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Dated February 20, 2018

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF THE
DETERMINATION OF THE RELATIVE RIGHTS IN AND TO ALL WATERS OF
DIAMOND VALLEY, HYDROGRAPHIC
BASIN NO. 10-153, ELKO AND EUREKA
COUNTIES, NEVADA

**DECLARATION OF
WILFRED R. BAILEY**

I, Wilfred R. Bailey, under penalty of perjury, do hereby declare as follows:

1. I am the grandson of Robert and Marietta Bailey. My father was Wallace Bailey. He was born on July 5, 1881.
2. I was born on August 23, 1930, and am now 88 years old.
3. I make this Declaration in support of the Objections of Wilfred and Carolyn Bailey Family Trust to the Preliminary Order of Determination in this matter.
4. Except for a period of time from 1955 to 1957 when I was in the United States Army, I have lived all of my life in the Diamond Valley and at the Bailey Ranch.
5. My personal recollections of the Bailey Ranch go back to at least 1936, when I was 6 years old.
6. In addition to my personal recollections, my father and mother told me a great deal about the history of the Ranch, now owned by the Wilfred and Carolyn Bailey Family Trust.

7. The Bailey family, my grandfather, Robert Bailey, came to Diamond Valley and what is now the Bailey Ranch in 1863. They began using water from the Bailey Spring at that time.

8. From 1863 to now, the entire flow of the Bailey Spring has always been used to irrigate what is now the Bailey Ranch, and on no other ranch.

9. The so-called "Bull Field" which is the subject of Proof of Appropriation V-10868 in this matter was acquired by my uncle, Robert D. Bailey, in 1904. I was told that, at that time, the exterior perimeter of the Bull Field was fenced, and after that acquisition and fencing, the Bull Field was used for grazing by milk cows. Later, a portion of the Bull Field inside the perimeter fence was also fenced, and that area was then used for a garden. I personally recall a garden in the "Bull Field" during my lifetime and as far back as at least 1936.

10. I am also familiar with what is referred to as Ditch E and the land irrigated from it in connection with Amended Proof of Appropriation V-01104. Although I do not know when Ditch E was constructed, it has been there for as long as I can recall, which is at least as early as 1936. In addition, the land irrigated from Ditch E has been irrigated for as long as I can recall, which is at least as early as 1936, with or without Ditch E.

11. My mother and brother acquired our first tractor, an Oliver, in 1948. We first used that tractor in 1949, and until that time, all farming on the Bailey Ranch was done with horses and horse drawn equipment, or by hand.

12. Based upon what was told to me and what I personally recall, from as far back as 1936, there has always been a reservoir at the spring source. Additional water surfaced in the ditch downstream of the main spring source and that water added to the overall flow available for use.

Based upon what I was told and what I personally recall from as far back as 1936, water from those sources, the Spring, the reservoir at the head of the spring and the additional water which surfaced downstream, was generally used on the Bailey Ranch as follows:

(a) During January, February and March, the water was diverted Ditch E to the lower end of the Ranch. The "lower end" is the land north and east of the "meadow" described below. The "lower end" is shown on the map filed with Amended Proof 01104 in 2016.

(b) During April, May, June and to about July 15, the water was used to irrigate the meadow. The meadow is shown as "meadow" on the original map filed with Proof of Appropriation 01104 in 1912.

(c) By about the 4th of July, the lower end of the Ranch would be dry enough to put up hay.

(d) From about July 15, after the hay on the lower end was harvested, the water would be again diverted down Ditch E to the lower end until about mid-August. This allowed the meadow to dry and for the hay there to be harvested.

(e) From mid-August through September, the water would again be used to irrigate the meadow.

(f) In addition, generally once a month, water was used to irrigate the alfalfa field, which is designated as such on the original map filed with Proof of Appropriation 01104 in 1912. Water was taken into Ditch C and Ditch D for that purpose.

(g) In my lifetime, Ditch B was not used much. The remnants of the ditch are still there. Water was diverted into it out of the natural channel using a dam in the channel which raised the water to flow into Ditch B.

(h) In October, November and December, the water was diverted to the “duck pond” and sloughs (wetlands) because the meadow and lower end would need to be ice-free in order to be utilized for grazing and also in order to get to the hay corrals. The “duck pond” is the pond shown on the 1879 Map of Township 24 North of Range 52 East. There were five hay corrals. The one in the lower end and one in the meadow could not be accessed if the ice was there. The area that was watered when the sloughs (wetlands) filled in the winter made feed for good grazing in those areas as the sloughs (wetlands) dried out. Sometimes there would still be water in the duck pond into August, depending on the year. The ditch that filled the duck pond and sloughs (wetlands) is shown on the 1879 Map of Township 24 North of Range 52 East. There was also a way to get water to the sloughs (wetlands) by the alfalfa field. Historically, there was a natural high point on the ground where Ditches A, D and E intersect. The natural flow went to the meadow and to the lower end of the Ranch. The ditches were cut through that natural high point. The natural high point was leveled when the pivot under Permit No. 63497 was installed.

13. The general pattern of use of water from the Bailey Spring, the reservoir at the head of the spring and in the duck pond and sloughs (wetlands) described in paragraph 12 sometimes changed depending on precipitation, temperature and other weather related factors.

14. The water from the Bailey Spring did not freeze, even at very low air temperature. This allowed the Baileys to harvest watercress in the winter, which was sold to customers in Eureka.

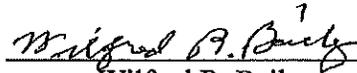
15. A dike at the lower end of the Ranch was used to keep water from Bailey Spring from reaching the alkali area flat below it. I improved that dike in 1967.

16. Based upon my experience and that of my father, Bailey Spring, the reservoir at the head of the spring, and spring water seeping into ditches downstream provided a flow about 1,000

to 1,100 gallons per minute for our beneficial use as described above and before excessive groundwater pumping caused the Bailey Spring to no longer flow.

17. Prior to pumping of groundwater, this water flow did not fluctuate. All of the water provided by Bailey Spring, the reservoir at the head of the spring, and the spring water which surfaced downstream in the ditches, used as described above, was required for the successful operation of the Bailey Ranch. It will need to be so used for the Bailey Ranch to continue to survive.

Signed by me on January 21, 2019 at Eureka, Nevada.



Wilfred R. Bailey