

BLM-032

INFORMATION/BRIEFING MEMORANDUM

DATE: February 21, 2019

FROM: Robert Burdick, Rangeland Management Specialist
Mount Lewis Field Office, Battle Mountain District Office
Bureau of Land Management

SUBJECT:

The purpose of this memorandum is to describe the history of grazing use within the Shannon Station/Spanish Gulch Allotment. This memorandum confirms that current grazing preferences within the Shannon Station/Spanish Gulch Allotment are held by 2 Bit Ranch, LLC and Baumann Family Trust. In addition, this memorandum confirms that Peter J. and Gladys P. Goicoechea have not held the grazing preference for this allotment since the grazing adjudication in 1965.

BACKGROUND:

The Battle Mountain Grazing District No. 6 was established in 1951, which was five years after the creation of the Bureau of Land Management and after the era of the Grazing Service (1934 - 1946). This was the last grazing district to be established in the West. In order to establish a grazing district at this time, the ranchers in an area had to petition the Secretary of the Interior. In 1937, the ranchers in this area held a meeting and decided that they were opposed to the creation of a grazing district in this area. At this time, livestock grazing outside of grazing districts was authorized by grazing leases on public land and these leases were issued under the authority of Section 15 of the Taylor Grazing Act of 1934.

After the Battle Mountain Grazing District No. 6 was established, grazing use was adjudicated within the district based on grazing units and established grazing allotments within these units based on allotment agreements. The Shannon Station/Spanish Gulch Allotment, currently administered by the Mount Lewis Field Office of the BLM, was established and adjudicated in 1965 within the Diamond Valley Unit.

DISCUSSION:

According to the Diamond Valley Unit Adjudication and Allotment Agreement (1965), the grazing preference within the Hunter Allotment (Shannon Station) and James Ithurrealde Spanish Gulch Allotment (Spanish Gulch) was adjudicated to John and Kay Hunter and James Ithurrealde. The sheep grazing use within this area, held by James Ithurrealde, was limited to the Spanish Gulch area of the Hunter Allotment and cattle to be used in common within this area as well as the remainder of the allotment.

Since the adjudication of grazing within this area, James Ithurrealde had leased his grazing preference to Larralde Sheep Co. from 1998 to 2007 and then to Gary Snow Livestock and Grain

from 2008 to 2017. In 2017, this grazing preference fully transferred to 2 Bit Ranch, LLC who currently holds the grazing preference and grazing permit with the Spanish Gulch area of the Shannon Station/Spanish Gulch Allotment.

John and Kay Hunter transferred their grazing preference to E. L. Cleveland in 1970. The grazing preference was then transferred to Robert and Irene Campbell in 1971, to George and Loma Schwin in 1974, and then directly over to Walter and Jeanette Baumann in 1974. The Simpson Creek Ranch, under James Baumann, maintained this grazing permit until it was then transferred to James Baumann (son) in 1995. Simpson Creek Ranch temporarily leased to Tony Latham from 1991 to 1993 and to Seven N. Cattle from 1993 to 1994. The grazing preference transferred to the Baumann Family Trust in 2011 and they currently hold the grazing preference and grazing permit for the Shannon Station/Spanish Gulch Allotment.

Peter J. and Gladys P. Goicoechea filed a Proof of Appropriation of Water for Stock Watering Purposes in 1915 (V01423), before the Battle Mountain Grazing District No. 6 had been established and before the 1965 adjudication of grazing of the Diamond Valley Unit. According to BLM records, Peter J. and Gladys P. Goicoechea have not held a grazing preference within the current Shannon Station/Spanish Gulch Allotment since at least 1965 when the adjudication of grazing for this area occurred. The current grazing preferences and only grazing preferences in the Shannon Station/Spanish Gulch allotments are currently held by the Baumann Family Trust and 2 Bit Ranch, LLC.

ATTACHMENTS:

Diamond Valley Unit Adjudication and Allotment Agreement

Diamond Valley Unit Adjudication Summary and Record

Transfer History for Spanish Gulch

Transfer History for Shannon Station

2 Bit Ranch LLC Grazing Permit

Baumann Family Trust Grazing Permit

Shannon Station:

Date	Transferor	Transferee	Remarks	Allotments
2011	Baumann, James #2706085	Baumann Family Trust #2706085	Simpson Creek Ranch/ Hunter Ranch	Shannon Station
1995-present	Simpson Creek Ranch c/o Baumann, Jim #6085	Baumann, James #2706085	Transfer from Jim Baumann(father) to James Baumann (son)	Shannon Station
1993-1994	Simpson Creek Ranch c/o Baumann, Jim #6085	Seven N. Cattle Company c/o Nancy Brackett #6085 Lease	Lease Simpson Creek Ranch	Allotments: Shannon Station
1991-1993	Simpson Creek Ranch c/o Baumann, Jim #6085	Latham, Tony #6085	Lease Simpson Creek Ranch	Allotments: Shannon Station
Early 1980s	Baumann, Walter & Jeanette	Simpson Creek Ranch c/o Baumann, Jim #6085	Inherited from parents	Allotments: Shannon Station
1974	Schwin, George and Loma	Baumann, Walter & Jeanette	Schwin's immediately sold to Baumanns	Allotments: Shannon Station
1974	Campbell, Robert & Irene	Schwin, George and Loma	Hunter Ranch a.k.a. Simpson Creek Ranch	Allotments: Shannon Station
1971	Cleveland, E. L.	Campbell, Robert & Irene	Hunter Ranch a.k.a. Simpson Creek Ranch	Allotments: Diamond unit: Shannon station and Spanish Gulch allotments, Pancake Unit: Pierresteguy-hunter allotment.
1970	Basic Industries	Cleveland, E. L.	Hunter Ranch	Allotments: Diamond unit: Shannon station and Spanish Gulch allotments, Pancake Unit: Pierresteguy-hunter

				allotment.
1970	Hunter, John & Kay #311068	Basic Industries	Hunter Ranch	Allotments: Diamond unit: Shannon station and Spanish Gulch allotments, Pancake Unit: Pierresteguy- hunter allotment.
1959	Hunter, James & Edith Mary	Hunter, John & Kay #311068	Hunter Ranch	
1928	Edra, Pete	Hunter, James & Edith Mary	Hunter Ranch	
1919	Depaoli, Angelo	Edra, Pete	Hunter Ranch	

TRANSFER SUMMARY (Ruby Hill)

<u>LESSOR</u>	<u>LESSEE</u>	<u>DATE</u>
Jim Ithurrealde	Larralde Sheep Co.	1998-2007
Permit transferred back to Jim Ithurrealde from		5/1/08-6/30/08
*Jim Ithurrealde	Gary Snow Livestock and Grain	7/1/08-Present

*At the time of this transfer, the Cattle portion of the permit and the sheep portion of the permit were separated into two different permits. The cattle permit was transferred to Jim Ithurrealde on 5/08. The transfer between Jim Ithurrealde and Gary Snow involved the sheep permit.

TRANSFER SUMMARY (Spanish Gulch)

<u>LESSOR</u>	<u>LESSEE</u>	<u>DATE</u>
Jim Ithurrealde	Larralde Sheep Co.	1998-2007
Jim Ithurrealde	Gary Snow Livestock and Grain	2008-Present



U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT



State: NV
Office: LLNVB01000
Preference Code: 03
AUTHORIZATION: 2700240

GRAZING PERMIT

EFFECTIVE: 04/11/2017 TO 04/10/2027

ISSUED BY:

BUREAU OF LAND MANAGEMENT
MOUNT LEWIS FO
50 BASTIAN RD
BATTLE MOUNTAIN NV 89820

ISSUED TO:

ATTN CHAD AND ROSIE BLISS
2 BIT RANCH LLC
PO BOX 585
EUREKA NV 89316

UNDER 43 CFR PART 4100, THE BUREAU OF LAND MANAGEMENT (BLM) OFFERS YOU THIS GRAZING PERMIT BASED ON YOUR RECOGNIZED QUALIFICATIONS. UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE, YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS UNDER THE JURISDICTION OF THE BLM THAT ARE COVERED BY THIS GRAZING PERMIT. IF YOU HAVE QUESTIONS CONCERNING THIS GRAZING PERMIT, CONTACT YOUR LOCAL BLM OFFICE AT 775-635-4000.

TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK NUMBER KIND	PERIOD BEGIN END	%PL USE TYPE USE	AUMS
NV10051 SHANNON STATION/SPANISH GULCH		643 SHEEP	05/01 09/30	100 ACTIVE	647

THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF SECTION 402(C)(2) OF FLPMA, 1976 AS AMENDED, AND CONTAINS THE SAME TERMS AND CONDITIONS AS THE PREVIOUS PERMIT OR LEASE. THIS PERMIT OR LEASE MAY BE CANCELLED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS.

GRAZING USE WILL BE INACCORDANCE WITH THE DIAMOND MOUNTAINS FINAL MULTIPLE USE DECISION DATED JANUARY 1, 2000. (EA TITLED DIAMOND MOUNTAIN COMPLEX FINAL EVALUATION; THE DECISION TITLED THE FINAL MULTIPLE USE DECISION FOR THE SHANNON STATION AND SPANISH GULCH ALLOTMENTS.)

IN ACCORDANCE WITH 43 CFR 4130.8-1(F): FAILURE TO PAY GRAZING BILLS WITHIN 15 DAYS OF THE DUE DATE SPECIFIED IN THE BILL SHALL RESULT IN A LATE FEE ASSESSMENT OF \$25.00 OR 10 PERCENT OF THE GRAZING BILL, WHICHEVER IS GREATER, BUT NOT TO EXCEED \$250.00. PAYMENT MADE LATER THAN 15 DAYS AFTER THE DUE DATE, SHALL INCLUDE THE APPROPRIATE LATE FEE ASSESSMENT. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS MAY BE A VIOLATION OF 43 CFR SEC. 4140.1(B)(1) AND SHALL RESULT IN ACTION BY THE AUTHORIZED OFFICER UNDER 43 CFR SECTIONS 4150.1 AND 4160.1-2.

IN ACCORDANCE WITH 43 CFR 4130.3-2(D): ACTUAL USE INFORMATION, FOR EACH PASTURE/USE AREA, WILL BE SUBMITTED TO THE AUTHORIZED OFFICER WITHIN 15 DAYS OF COMPLETING GRAZING USE AS SPECIFIED ON THE GRAZING PERMIT AND/OR GRAZING LICENSES.

IN ACCORDANCE WITH 43 CFR 4120.3-1(A): ALL RANGE IMPROVEMENTS SHALL BE INSTALLED, USED, MAINTAINED, AND/OR MODIFIED ON THE PUBLIC LANDS, OR REMOVED FROM THESE LANDS, IN A MANNER CONSISTENT WITH MULTIPLE-USE MANAGEMENT.

IN ACCORDANCE WITH 43 CFR 4130.3-2(C): IN ORDER TO IMPROVE LIVESTOCK AND RANGELAND MANAGEMENT ON THE PUBLIC LANDS, ALL SALT AND/OR MINERAL SUPPLEMENTS WILL NOT BE PLACED WITHIN 1/4 MILE OF ANY RIPARIAN AREA, WET MEADOW, OR WATERING FACILITY (EITHER PERMANENT OR TEMPORARY) UNLESS STIPULATED THROUGH A WRITTEN AGREEMENT OR DECISION.

DATE PRINTED: 10/23/2018

CASE FILE COPY

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IN ACCORDANCE WITH 43 CFR 4130.3-2(H): ALL GRAZING PERMITTEES SHALL PROVIDE REASONABLE ACCESS ACROSS PRIVATE AND/OR LEASED LANDS TO THE BUREAU OF LAND MANAGEMENT FOR THE ORDERLY MANAGEMENT AND PROTECTION OF THE PUBLIC LANDS.

IN ACCORDANCE WITH 43 CFR 4130.3-3: THE AUTHORIZED OFFICER MAY MODIFY TERMS AND CONDITIONS OF THE PERMIT OR LEASE WHEN THE ACTIVE USE OR RELATED MANAGEMENT PRACTICES ARE NOT MEETING THE LAND USE PLAN, ALLOTMENT MANAGEMENT PLAN OR OTHER ACTIVITY PLAN, OR MANAGEMENT OBJECTIVES, OR IS NOT IN CONFORMANCE WITH THE PROVISIONS OF SUBPART 4180 RAC STANDARDS AND GUIDELINES.

PURSUANT TO 43 CFR 10.4(G) THE HOLDER OF THIS AUTHORIZATION MUST NOTIFY THE AUTHORIZED OFFICER, BY TELEPHONE, WITH WRITTEN CONFIRMATION IMMEDIATELY UPON THE DISCOVERY OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). FURTHER, PURSUANT TO 43 CFR 10.4(C) AND (D), YOU MUST STOP ACTIVITIES IN THE IMMEDIATE VICINITY OF THE DISCOVERY AND PROTECT IT FROM YOUR ACTIVITIES FOR 30 DAYS OR UNTIL NOTIFIED BY THE AUTHORIZED OFFICER.

IN ACCORDANCE WITH 43 CFR 4130.3-1 (B) - ALL PERMITS AND LEASES SHALL BE MADE SUBJECT TO CANCELLATION, SUSPENSION, OR MODIFICATION FOR ANY VIOLATION OF THESE REGULATIONS OR OF ANY TERM OR CONDITION OF THE PERMIT OR LEASE.

PERMITTED USE SUMMARY

ALLOTMENT		ACTIVE AUMS	SUSPENDED AUMS	TEMP SUSPENDED AUMS	PERMITTED USE
NV10051	SHANNON STATION/SPANISH GULCH	647	0	0	647

TERMS AND CONDITIONS APPLICABLE TO ALL PERMITS AND LEASES

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
 2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
 3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
 4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
 5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
 6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
 7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
 8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
 9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
 10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
 11. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
 12. Members of Congress may not enter into a grazing permit or lease. 41 USC 6306 (2014). Further, no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a permit or lease for grazing or derive any benefit to arise from a permit or lease for grazing.
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THIS GRAZING PERMIT:

- 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES
- 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED BY:

Cheryl Bliss
 OPERATOR SIGNATURE
Cheryl Bliss owner
 PRINTED NAME AND TITLE

12-15-2018
 DATE

APPROVED BY:

Jon D. Sherve
 BLM AUTHORIZED OFFICER SIGNATURE
Jon D. Sherve
 PRINTED NAME AND TITLE

2/15/2019
 DATE

AUMS: Animal Unit Months. Animal unit month means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month. For fee calculation purposes, an AUM is one month's use and occupancy of the range by one cow, bull, steer, heifer, horse, burro, mule, 5 sheep or 5 goats that: (1) are over the age of 6 months at the time of entering lands administered by the BLM; (2) are weaned regardless of age; (3) will become 12 months of age during the authorized period of use.

%PL Use: Percent forage from public land use.

Type Use: Categories with specific rules that govern AUM and grazing fee calculation and input on grazing authorizations and bills.



U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT



State: NV
Office: LLNVB01000
Preference Code: 03
AUTHORIZATION: 2703673

GRAZING PERMIT

EFFECTIVE: 03/01/2013 TO 02/28/2021

ISSUED BY:

BUREAU OF LAND MANAGEMENT
MOUNT LEWIS FO
50 BASTIAN RD
BATTLE MOUNTAIN NV 89820

ISSUED TO:

BAUMANN FAMILY TRUST
P.O. BOX 308
EUREKA NV 89316

UNDER 43 CFR PART 4100, THE BUREAU OF LAND MANAGEMENT (BLM) OFFERS YOU THIS GRAZING PERMIT BASED ON YOUR RECOGNIZED QUALIFICATIONS. UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE, YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS UNDER THE JURISDICTION OF THE BLM THAT ARE COVERED BY THIS GRAZING PERMIT. IF YOU HAVE QUESTIONS CONCERNING THIS GRAZING PERMIT, CONTACT YOUR LOCAL BLM OFFICE AT 775-635-4000.

TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK NUMBER KIND	PERIOD		%PL USE TYPE USE	AUMS
			BEGIN	END		
NV10051	SHANNON STATION/SPANISH GULCH	130 CATTLE	04/01	05/14	97 ACTIVE	182
NV10051	SHANNON STATION/SPANISH GULCH	300 CATTLE	05/15	12/31	97 ACTIVE	2,210
NV10051	SHANNON STATION/SPANISH GULCH	68 CATTLE	01/01	02/28	97 ACTIVE	128

THIS PERMIT OR LEASE IS ISSUED UNDER THE AUTHORITY OF SECTION 415, PUBLIC LAW 112-74 AND CONTAINS THE SAME TERMS AND CONDITIONS AS THE PREVIOUS PERMIT OR LEASE. THIS PERMIT OR LEASE MAY BE CANCELED, SUSPENDED, OR MODIFIED, IN WHOLE OR IN PART TO MEET THE REQUIREMENTS OF APPLICABLE LAWS AND REGULATIONS.

THE SPANISH GULCH ALLOTMENT WILL BE GRAZED IN CONJUNCTION WITH THE SHANNON STATION ALLOTMENT WHEN THE PERMITTEE'S LIVESTOCK ARE IN THE SOUTHERN END OF THE SHANNON STATION ALLOTMENT.

THIS PERMIT WILL BE SUBJECT TO CHANGE BASED UPON SPECIFIC MANAGEMENT PRACTICES IDENTIFIED IN THE FINAL MULTIPLE USE DECISION (FMUD) FOR THE SHANNON STATION/SPANISH GULCH ALLOTMENT.

THE TERMS AND CONDITIONS OF THIS PERMIT MUST BE CONSISTENT WITH THE STANDARDS AND GUIDELINES APPROVED FEBRUARY 12, 1997 FOR THE NORTHEASTERN RAC AREA.

IN ACCORDANCE WITH 43 CFR 4130.8-1(F): FAILURE TO PAY GRAZING BILLS WITHIN 15 DAYS OF THE DUE DATE SPECIFIED IN THE BILL SHALL RESULT IN A LATE FEE ASSESSMENT OF \$25.00 OR 10 PERCENT OF THE GRAZING BILL, WHICHEVER IS GREATER, BUT NOT TO EXCEED \$250.00. PAYMENT MADE LATER THAN 15 DAYS AFTER THE DUE DATE, SHALL INCLUDE THE APPROPRIATE LATE FEE ASSESSMENT. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS MAY BE A VIOLATION OF 43 CFR SEC. 4140.1(B)(1) AND SHALL RESULT IN ACTION BY THE AUTHORIZED OFFICER UNDER 43 CFR SECTIONS 4150.1 AND 4160.1-2.

DATE PRINTED: 10/04/2018

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IN ACCORDANCE WITH 43 CFR 4130.3-2(D): ACTUAL USE INFORMATION, FOR EACH PASTURE/USE AREA, WILL BE SUBMITTED TO THE AUTHORIZED OFFICER WITHIN 15 DAYS OF COMPLETING GRAZING USE AS SPECIFIED ON THE GRAZING PERMIT AND/OR GRAZING LICENSES.

IN ACCORDANCE WITH 43 CFR 4120.3-1(A): ALL RANGE IMPROVEMENTS SHALL BE INSTALLED, USED, MAINTAINED, AND/OR MODIFIED ON THE PUBLIC LANDS, OR REMOVED FROM THESE LANDS, IN A MANNER CONSISTENT WITH MULTIPLE-USE MANAGEMENT.

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IN ACCORDANCE WITH 43 CFR 4130.3-2(H): ALL GRAZING PERMITTEES SHALL PROVIDE REASONABLE ACCESS ACROSS PRIVATE AND/OR LEASED LANDS TO THE BUREAU OF LAND MANAGEMENT FOR THE ORDERLY MANAGEMENT AND PROTECTION OF THE PUBLIC LANDS.

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PURSUANT TO 43 CFR 10.4(G) THE HOLDER OF THIS AUTHORIZATION MUST NOTIFY THE AUTHORIZED OFFICER, BY TELEPHONE, WITH WRITTEN CONFIRMATION IMMEDIATELY UPON THE DISCOVERY OF HUMAN REMAINS, FUNERARY OBJECTS, SACRED OBJECTS, OR OBJECTS OF CULTURAL PATRIMONY (AS DEFINED AT 43 CFR 10.2). FURTHER, PURSUANT TO 43 CFR 10.4(C) AND (D), YOU MUST STOP ACTIVITIES IN THE IMMEDIATE VICINITY OF THE DISCOVERY AND PROTECT IT FROM YOUR ACTIVITIES FOR 30 DAYS OR UNTIL NOTIFIED BY THE AUTHORIZED OFFICER.

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PERMITTED USE SUMMARY

ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS	TEMP SUSPENDED AUMS	PERMITTED USE
NV10051 SHANNON STATION/SPANISH GULCH	2,520	691	0	3,211

TERMS AND CONDITIONS APPLICABLE TO ALL PERMITS AND LEASES

1. Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
 2. They are subject to cancellation, in whole or in part, at any time because of:
 - a. Noncompliance by the permittee/lessee with rules and regulations.
 - b. Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - c. A transfer of grazing preference by the permittee/lessee to another party.
 - d. A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - e. Repeated willful unauthorized grazing use.
 - f. Loss of qualifications to hold a permit or lease.
 3. They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans **MUST** be incorporated in permits or leases when completed.
 4. Those holding permits or leases **MUST** own or control and be responsible for the management of livestock authorized to graze.
 5. The authorized officer may require counting and/or additional or special marking or tagging of the livestock authorized to graze.
 6. The permittee's/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
 7. Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11246 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
 8. Livestock grazing use that is different from that authorized by a permit or lease **MUST** be applied for prior to the grazing period and **MUST** be filed with and approved by the authorized officer before grazing use can be made.
 9. Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
 10. The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
 11. Grazing fee payments are due on the date specified on the billing notice and **MUST** be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
 12. Members of Congress may not enter into a grazing permit or lease. 41 USC 6306 (2014). Further, no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 309 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1701 et. seq.) shall be admitted to any share or part in a permit or lease for grazing or derive any benefit to arise from a permit or lease for grazing.
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THIS GRAZING PERMIT:

- 1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES
- 2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED, THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED, THE PUBLIC RANGELANDS IMPROVEMENT ACT, AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED BY:

<i>James E. Baumann</i>	<i>10-7-18</i>
OPERATOR SIGNATURE	DATE
<i>James E. Baumann</i>	
PRINTED NAME AND TITLE	

APPROVED BY:

<i>Jon D. Sherve</i>	<i>10/22/2018</i>
BLM AUTHORIZED OFFICER SIGNATURE	DATE
<i>Jon D. Sherve</i>	
PRINTED NAME AND TITLE	

AUMS: Animal Unit Months. Animal unit month means the amount of forage necessary for the sustenance of one cow or its equivalent for a period of 1 month. For fee calculation purposes, an AUM is one month's use and occupancy of the range by one cow, bull, steer, heifer, horse, burro, mule, 5 sheep or 5 goats that: (1) are over the age of 6 months at the time of entering lands administered by the BLM; (2) are weaned regardless of age; (3) will become 12 months of age during the authorized period of use.

%PL Use: Percent forage from public land use.

Type Use: Categories with specific rules that govern AUM and grazing fee calculation and input on grazing authorizations and bills.

Diamond Valley Unit
Adjudication and Allotment
Agreement

In accordance with 43 CFR 4111.3-2(c), 4111.4-1 and 4111.4-2, Federal Range Code, the undersigned users within the Diamond Valley Unit of the Battle Mountain District, Bureau of Land Management, hereby agree to the following described group and individual allotments within the unit, as illustrated on the accompanying allotment map.

Hay Ranch Allotment

In general, the Hay Ranch allotment will include all of that area within the Diamond Valley Unit lying west of the Devils Gate - Whistler Mountain range of hills, more particularly described as follows:

Beginning at the narrows of Devils Gate on U. S. Highway 50 near the SW corner of Section 24, T. 20 N., R. 52 E., MDM, thence in a northerly direction following the drainage divide over Whistler Mountain, a distance of about ten (10) miles, to the junction of the Diamond Valley Unit and the Roberts Creek Unit at a point on the drainage divide in the NW $\frac{1}{4}$, section 9, T. 21 N., R. 52 E., MDM, thence southwesterly along the Diamond Valley Unit boundary, a distance of about 14 miles to the corner of the Diamond Valley Unit near the treasure well in section 21, T. 20 N., R. 50 E., MDM, thence in a southerly direction along the unit boundary, a distance of about five (5) miles to U. S. Highway 50 at the SE corner of the Bartine Ranch fence in the NE $\frac{1}{4}$ of section 15, T. 19 N., R. 50 E., MDM, thence in an easterly direction along U. S. Highway 50, a distance of about fifteen (15) miles to Devils Gate narrows, the point of beginning. It is further noted that this allotment description is limited only to that area in the Diamond Valley Unit and in no way affects the allotment of the Hay Ranch in the Antelope Unit.

John & Kay Hunter and James Ithurralde Allotment

The allotment of John and Kay Hunter is described as follows:

Beginning at the narrows of Devils Gate on U. S. Highway 50 near the SW corner of section 24, T. 20 N., R. 52 E., MDM, thence in an easterly and southerly direction along U. S. Highway 50 which is the Diamond Valley Unit boundary, a distance of about eighteen (18) miles to the District line near the SE corner of section 32, T. 18 N., R. 54 E., MDM, thence due north along the section line, a distance of five and three quarters (5- $\frac{3}{4}$) miles to a point on the drainage divide near the NE corner of section 5, T. 18 N., R. 54 E., MDM, thence continuing along the district line east and north along the drainage divide of the Diamond Range, a distance of about nine (9) miles to the high point on the drainage divide north of Poison (Summit) Spring in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 36, T. 20 N., R. 54 E., MDM, thence in a southwesterly direction following the high ridges to a point near the center of the west half of section 12, T. 19 N., R. 54 E., thence west and northwest along the ridge south of

Pastorino Canyon, thence across Pastorino Canyon and around the west side of Labarry's private ground in Pastorino Canyon, thence in a northerly direction to the east quarter corner of section 33, T. 20 N., R. 54 E., MDM, thence in a northwesterly direction across Dry Canyon going halfway between the patented ground owned by Hunters and by Labarrys respectively, thence in a northerly direction to the east end of the crested wheat-grass seeding used by Edward Melka, thence southwesterly around this seeding and Melkas patented ground and northerly around the Desert Land Entry and north along the fence dividing Melka's seeding from Hunter's seeding to the fence corner along the fence dividing Hunters seeding from Cottonwood seeding, thence in a straight line, a distance of about one (1) mile to the SW corner of Section 1, T. 20 N., R. 53 E., MDM, thence north one and one quarter (1-1/4) miles to the NW corner of this same section, thence westward along the section line through the Desert Land Entries and excluding the Desert Land Entries from the allotment to the NW corner of section 4, T. 20 N., R. 53 E., MDM, thence in a straight line in a westerly direction, a distance of Four (4) miles to the top of Whistler Mountain at a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 3, T. 20 N., R. 52 E., MDM, thence in a southerly direction along the drainage divide, a distance of about four (4) miles to the Narrows at Devils Gate, the point of beginning.

The James Ithurralde Spanish Gulch allotment within the Hunter allotment is described as follows:

Beginning at the town of Eureka, thence in an easterly direction remaining at approximately the 7000 ft. elevation contour to Spanish Gulch south of Hunters Ranch, thence southeasterly to the center of Section 27, T. 19 N., R. 54 E., known as Angelo Belli Flat, thence southwesterly to the top of the drainage divide to the NE corner of Section 5, T. 18 N., R. 54 E., MDM, thence along the drainage divide to U. S. Highway 50 at Pinto Summit near the south quarter corner of Section 6, T. 18 N., R. 54 E., thence northerly along the highway to the town of Eureka, the point of beginning.

This area will comprise Ithurralde's area of use within the Diamond Valley Unit to be used in conjunction with the summer sheep range in the Antelope Unit.

The Hunter Ithurralde allotment will be used in common by Hunters' cattle and the Ithurralde sheep are limited to the Spanish Gulch allotment.

It is further understood that Mrs. Jeanne Arambel will retain the right to trail sheep from Pinto Creek through Milk Ranch Spring to their summer range in the Antelope Unit. *We, HUNTERS, further understand that the Pinto Creek sheep will trail through our in the spring and return once in the fall of any given year.*

General Conditions

We the undersigned, stipulate that the Federal range area within this described allotment constitutes our apportioned share of the available Federal range forage within the Diamond Valley grazing unit of the Battle Mountain District.

It is also agreed that in the event of the increase or diminution of the Federal range forage within this allotment for any past, present, or future cause whatsoever, the resultant adjustment of grazing privileges will be made within this allotment and will not affect grazing privileges in adjoining allotments, or be a cause for the amendment of this agreement, or a readjudication of the range.

This agreement shall be binding on heirs or assignees of all licensees or permittees who are party to this agreement unless otherwise altered or changed by the mutual consent of the undersigned licensees or permittees or their heirs or assignees, with the concurrence of the Bureau of Land Management.

Special Conditions

In addition to those conditions spelled out in the Hunter-Ithurralde allotment, it shall be recognized that Labarrys shall be permitted to trail across the head of Walters Canyon to make use in the North Spring allotment area and that the sheep will be limited to this high country within the described boundaries of the North Spring allotment area.

C. P. Labarrys
Hay Ranch (Lucky C)

4-5-65
Date

John Kay Hunter
John Kay Hunter
Ray Hunter

4-25-65
Date

James Ithurralde
James Ithurralde

5-29-65
Date

Joseph W. Patch, Jr.
Romano Ranch (Batcheller)

Mar 23, 1965
Date

Raymond Labarry
Labarry & Labarry

Mar 23, 1965
Date

Louis Maggini Estate
By Robert Trust Office

March 30, 1965
Date

Ted M. Thompson
Ted Thompson

Mar 23, 1965
Date

Mary & Wilfred Pailey
Mary & Wilfred Pailey

Mar 27, 1965
Date

Sadler Bros. by Trust Office
Sadler Brothers

Mar 23, 1965
Date

Jewelle Parman & George Parman

5-21-65
Date

SEE ATTACHMENT 'A'

Roy Young

Date

SEE ATTACHMENT 'A'

Ernest Merkley & Son

Date

Pedro Corra Estate

Date

George Brown
George Brown

May 1, 65
Date

Edward A. Melka
Edward A. Melka

3-25-65
Date

See Advisory Board Minutes
Approved Battle Mountain District Advisory Board

June 10, 1965

Jessie K. [unclear]
Concur District Manager

12/13/65
Date

(8) The approximate number of animals watered by claimant in subsequent years was as follows:
.....
..... from the year 1890 to the year 1914 the said Thomas
.....
..... Dixon, assignor of this claimant, watered approximately
.....
..... 300 head of stock each year at said springs, and during
.....
..... the years 1914 and 1915 this claimant has watered
.....
..... approximately 2500 head of stock at said spring during
.....
..... said months above mentioned and at such times as the supply
.....
..... of water therefrom would permit.
.....
.....

(9) The amount of water which it has been necessary to divert for the said purpose has been
.....
..... .025 cubic feet per second.
.....
..... 40 minors inches equals 1 cubic foot per second

(10) The water is diverted from its source at a point S. 1 deg. 8 min. E. 1260 feet from
.....
..... True bearing to nearest 5 minutes distance
..... the SW corner of Section 21, T. 19N, R. 54 E.,
.....
..... Mount Diablo Base and Meridian.

NOTE—Information under (10) must invariably be given when a public corner is within 5 miles, unless the State Engineer consents to some other form of description.

(11) The works are located at same point
.....
..... Describe as within a 40-acre subdivision of public survey or by a tie in same manner as under (10)

Remarks: The water is conveyed by a two inch pipe for a distance
.....
..... of 60 feet from said springs and impounded in four troughs
.....
..... ~~four~~ of which are 18 feet long, two feet wide and one foot
.....
..... deep, each. Troughs and pipe line were constructed by Thomas
.....
..... Dixon during the year 1890 and used by the said Thomas
.....
..... Dixon as above described until the 10th day of August, 1914,
.....
..... when the same together with the water rights and waters
.....
..... from said springs were assigned and conveyed to this claimant.
.....
..... Since said date this claimant has constructed new troughs
.....
..... as above described, in the place of old one built by
.....
..... said Thomas Dixon and which had deteriorated.
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Remarks:

.....

.....

.....

.....

.....

Al. Florio

.....

Subscribed and sworn to before me this *8th* day of *September*, 191*5*

W. P. Morgan

.....

Notary Public in and for the County of *Edwards*

My commission expires *Dec 26*, 191*8*

This part of form to be left blank by claimant

Filing Serial No. 07423

STATE OF NEVADA

Proof of Appropriation of
Water for Stock Purposes

Water Source Spanish Gulch Springs,
Through Pipeline,
Claimant A. C. Florio.

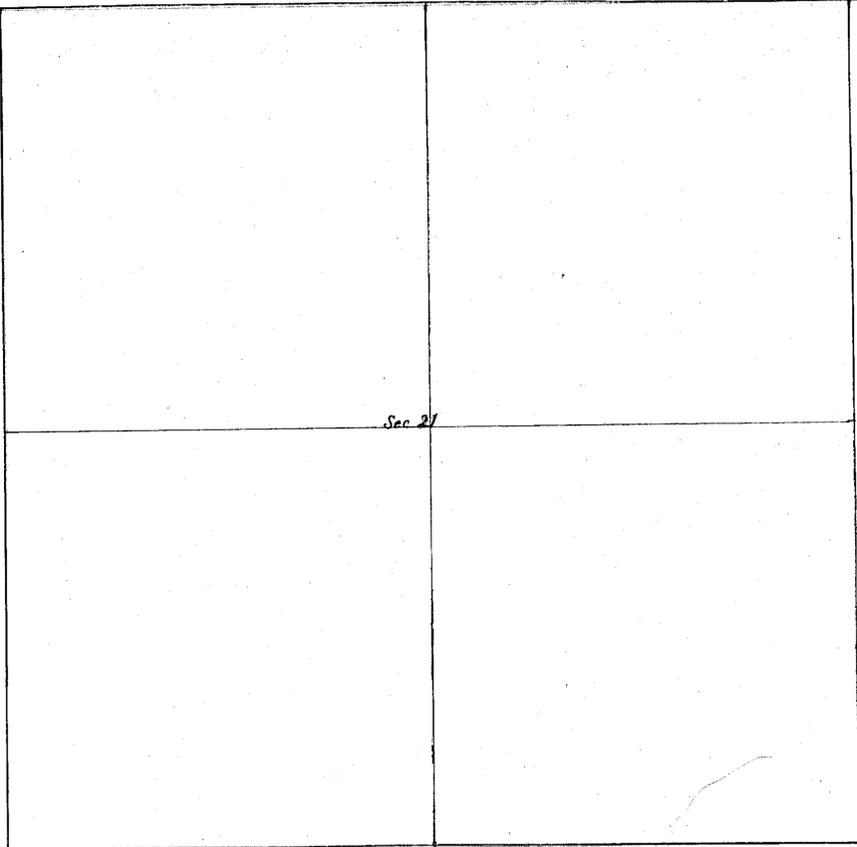
Filed in State Engineer's Office on

September 14, 1915,

W. W. Kearney
W. S. C. State Engineer

Certificate No. _____ issued hereunder

_____, 191_____



Sec 21

Spanish gulch Spring →

17° 45' 30" N
27 34 15 E

T. 17. N. R. S. & E. M. D. B. & M.

17°
019" Scale 528 Ft one inch

Eureka Nev. 5th 1915
H. C. Wedekind first being duly sworn deposes and says
that the above map is a true and accurate plot of
Spanish gulch Spring as taken from the U.S. Survey and
was made by me after surveying the same on the 5th
day of Oct. 1915 and was made at the instance of
A. C. Florio

Subscribed and sworn to H. C. Wedekind
before me this 18th day of October 1915. Surveyor

M. A. Morgan
Notary Public

FILED
OCT 20 1915
STATE ENGINEER'S OFFICE

01425