06, T.24N., R.53E., M.D.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 prior to 1863
   and completed (natural spring and natural channel) 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:
   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)
   _____ 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):
within the SW1/4 SW1/4 of Section 06, T.24N., R.53E., M.D.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 prior to 1863 (Year) was

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

The watering was conducted during each of the following months: April through November, See attachment.

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

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

11. The water is impounded in Natural Channels. 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 _____

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 _____

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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_ 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.

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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 | |
|---|---|---|---|---|---|---|---|---|---|---|
| _____ | _____ | 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 for additional information to support this proof filing, including priority date, period of use, head of livestock for first and subsequent years, and water right document recording data. Some of these proof of appropriations are being filed to supplement previously filed Proofs or Permits; those numbers are referenced if applicable. North Diamond and Union Mountain grazing allotments are jointly owned between Sadler Ranch, LLC and Bailey Family Trust.

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

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

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

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

Name Michael D. Buschelman (Please type or print name) Signature Michael D. Buschelman (Please sign in the presence of a Notary Public)

Address Post Office Box 51371 State of Nevada ZIP Code 89435

Telephone Number (775) 355-9528 Email Address mike@mbuschelman.com

State of Nevada

County of Washoe

Subscribed and sworn to before me on 5-28-16
(Date)

by Michael D. Buschelman

Ruth L Smith
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

**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.**

**Michael D. Buschelman Consulting, Inc.**
**Post Office Box 51371**
**Sparks, Nevada 89435**
**(775) 355-9628 Office**
**(775) 355-9629 Fax**

Attachment
to
Stock Water Proofs of Appropriation
**Claimant: Sadler Ranch, LLC (50%) and Bailey Family Trust (50%)**

Sadler 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 Sadler Ranch located in Diamond Valley, Nevada. The present day Sadler Ranch is a consolidation of numerous properties that utilized Big Shipley Springs and tributaries, Indian Camp Springs and tributaries and Eva Springs and tributaries as the sources of water to fulfill a diversified consumption of water on a year round basis.

This attachment has been prepared to provide additional information to support Proofs of Appropriation for stock water purposes on 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.

North Diamond and Union Mountain grazing allotments located north of Eureka, Nevada are jointly permitted by the BLM to Sadler Ranch, LLC and Bailey Family Trust. Cattle owned by both parties utilize the spring(s) sources within the 40 acre subdivision identified under Item No. 3 for stock watering purposes. The spring(s) source of water within this 40 acre subdivision are utilized by the Sadler Ranch, LLC. The historical or future use of this spring(s) source by the Bailey Family Trust cattle has not been confirmed. Separate proofs of appropriation may be filed by the Bailey Family Trust.

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 US Geological Service June 28, 1946 aerial photography as well as other historical aerial photograph, mapping and historical accounts. Some of the historical stock water sources have retained sufficient flow to provide water current herds. However, Animal Unit Months (AUM's) have been reduced due to the cessation of spring water sources along with other factors.

**<u>Item No. 3 – Points of diversion</u>**

Due to the cessation of many of the springs within the North Diamond and Union Mountain grazing allotments, numerous spring sources historically utilized for stock water are no longer identifiable today.



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Tie and bearing to spring sources are included if this information is available under existing proofs and permits for specific spring sources. The 40 acre subdivision was identified for those spring sources identified on the US Geological Service June 28, 1946 aerial photography.

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

The first use of springs for stock water has been determined be 1863 based on recorded possessory claim documents on file at the Eureka County Recorder's office in Eureka, Nevada. Refer to documentation filed under Amended Proof No. 03289 and 03290 for references which establish the 1863 priority date.

The works consist of the natural spring source and natural channel.

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

Sadler Ranch LLC purchased the land and appurtenant water rights known as the Sadler Ranch and Brown Ranch. The privately held parcels and appurtenant water rights were historically consolidated into a single ownership through multiple acquisitions of possessory claims and land patents. Water from numerous springs were placed to beneficial use for stock watering purposes on public lands adjoining these two ranch properties.

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 spring sources on public lands as demonstrated by their ownership of cattle and horses and their active BLM grazing permits for the North Diamond and Union Mountain grazing allotments.

- 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.

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

Refer to documentation filed under Amended Proof Nos. 03289 and 03290 for references to recorded documents which establish the 1863 priority date and other documents referencing farming, ranching and cattle operations since 1863.

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

Samuel Adrian and Louis Bates (Adrian & Bates) were contracted by the US General Land Office to survey and establish township lines between Townships T24N, R52E and T24N and R53E. Field surveys conducted by these two surveyors were documented in field notes. In accordance with the instructions to field surveyors by the US General Land Office, Adrian & Bates included information in their field survey notes as to the existence of settlers, man made improvements, topographical features, character of the

soil, vegetation and potential for farming. The surveyors' comments included in the field notes were limited to those features they were able to identify in the vicinity of the contracted survey lines.

- Refer to Bates Number GD000001 US General Land Office Cadastral Field Survey Notes identified as Book No. 76 by Surveyors Samuel Adrian and Louis Bates (Adrian & Bates)
- 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 offices and documentation was obtained verifying water use from Eva Springs. 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".
- Refer to Bates Numbers DE000475.

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

The amount of water utilized for stock watering purposes has been defined by the Nevada Division of Water Resources as 20 gallons per day per cow or horse. The maximum permitted by the BLM grazing permit for the North Diamond and Union Mountain grazing allotments is 1,446 head of cattle for Sadler Ranch, LLC and The Bailey Family Trust. Not all of the BLM permitted cattle and horses will water from a single spring source at the same time, however, each spring source is vital to the needs of the allowable herd size.

**Item No. 8 – Place of use:**

The place of use for each spring will be the surrounding 40 acre subdivision as defined by the approved BLM Cadastral Surveys.

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

The maximum number of cattle owned by Sadler Ranch, LLC and The Bailey Family Trust that will utilize water from this source is 890 head.

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

The natural spring source and channel are utilized to provide water to the animals.

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