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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	**CLAIMANT BECK PROPERTIES** **OBJECTIONS TO PRELIMINARY ORDER OF DETERMINATION**

OBJECTIONS

COMES NOW, Claimant Beck Properties, a California General Partnership ("Claimant" or "Beck Properties"), by and through General Partner Robert Beck, and hereby files, pursuant to NRS 533.145, the following Objections to the Preliminary Order of Determination, issued in this matter of the Determination of the Relative Rights in and to all Waters of Diamond Valley, Hydrographic Basin No-153, Elko and Eureka Counties, Nevada, by the State Engineer and Nevada Division of Water Resources ("NDWR"). The following Objections are hereby verified by *Affidavit of Robert Beck in Support of Claimant Beck Properties Objections to Preliminary Order of Determination*, under separate cover, and incorporated herewith.

I. PROCEDURE

On June 19, 1914, Giulio Minoletti filed Proof of Appropriation V-01316 for Stock Watering purposes with NDWR and subsequently assigned to Beck Properties ("Proof V-01316").[1]

On September 3, 1914, Isaac T. Handley filed Proof of Appropriation V-01327 for Stock Watering purposes with NDWR and subsequently assigned to Beck Properties ("Proof V-01327").[2]

[1] Minoletti Proof V-01316, with Beck Properties assignment letter attached as Exhibit 1.
[2] Handley Proof V-01327, with Beck Properties assignment letter attached as Exhibit 2.

On September 14, 1914, Giulio Minoletti filed Proof of Appropriation V-01329 for Stock Watering purposes with NDWR and subsequently assigned to Beck Properties ("Proof V-01329").[3]

On August 26, 1976, United Dressed Beef, Inc. filed Proof of Appropriation V-02889 for Stock Watering purposes with NDWR and subsequently assigned to Beck Properties ("Proof V-02889").[4]

On October 16, 2015, the State Engineer issued Order 1266, Notice of Order for Resumption of Taking Proofs in the Matter of the Determination of the Relative Rights in and to all Waters, Both Surface and Underground, Located within Diamond Valley, Hydrographic Basin No. 10-153 were to file their Proofs of Appropriation with the State Engineer by May 31, 2016.

On January 4, 2016, Beck Properties filed Proof of Appropriation V-10809 for Stock Watering purposes with NDWR.

On January 4, 2016, Beck Properties filed Proof of Appropriation V-10810 for Stock Watering purposes with NDWR.

On January 4, 2016, Beck Properties filed Proof of Appropriation V-10816 for Stock Watering purposes with NDWR.

On January 4, 2016, Beck Properties filed Proof of Appropriation V-10817 for Stock Watering purposes with NDWR.

On January 4, 2016, Beck Properties filed Proof of Appropriation V-10818 for Stock Watering purposes with NDWR.

On April 27, 2016, Beck Properties filed Amended Proof of Appropriation V-10809 for Stock Watering Purposes with NDWR ("Proof' V-10809").[5]

On April 27, 2016, Beck Properties filed Amended Proof of Appropriation V-10810 for Stock Watering Purposes with NDWR ("Proof' V-10810").[6]

On April 27, 2016, Beck Properties filed Amended Proof of Appropriation V-10816 for Stock Watering Purposes with NDWR ("Proof' V-10816").[7]

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[3] Minoletti Proof V-01329, with Beck Properties assignment letter attached as Exhibit 3.
[4] United Dressed Beef, Inc. Proof V-02889, with Beck Properties assignment letter attached as Exhibit 4.
[5] Beck Properties Proof V-10809 attached as Exhibit 5.
[6] Beck Properties Proof V-10810 attached as Exhibit 6.
[7] Beck Properties Proof V-10816 attached as Exhibit 7.

On April 27, 2016, Beck Properties filed Amended Proof of Appropriation V-10817 for Stock Watering Purposes with NDWR ("Proof V-10817").[8]

On April 27, 2016, Beck Properties filed Amended Proof of Appropriation V-10818 for Stock Watering Purposes with NDWR ("Proof V-10818").[9]

On May 9, 2016, Beck Properties filed Proof of Appropriation V-10857 for Stock Watering purposes with NDWR ("Proof V-10857").[10]

On May 9, 2016, Beck Properties filed Proof of Appropriation V-10858 for Stock Watering purposes with NDWR ("Proof V-10858").[11]

On May 9, 2016, Beck Properties filed Proof of Appropriation V-10859 for Stock Watering purposes with NDWR ("Proof V-10859").[12]

On May 9, 2016, Beck Properties filed Proof of Appropriation V-10860 for Stock Watering purposes with NDWR ("Proof V-10860").[13]

On May 9, 2016, Beck Properties filed Proof of Appropriation V-10861 for Stock Watering purposes with NDWR ("Proof V-10861").[14]

On August 30, 2018, the State Engineer issued a Preliminary Order of Determination to all the waters of Diamond Valley, Hydrographic Basin No. 10-153, Elko and Eureka Counties, Nevada ("Preliminary Order").[15]

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[8] Beck Properties Proof V-10817 attached as Exhibit 8.
[9] Beck Properties Proof V-10818 attached as Exhibit 9.
[10] Beck Properties Proof V-10857 attached as Exhibit 10.
[11] Beck Properties Proof V-10858 attached as Exhibit 11.
[12] Beck Properties Proof V-10859 attached as Exhibit 12.
[13] Beck Properties Proof V-10860 attached as Exhibit 13.
[14] Beck Properties Proof V-10861 attached as Exhibit 14.
[15] Portions of Preliminary Order relevant to Beck Properties attached as Exhibit 15.

II. OBJECTIONS

A. Beck Properties Objections

Beck Properties makes the following objections to the Preliminary Order appurtenant to Proofs V-01316, V-01327, V-01329, V-02889, V-10809, V-10810, V-10816, V-10817, V-10818, V-10857, V-10858, V-10859, V-10860 and V-10861 pursuant to the information contained within Beck Properties Amended Proofs and supplemental evidence contained within the Affidavit of Robert Beck filed in conjunction herewith. The Order of Determination should be amended to increase Beck Properties authorized animal numbers and priority date pursuant to historic use.

1. Beck Properties objects to the inclusion of proofs V-02959, V-10811, V-10812 V-10813, V-10814, V-10815 and V-10856 filed by the Beck Family Trust dated 4-19-2005 and Arc Dome Partners, LLC being included as a part of the Findings of the State Engineer on Non-Reserve Right Claims appurtenant to Beck Properties with the understanding that Beck Properties reserves the right to use any and all information appurtenant to any and all proofs filed by the Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC which supports the claims to the use of water appurtenant to any and all proofs filed by Beck Properties.

The Order of Determination should be amended to include individual and independent Findings of the State Engineer appurtenant to Beck Properties, Beck Family Trust dated 4-19-2005 and Arc Dome Partners, LLC.

2. Proof V-01316 claims a right to 0.25 cubic feet per second ("cfs") of water from Rock Springs via the natural spring, and claims a use to water 40 to 50 cattle with an average of 75 cattle for subsequent years, from April 1 through July 31 with a priority date of 1874. Exhibit 15 at 17. In the Preliminary Order, the State Engineer granted Beck Properties proof V-01316 for a reduced allocation being 50 cattle and horses, with a junior priority date of 1886. Exhibit 15 at 27. Beck Properties objects to the number of animals and junior priority date authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers and seniority of the priority date pursuant to historic use.

3. Proof V-01327 claims a right to 1.0 cfs of water from Munroe Spring via 8 small dams and claims a use to water 2,000 sheep, from April 1 through October 1 with a priority date of 1899. Exhibit 15 at 17. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1899. Exhibit 15 at 27-28. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

4. Proof V-01329 claims a right to 0.002 cfs of water from Little Willow Spring via a collection system, pipeline and natural channel and claims a use to water 50 cattle from April 1 through September 31 with a priority date of 1886. Exhibit 15 at 17. In the Preliminary Order, the State Engineer granted Beck Properties proof for the stated number of livestock being 50 cattle and horses, with a junior priority date of 1886. Exhibit 15 at 28. Beck Properties objects to the determination by the State Engineer in the Preliminary Order of the junior priority date of 1886. The Order of Determination should be amended to increase Beck Properties seniority of the priority date pursuant to historic use.

5. Proof V-02889 claims a right to water from Bank Ranch Stock Water via pools and natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 18. In the Preliminary Order, the State Engineer determined that Bank Ranch Stock Water is the same spring as Banks Ranch Spring filed under proof V-10816. The State Engineer further determined that proof V-02889 is a duplicate filing of proof V-10816 and was therefore rejected. Exhibit 15 at 28.

Beck Properties concurs with proof V-02889 being rejected with the understanding that Beck Properties reserves the right to use any and all information appurtenant to proof V-02889 which supports the claims to the use of water appurtenant to any and all proofs filed by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC.

6. Proof V-10809 claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 19. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation

being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 28. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

7. Proof V-10810 claims a right to 0.03 cfs of water from Pastorino Middle Spring via collection system, pipelines to troughs and natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 19. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 28-29. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

8. Proof V-10816 claims a right to 0.03 cfs of water from Banks Ranch Spring via the natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 21. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

9. Proof V-10817 claims a right to 0.03 cfs of water from Eunice Place Spring via the natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 21. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

10. Proof V-10818 claims a right to 0.03 cfs of water from Upper Torre NE Spring via the natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 21. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

11. Proof V-10857 claims a right to 0.06 cfs of water from Cottonwood Creek via a ditch and the natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 23. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

12. Proof V-10858 claims a right to 0.03 cfs of water from North Pasture Spring via the natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 23. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

13. Proof V-10859 claims a right to 0.03 cfs of water from Silver Bell Mine Spring via natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 24. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

14. Proof V-10860 claims a right to 0.03 cfs of water from Water Canyon Spring via natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 24. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

15. Proof V-10861 claims a right to 0.03 cfs of water from Monroe Canyon Spring via natural channel and claims a use to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 24. In the Preliminary Order, the State Engineer granted Beck Properties proof for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31. Beck Properties objects to the number of animals authorized by the State Engineer in the Preliminary Order and the Order of Determination should be amended to increase Beck Properties authorized animal numbers pursuant to historic use.

16. Beck Properties objects to Reserved Claims R-04233, R-04236, R-04237, R-04238, R-04239, R-04243, R-04244, R-04249 through R-04264, R-04270, R-04271, R-04277 and R-04520 filed by the BLM in and to the detrimental effects these claims may have with regards to the rights of Beck Properties.

B. Vested Right Perfected at Time of Use

"Vested Rights" are rights that existed under Nevada's common law before the provisions currently codified in NRS Chapter 533 were enacted in 1913. *Andersen Family Assocs. v. Ricci,* 124 Nev. 182, 188 (2008). As provided under NRS 533.085, the enactment of statutory water law in the State of Nevada did not "impair the vested right of any person to the use of water, nor shall the right of any person to take and use water be impaired or affected by any of the provisions of this chapter where appropriations have been initiated in accordance with law prior to March 22, 1913." *See also In re Manse Spring and Its Tributaries,* 60 Nev. 280, 288-289 (1940).

In the context of Nevada water law a "Vested Right" has been defined by the court as "a right to use water has become fixed either by actual diversion and application to beneficial use or

by appropriation, according to the manner provided by the water law, and is a right which is regarded and protected as property." *Application of Filippini,* 66 Nev. 17, 22 (1949).

In *Waters of Horse Springs v. State Engineer,* 99 Nev. 776-778 (1983), the court stated "[i]t is not always essential, however, that the water actually be diverted "to constitute an appropriation ... where it could be put to a beneficial use without such diversion, where there was a practice of appropriating the waters of the streams to a beneficial use without such diversion, ..." when citing *Steptoe Livestock Co. v. Gulley,* 53 Nev. 163, 173, 295 P. 772, 775 (1931). The court further stated "The utilization of water by grazing livestock, therefore, constitutes sufficient appropriation to establish a vested water right." *Id.*

Accordingly, the basis and measure of a vested right does not stem from the date of adjudication, rather, it stems from the point in time the water was put to beneficial use or placed under appropriation. *Application of Filippini,* 66 Nev. 17 at 22. Therefore, the use of water under a claim of vested right was perfected when the State of Nevada Legislature enacted statutory water law during the 1913 legislative session. See NRS 533.085.

As stated in Beck Properties Proofs V-01316, V-01327, V-01329, V-10809, V-10810, V-10816, V-10817, V-10818, V-10858, V-10859, V-10860 and V-10861 and as confirmed by the State Engineer, the Preliminary Order establishes pre-statutory proof for all of the Beck Properties proofs. See Exhibit 15. As stated in the Preliminary Order the diversion rate and year of priority of Beck Properties proofs must stem from the pre-statutory historic use, not from unreliable tax statements.

C. Presumption of Use in Favor of Claimant

Unlike other States, the State of Nevada does not have a statute or regulation which establishes the level of proof required of a Claimant to establish the validity of their proof or proofs. Historically, the Nevada State Engineer had used an unwritten standard of Presumption in Favor of Claimant. Recently however, without a change in statute, regulation or a written policy the State Engineer has used an unknown, unwritten and unpublished higher standard of proof.

As stated previously Vested Rights are rights that existed under Nevada's common law before the provisions currently codified in NRS Chapter 533 were enacted in 1913. *Andersen Family Assocs. v. Ricci,* 124 Nev. 182, 188 (2008). The first Federal effort to regulate grazing on public lands occurred in 1934 when the U.S. federal legislation enacted the Taylor Grazing Act,

Title 43 USC 315 - 315r. From the time the State of Nevada was created on October 31, 1864 until the Taylor Grazing Act was enacted in 1934, a period of 70 years, there were no official records appurtenant to the number of livestock being grazed upon Nevada lands. Currently, approximately eighty (80) percent of the State of Nevada is public land; therefore it is reasonable to assume that the percentage of public land at the time the Taylor Grazing Act was enacted in 1934 the percentage was even higher. From the time the State of Nevada was created in 1864 and the provisions currently codified in NRS Chapter 533 were enacted in 1913 there is a span of nearly 50 years for which there are no official records appurtenant to the number of livestock being grazed and watered upon Nevada public lands, which at the time was essentially the entire State of Nevada.

Within the State of Nevada, regardless of what point in time a claimant files a claim of vested right, the claimant is describing the vested rights as they existed in the year 1905 or prior. This results in a "Time Gap" and the vested rights as they existed in 1905 may not reflect the way the water is used in present time. In the State of Montana, Vested Rights are rights that existed pre-1973. During a 2015 interview for a Wyoming Law Review article, Bruce Loble, retired Chief Judge Montana Water Court stated "Because Water court decrees focus primarily on uses as they existed in 1973, evidence is becoming increasingly difficult to obtain as witnesses with historical knowledge pass away."[16]

Due to the lack of historical records and the "Time Gap" between the validity date of a claim of vested right and when an adjudication process begins, other states have had the foresight to establish the level of proof required for establishing a claim of vested right. For instance, claims filed in the State of Montana for pre-1973 vested rights are considered prima facie proof of the water right.[17] The claim is thus accepted as true unless other contradictory evidence proves otherwise. Objectors carry the burden of overcoming this proof by a "preponderance of the evidence."[18] Prior to 1979, any party asserting a water right in Montana had the burden of proving every element of their water right claim. See case 40G-2. Recognizing the evidentiary difficulty in proving up elements of historical water rights when all witnesses to the original appropriations

[16] Michelle Bryan, *At the End of the Day: Are the West's General Stream Adjudications Relevant to Modern Water Rights Administration?*, 15 Wyo L. Rev. 462 (2015)
[17] Mont. Code Ann § 85-2-227 (2013)
[18] Mont. Code Ann § 85-2-248 (2013)

have long since died, the 1979 Legislature enacted the prima facie proof statute.[19] Similar to Montana, the state of Utah claims of vested rights are deemed "competent evidence of the facts stated therein unless the same are put to issue"[20] and the state of Arizona has established a standard of proof that if the court finds a water right attribute is "clearly erroneous" the court shall determine the attribute".[21]

The State Engineer issued Order 802 on November 18, 1982 for the taking of Proofs to Determine Water Rights within Diamond Valley. On January 25, 1985, the State Engineer extended the period of time to submit proofs, to August 12, 1985. After the State Engineer extended the period of time for all claimants to submit proofs in support of their claims, the State Engineer took no action until 30 years later when on August 21, 2015 the State Engineer issued Order 1263, effectively reinitiating previous Order 801.

The initial Time Gap when Order 802 was issued was approximately 80 years and due to the State Engineer's lack of action following the August 12, 1985 deadline the Time Gap has increased to over 110 years. Retired Montana Water Court Chief Judge Bruce Loble was concerned that evidence for pre 1973 vested rights, a time gap of only 45 years, was becoming increasingly difficult to obtain as witnesses with historical knowledge pass away." This Time Gap problem increases exponentially when a claimant is filing a pre 1905 claim of vested right in the year 2016.

While the State of Nevada does not have a statute or regulation which establishes the level of proof required of a claimant, given the evidentiary difficulty in proving up elements of historical water rights and the passing of witnesses it is reasonable that the presumption of accuracy of the claim favors the claimant, as the State Engineer has historically considered claims of vested rights prima facie proof of the water right, a presumption similar to the presumptions given to claimants in other western states such as Montana, Utah and Arizona.

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[19] Mont. Code Ann § 85-2-227
[20] Utah Code Ann. § 73-4-14 (2014)
[21] ARS § 45 – 261 (5)

D. State Engineer Ignores the Documented History of Diamond Valley

In determining the validity of claims of vested rights appurtenant to the Diamond Valley Adjudication, the State Engineer has evaluated each claim through a prism of the present and ignored the vast history of Diamond Valley and the people who settled, built and labored in Diamond Valley during the late 19th century and the very early 20th century, which are the periods of time appurtenant to the adjudication.

The town of Eureka is the largest settlement in Diamond Valley and in 1878 Eureka was the second largest town in Nevada with a population of about 9,000. Like many settlements in the west, the town of Eureka has struggled to survive and in Eureka's early years the mining camp was twice ravaged by floods, suffered through a small pox epidemic and two devastating fires. While the town of Eureka was mainly a mining town along with the nearby mining districts, the vast surrounding areas of public land were extensively used for the grazing of sheep, cattle and horses with the emphasis in numbers mainly on sheep.

Public records indicate that from 1896 to 1905 as many as 17,000 sheep and other livestock were grazing and watering within Diamond Valley.[22] From 1896 to 1905 there were no grazing laws or restrictions on where or when livestock was grazed, which often resulted in Range War's over control of "open range", or range land freely used for grazing of livestock. The lack of grazing laws and open range, resulted in sheep and other livestock for that matter being grazed and watered throughout Diamond Valley wherever suitable range feed and water were available.

While there is substantial evidence that from at least the year 1896 there was at a minimum 17,000 sheep and other livestock grazing and watering within Diamond Valley, the State Engineer is either unaware or has ignored this fact and unjustly reduced most claims of vested rights resulting in the State Engineer recognizing a grand total of **only 2,000 sheep** from all pre statutory submitted claims of vested rights appurtenant to the Diamond Valley Adjudication. There is clearly a disconnect between what is known to have historically happened in Diamond Valley and what the State Engineer has determined to be valid with regards to the number of livestock known to have historically grazed and watered in Diamond Valley. This disconnect is the very reason that other states recognize claims of vested rights as being prima facie proof of the water right.

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[22] Eureka County Tax Assessment records for the years 1896, 1902-1905 attached as Exhibit 16.

E. Use of Private Property Tax Rolls Unreliable in Determination of the Number of Livestock Grazing on Public Property

The Black Point Grazing allotment covers an area of approximately 59,430 acres and encompasses a large portion of the southeasterly portion of Diamond Valley hydrographic basin No. 153. The State Engineer's use of County Tax Records appurtenant to private property, when the vast majority of the land within Diamond Valley was public land prior to the provisions currently codified in NRS Chapter 533 were enacted in 1913, can be misleading, unreliable and result in false negatives.

For instance, on July 18, 1918 Marcos Legarra filed application 5160[23] for stock water use and on October 19, 1925 Mr. Legarra also filed applications 7548[24] and 7549[25] for stock water use. These applications were permitted and the State Engineer subsequently issued certificate 1012 on March 31, 1924 under permit 5160 for the watering of 2,000 head of sheep, certificate 1471 on December 21, 1928 under permit 7548 for the watering of 4,000 head of sheep and certificate 1472 on December 21, 1928 under permit 7549 for the watering of 4,000 head of sheep. These three certificates were and are still located on public land, within the Black Point grazing allotment and are currently held in the name of Beck Properties. While there is clear and convincing evidence that there was beneficial use for the watering of up to 4,000 head of sheep under permits 5160, 7548 and 7549 from the described Springs, there is no indication on the County Tax Records for the years 1920 through 1928, the years for which the proof of beneficial use were established under said permits, that Marcos Legarra owned livestock of any kind.[26] Therefore, had the State Engineer solely relied on the use of County Tax Records to determine the Beneficial Use of the springs appurtenant to permits 5160, 7548 and 7549, the applications for Proof of Beneficial Use appurtenant to said permits would have been denied.

The reliability of the County Tax Records is further reduced as the accuracy, standards and reporting requirements used to develop and prepare County Tax Records are unknown. As demonstrated above, County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives.

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[23] State Engineer Water Right File 5160 attached as Exhibit 17.
[24] State Engineer Water Right File 7548 attached as Exhibit 18.
[25] State Engineer Water Right File 7549 attached as Exhibit 19.
[26] Marcos Legarra Tax Records 1920 to 1928, Exhibit 20.

Additionally, in accordance with NRS 533.125 a person is not required to submit a claim. Nevada Revised Statute 533.125 (2) states:

> "Upon neglect or refusal of any person to make proof of his or her claim or rights in or to the waters of such stream system, as required by this chapter, prior to the expiration of the period fixed by the State Engineer during which proofs may be filed, the State Engineer shall determine the right of such person from such evidence as the State Engineer may obtain or may have on file in the Office of the State Engineer in the way of maps, plats, surveys and transcripts, and exceptions to such determination may be filed in court, as provided in this chapter."

Nevada Revised Statute 533.125 (2) identifies a number of items being "maps, plats, surveys and transcripts" that the State Engineer can use to determine the rights of a person who neglects or refuses to make a proof of his or her claim or rights, as required by chapter 533. Even though NRS 533.125 was recently amended during the 2017 legislative session, notably missing from NRS 533.125 (2) in the material to be used by the State Engineer in the determination of a person's claim or rights is the inclusion of "County Tax Records". The amendments to NRS 533.125 made during the 2017 legislative session were the first amendments made to NRS 533.125 in almost 100 years. The amendments to NRS 533.125 among other changes to the statutes appurtenant to the Adjudication of Vested Rights were substantially written by the State Engineers office with additional testimony by the State Engineer, or representative, in support of the proposed changes.

With the extensive amendments made to the statutes appurtenant to the Adjudication of Vested Rights neither the State Engineer nor the Legislature saw a reason to add the use of "County Tax Records" to NRS 533.125 (2) to determine the rights of a person who neglects or refuses to make a proof of his or her claim or rights by the State Engineer.

Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of the County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971). The use of County Tax Records to substantially reduce a claimants allocation when these same records

do not meet the standard of substantial evidence and are not even approved for use by the State Engineer to determine the rights of a person who neglects or refuses to make a proof of his or her claim or rights in or to the waters as required by NRS Chapter 533, is unreasonable and without basis.

F. Historic Use of Water and Validity of Claims

In support of Beck Properties Proofs, significant historical research was conducted by Dixon Hydrologic, PLCC ("Dixon Hydrologic") to substantiate Beck Properties proofs. Dixon Hydrologic submitted a report demonstrating the significant use of various water sources for multiple claims of vested rights appurtenant to private land within the Black Point Grazing Allotment. In addition to the significant historical research conducted by Dixon Hydrologic and initially submitted with the Beck Properties proofs, Dixon Hydrologic conducted additional historical research in support of these objections.

In the Preliminary Order, to ascertain the valid number of animals appurtenant to each proof filed by Beck Properties, the State Engineer relied solely on the submittal of County Tax Records filed in support of proofs filed for irrigation purposes on private land. There was no pre statutory requirement that an owner of livestock must own private land or have a possessory interest in land during which the owner of the livestock grazed and watered said livestock. The sole reliance on unreliable County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence. This action was also improper as it failed to recognize the history of Diamond Valley, the validity of the submitted proof as a sworn affidavit and a presumption of use in favor of the clamant due to the lack of historical records to substantiate use, coupled with the passing of people with historical knowledge of the pre statutory use of water.

1) Proof V-01316 was filed on June 3, 1914 and claims a right to 0.25 cubic feet per second ("cfs") of water from Rock Springs via the natural spring, to water 40 to 50 cattle with an average of 75 cattle for subsequent years, from April 1 through July 31 with a priority date of 1874. Exhibit 15 at 17. In the Preliminary Order, the State Engineer granted Beck Properties proof V-01316 for a reduced allocation being 50 cattle and horses, with a junior priority date of 1886. Exhibit 15 at 27.

Notwithstanding the fact that proof V-01316 has laid dormant on a shelf in the State Engineers office for over 100 years, great deference should be given to the proof as submitted, as the proof is a sworn affidavit of the actual person who was using the water over 100 years ago and who had firsthand knowledge of the pre statutory use of the described waters by his predecessors. Absent the ability to be able to interview the claimant in person, the claimant's sworn affidavit is tantamount to the claimants in person sworn testimony.

Proof V-01316 contains statements which support an 1874 priority date and a use greater than the use granted in the Preliminary Order as the claimants proof V-01316 states the following:

> "has been used for 40 years for watering stock and for no other purpose by clamant and grantors" and "average of 75 head" and
> "an average of 75 head"[27]

The claim was filed on June 3, 1914 and as stated above, the claimant states that the water has been used for 40 years, which equates to an 1874 priority date, and the water was used to water an average of 75 head.

As previously demonstrated County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of a proof, filed more than 100 years ago in the form of a sworn affidavit is unreasonable and without basis. Great deference should be given to the proof as submitted, as the proof is a sworn affidavit of the actual person who was using the water over 100 years ago and who had firsthand knowledge of the pre statutory use of the described waters by his predecessors. Absent the ability to be able to interview the claimant in person the claimant's sworn affidavit is tantamount to the claimants in person sworn testimony.

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[27] Exhibit 1 page 6.

For the reasons discussed above, the presumption of a claim favors the claimant and is prima facie proof of their content, however in this case the evidence with regard to the validity of the proof is unprecedented as there is a 100 year old sworn affidavit from the claimant who had firsthand knowledge of the pre statutory use of the described waters by his predecessor meets the standard of proof for the use and watering of 75 head of cattle with an 1874 priority date.

2) Proof V-01327 was filed on September 3, 1914 and claims a right to 1.0 cfs of water from Munroe Spring via 8 small dams to water 2,000 sheep from April 1 through October 1 with a priority date of 1899. Exhibit 15 at 17. In the Preliminary Order, the State Engineer granted Beck Properties proof V-01316 for a reduced allocation being 50 cattle and horses, with a priority date of 1899. Exhibit 15 at 27-28.

Notwithstanding the fact that this claim has laid dormant on a shelf in the State Engineers office for over 100 years, great deference should be given to the proof as submitted, as the proof is a sworn affidavit of the actual person who was using the water over 100 years ago and who had firsthand knowledge of the pre statutory use of the described waters by his predecessors. Absent the ability to be able to interview the claimant in person the claimant's sworn affidavit is tantamount to the claimants in person sworn testimony.

While the references to the watering of 2,000 sheep are post 1905, there is documentation in proof V01327 which supports a use greater than the use granted in the Preliminary Order. The claimant states in the claim:

> "During the last 5 years we have watered 2,000 sheep at Munroe Spring during the summer months. Prior to that, for 15 years to my certain knowledge Munroe Spring was used for watering about 100 head of horses & cattle by my predecessors on the Higby Ranch."[28]

The claim was filed in 1914, therefore when the claimant references the last 5 years this covers the span from 1909 through 1914. Then when the clamant references the period of "Prior to that for 15 years…" the clamant is referencing the period of 1899 through 1909, which equates to the 1899 priority date. It is clear that the claimant is stating that he had personal knowledge of 100 head of horses and cattle using the waters of Munroe Spring in 1899.

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[28] Exhibit 2 page 7.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of a proof, filed more than 100 years ago in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to the proof as submitted, as the proof is a sworn affidavit of the actual person who was using the water over 100 years ago and who had firsthand knowledge of the pre statutory use of the described waters by his predecessors. Absent the ability to be able to interview the claimant in person the claimant's sworn affidavit is tantamount to the claimants in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of content, however in this case the evidence with regards to the validity of the claim is unprecedented as there is a 100 year old sworn affidavit from the claimant who had firsthand knowledge of the pre statutory use of the described waters by his predecessor meets the standard of proof for the use and watering of 100 head of horse and cattle with an 1899 priority date.

3) Proof V-01329 was filed on September 14, 1914 and claims a right to 0.002 cfs of water from Little Willow Spring via a collection system, pipeline and natural channel to water 50 cattle from April 1 through September 31 with a priority date of 1874. Exhibit 15 at 17. In the Preliminary Order, the State Engineer granted Beck Properties proof V-01329 for the stated use being 50 cattle, with a junior priority date of 1886. Exhibit 15 at 28.

Notwithstanding the fact that this claim has laid dormant on a shelf in the State Engineers office for over 100 years, great deference should be given to the claim as submitted, as the proof is a sworn affidavit of the actual person who was using the water over 100 years ago and who had firsthand knowledge of the pre statutory use of the described waters by his predecessors. Absent

the ability to be able to interview the claimant in person the claimant's sworn affidavit is tantamount to the claimants in person sworn testimony.

Proof V-01329 contains statements which support an 1874 priority date as the claimant's proof V-01316 states the following:

> "For forty years my grantors used this spring for stock watering purposes continuously since 1874 or 1875."[29]

Proof V-01329 was filed in 1914, therefore when the claimant references "for forty years" the clamant is referencing the 40 years prior to the year of filing, being 1914, which equates to an 1874 priority date. An 1874 priority date is further supported by the claimant's addition statement of "continuously since 1874 or 1875".

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore the use of County Tax Records as clear and convincing evidence to discredit the validity of a proof, filed more than 100 years ago in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to the proof as submitted, as the proof is a sworn affidavit of the actual person who was using the water over 100 years ago and who had firsthand knowledge of the pre statutory use of the described waters by his predecessors. Absent the ability to be able to interview the claimant in person the claimant's sworn affidavit is tantamount to the claimants in person sworn testimony.

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[29] Exhibit 3 page 13

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content, however in this case the evidence with regards to the validity of the claim is unprecedented as there is also a 100 year old sworn affidavit from the claimant who had firsthand knowledge of the pre statutory use of the described waters by his predecessor meets the standard of proof for the use and watering of 50 head of cattle with a 1874 priority date.

4) Proof V-10816 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Banks Ranch Spring via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 21. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816 is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. Exhibit 15 at 28. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[30]

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The

[30] Exhibit 4 at 7.

approximate number of animals watered by the clamant during the first year 1886 was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof...". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the at least ninety (90) years prior statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10816 as Exhibit 4 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 7 at 19-24. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[31] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[32]

Also included with the filing of Proof V-10816 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 7 at 30-31. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants' state:

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[33]

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[31] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.
[32] Exhibit 7 at 19-24.
[33] Exhibit 7 at 30.

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs filed by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10816 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regard to number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

Therefore, a claim of 100 head of cattle and 500 sheep being grazed and watered under proof V-02889, subsequently proof V-10816, most likely understates the number of cattle and/or sheep that actually watered at the source during any one year period prior to 1905.

As previously demonstrated County Tax Records are not always accurate with regard to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-10816, which is a duplicate of proof V-02889 filed in 1976 approximately 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference

should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above, the presumption of a claim favors the claimant and is prima facie proof of their content. However in this case the evidence with regards to the validity of proof V-10816 is substantial. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep. Proof V02889 was determined by the State Engineer to be a duplicate of proof V-10816. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10809 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10816, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep and was determined to be a duplicate of proof V-10816 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep cattle with a 1886 priority date.

5) Proof V-10809 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 19. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 28.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10809, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[34]

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886 was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the at least ninety (90) years prior statement by Mr. Labarry, refers to a priority date of 1886.

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[34] Exhibit 4 at 7.

Included with the filing of Proof V-10809 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 5 at 14-19. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[35] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[36]

Also included with the filing of Proof V-10809 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 5 at 25-26. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[37]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs file by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in

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[35] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.
[36] Exhibit 5 at 14-19.
[37] Exhibit 5 at 25-26.

the vicinity thereof..." they are affirming the claim that livestock were grazed and watered in the vicinity of V-10809 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

Proof V-02889 and proof V-10809 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V10809, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However, in this case the evidence with regards to the validity of proof V-10809 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10809. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10809 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10809, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10809 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep cattle with a 1886 priority date.

6) Proof V-10810 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino Middle Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 19. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 28-29.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10810, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[38]

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886 was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10810 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 6 at 14-19. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[39] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants' state:

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[38] Exhibit 4 at 7.

[39] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[40]

Also included with the filing of Proof V-10810 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 6 at 25-26. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[41]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs filed by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10810 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

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[40] Exhibit 6 at 14-19.
[41] Exhibit 6 at 25-26.

Proof V-02889 and proof V-10810 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being grazed under proofs V-02889 and V-10810, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However in this case the evidence with regards to the validity of proof V-10810 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10810. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10810 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10810, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10810 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

7) Proof V-10817 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 21. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10817, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[42]

[42] Exhibit 4 at 7.

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10817 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 8 at 17-22. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[43] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[44]

Also included with the filing of Proof V-10817 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 8 at 28-29. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

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[43] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.
[44] Exhibit 8 at 17-22.

"Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[45]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs filed by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10817 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

Proof V-02889 and proof V-10817 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V10817, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the

[45] Exhibit 8 at 28-29.

County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However, in this case the evidence with regards to the validity of proof V-10817 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10817. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10817 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10817, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10817 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

8) Proof V-10818 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

Exhibit 15 at 21. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10818, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[46]

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886 was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

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[46] Exhibit 4 at 7.

Included with the filing of Proof V-10818 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 9 at 15-20. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[47] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[48]

Also included with the filing of Proof V-10818 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 9 at 26-27. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[49]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity, for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs file by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in

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[47] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.
[48] Exhibit 9 at 15-20.
[49] Exhibit 9 at 26-27.

the vicinity thereof..." they are affirming the claim that livestock were grazed and watered in the vicinity of V-10818 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

Proof V-02889 and proof V-10818 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V-10818, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However, in this case the evidence with regards to the validity of

proof V-10818 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10818. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10818 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10818, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10818 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

9) Proof V-10857 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 23. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 30.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10857, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[50]

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10857 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 10 at 15-20. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[51] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

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[50] Exhibit 4 at 7.

[51] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[52]

Also included with the filing of Proof V-10857 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 10 at 26-27. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[53]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs filed by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10857 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

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[52] Exhibit 10 at 15-20.
[53] Exhibit 10 at 26-27.

Proof V-02889 and proof V-10857 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V-10857, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However, in this case the evidence with regards to the validity of proof V-10857 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10857. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10857 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10857, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10857 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

10) Proof V-10858 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 23. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10858, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[54]

[54] Exhibit 4 at 7.

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10858 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 11 at 15-20. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[55] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[56]

Also included with the filing of Proof V-10858 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 11 at 26-27. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

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[55] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.
[56] Exhibit 11 at 15-20.

"Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[57]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity, for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs file by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10858 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

Proof V-02889 and proof V-10858 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V-10858, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the

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[57] Exhibit 11 at 26-27.

County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However in this case the evidence with regards to the validity of proof V-10858 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10858. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10858 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10858, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10858 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

11) Proof V-10859 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 24. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10859, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[58]

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90)

[58] Exhibit 4 at 7.

years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10859 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 12 at 15-20. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[59] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[60]

Also included with the filing of Proof V-10859 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 12 at 26-27. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants' state:

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[61]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs filed by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and

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[59] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.
[60] Exhibit 12 at 15-20.
[61] Exhibit 12 at 26-27.

8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10859 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

Proof V-02889 and proof V-10859 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V-10859, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person,

their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However, in this case the evidence with regards to the validity of proof V-10859 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10859. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10859 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10859, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10859 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

12) Proof V-10860 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 24. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10860, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[62]

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10860 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 13 at 17-22. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[63] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

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[62] Exhibit 4 at 7.

[63] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[64]

Also included with the filing of Proof V-10860 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 13 at 28-29. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[65]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity, for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs file by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10860 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

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[64] Exhibit 13 at 17-22.
[65] Exhibit 13 at 28-29.

Proof V-02889 and proof V-10860 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V-10860, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However, in this case the evidence with regards to the validity of proof V-10860 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10860. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10860 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10860, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10860 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

13) Proof V-10861 was filed on January 4, 2016 and claims a right to 0.03 cfs of water from Pastorino East Spring via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 15 at 24. In the Preliminary Order, the State Engineer granted Beck Properties proof V-10816 for a reduced allocation being 50 cattle and horses, with a priority date of 1886. Exhibit 15 at 31.

Proof V-02889 was filed on August 26, 1976 and claims to have diverted water from Bank Ranch Stock Water via pool and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Exhibit 4 at 6-8. It was determined by the State Engineer that proof V-10816, a sister proof to proof V-10861, is a duplicate of proof V-02889 and proof V-02889 was therefore rejected on this basis. As stated above, Beck Properties has reserved the right to use any and all information submitted with rejected proof V-02889 in support of any and all proofs filed by Beck Properties.

Proof V-02889 contains statements which support a use greater than the use granted in the Preliminary Order as proof V-02889 states the following:

> "This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time." and
> "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and
> "100 head of cattle and 500 sheep"[66]

[66] Exhibit 4 at 7.

Proof V-02889 was filed in 1976, therefore when the claimant makes a reference to "for over 90 years" the claimant is referring to a period dating back to approximately 1886. The claimant further states twice in proof V-02889 that the number of animals watered were "The approximate number of animals watered by the clamant during the first year 1886, was 100 cattle ___ horses 500 sheep" and "100 head of cattle and 500 sheep". Exhibit 4 at 7.

In addition to the affidavit of proof V-02889 being signed by Donald Eldridge, there is also a signed and notarized affidavit included with proof V-02889 dated September 22, 1976 by Raymond Labarry. This affidavit states that the waters have been used "for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proof…". Exhibit 4 at 9. Proof V-02889 was filed in 1976, therefore, the "at least ninety (90) years prior" statement by Mr. Labarry, refers to a priority date of 1886.

Included with the filing of Proof V-10861 as Exhibit 2 are copies of permits 8813, 8814 and 8815 filed on January 17, 1929. Exhibit 14 at 14-19. These applications were filed by the Handley Brothers who were a predecessor to property owned by Arc Dome Partners, LLC, an entity owned and controlled by the principles of Beck Properties, Eureka County APN 007-350-02[67] and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

> "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application."[68]

Also included with the filing of Proof V-10861 as Exhibit 4 is a copy of permit 8995 filed on July 20, 1929. Exhibit 14 at 25-26. This application was also filed by the Handley Brothers and requested permission to water up to 150 head of cattle and 6,000 sheep. As part of the original application the applicants state:

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[67] Eureka County Tax records for the years 1913-1921 and 1924-1930 and 2018 parcel detail, attached as Exhibit 21. Note: research was unable to locate tax records appurtenant to the Handley Brothers for the years 1922 and 1923.
[68] Exhibit 14 at 14-19.

> "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby. Which right is not waived by virtue of the filing of this application."[69]

These applications were filed almost 90 years ago and acknowledge that claims of vested rights existed on the sources and that livestock grazed on the range territory in the vicinity for many years prior to 1905.

In preparing the Preliminary Order appurtenant to the proofs file by Beck Properties, Beck Family Trust, dated 4-19-2005 and Arc Dome Partners, LLC the State Engineer used County Tax Records for private property located in some cases in excess of 10 miles from the appurtenant proof. Using the standards set by the State Engineer, when the applicants of 8813, 8814, 8815 and 8995 state "Applicants and their predecessors have used water from this source, together with the range territory in the vicinity there of, for many years prior to 1905…" and "Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof…" they are affirming the claim that livestock were grazed and watered in the vicinity of V-10861 for many years prior to 1905.

The applicants of permits 8813, 8814, 8815 and 8995 do not specifically state the numbers of livestock watered prior to 1905 and unfortunately the applicants are no longer available to provide clarity with regards to the number of livestock watered. However, it is known historically that in excess of 17,000 sheep and livestock were grazed and watered within Diamond Valley prior to 1905 and as far back as 1896. Exhibit 16 at 1-10.

Proof V-02889 and proof V-10861 are located in proximity to each other. As was done historically and is still done present day, livestock are moved by herders and ranch hands and then left to free range on their own. Therefore, livestock utilized water sources wherever and whenever available throughout the areas of the Beck Properties proofs. Given the number of livestock known to have historically been in Diamond Valley pre 1905 the claim of 100 head of cattle and 500 sheep being watered under proofs V-02889 and V-10861, most likely understates the number of cattle and/or sheep that actually watered at the sources during any one year period prior to 1905.

As previously demonstrated the County Tax Records are not always accurate with regards to livestock and can be misleading, unreliable and result in false negatives. Due to the unknown accuracy, standards and reporting requirements coupled with the known inaccuracies of the

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[69] Exhibit 9 at 25-26.

County Tax Records, the use of County Tax Records as clear and convincing evidence to determine the validity of a proof does not meet the standard of substantial evidence, which is defined by the Nevada Supreme Court as "that which a reasonable mind might accept as adequate to support a conclusion." *State Employee Sec. Dept. V Hilton Hotels Corp.*, 102 Nev. 606, 608, 729 P.2d 496, 498 (1986) (citing *Richardson v. Perales,* 402 U.S. 389 (1971).

Therefore, the use of County Tax Records as clear and convincing evidence to discredit the validity of proof V-02889, which is a proof filed more than 40 years ago, in the form of a sworn affidavit is unreasonable and without any basis. Great deference should be given to proof V-02889 as submitted, as the proof is a sworn affidavit of the actual persons who were using the water over 40 years ago and who had knowledge of the pre statutory use of the described waters by their predecessors. Absent the ability to be able to interview the claimant and Mr. Labarry in person, their sworn affidavits are tantamount to their in person sworn testimony.

For the reasons discussed above the presumption of a claim favors the claimant and is prima facie proof of their content. However, in this case the evidence with regards to the validity of proof V-10861 is clear and convincing. Proof V-02889 is a 40 year old sworn affidavit from the claimant who filed said proof and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10861. Permits 8813, 8814 8815 and 8995 were filed by a predecessor of Arc Dome Partners, LLC, a entity owned and controlled by the principles of Beck Properties, and the applicants under said permits made multiple statements regarding the ranging and watering of stock in the area of proof V-10861 for many years prior to 1905.

The substantial evidence that predecessors of Beck Properties grazed and watered livestock in the vicinity of proof V-10861, a 40 year old sworn affidavit from the claimant who filed proof V-02889 and had knowledge of the pre statutory use of the described waters by his predecessors for the use and watering of 100 head of cattle and 500 sheep within the vicinity of proof V-10861 validate said proof. This validation coupled with the premise that proofs are prima facie proof of content meet the standard of proof with regards to the watering of 100 head of cattle and 500 sheep with an 1886 priority date.

G. Current Use of Water and Authorized Grazing and Actual Grazing Use Reports

The Taylor Grazing Act is U.S. federal legislation enacted in 1934 under Title 43 USC 315 - 315r. This Act was the first federal effort to regulate grazing on federal public lands. The Act establishes grazing districts and uses a permitting system to manage livestock grazing in the districts in order to improve rangeland conditions and regulate their use.

Under the Taylor Grazing Act preference is given in the issuance of grazing permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers, or owners of water or water rights, as may be necessary to permit the proper use of lands, water or water rights owned, occupied, or leased by them, provisions of § 315(b).

Current grazing permit No. 10032 appurtenant to the Black Point Grazing Allotment authorizes 1,751 sheep, 318 head of cattle, with a season of use from May 1st to October 31st of each year for sheep and May 1st to November 30th for cattle. Additionally, the Black Point Grazing Allotment permit 10032 authorizes 2,097 AUMs for sheep and 2,381 AUMs for cattle, for a total grazing preference of 4,478 AUMs. As a further example of animal numbers authorized on the Black Point Grazing Allotment the BLM periodically requests Actual Grazing Use Reports to demonstrate animal numbers used in the allotment during a given season. In 2017, 1,751 sheep and 318 head of cattle were turned into the various pastures of the Black Point Grazing Allotment.[70]

While the present day grazing and watering of cattle does not prove the pre statutory use of water, it does however, as was done by the State Engineer in using post statutory aerial photos and field investigations, give a understanding of what potentially could have pre statutorily occurred. Present day, the BLM has determined that the Black Point Grazing Allotment which is the grazing allotment that Beck Properties and Beck Family Trust proofs are located, has a carrying capacity of 1,751 sheep and 318 head of cattle. However, during the lawless and unregulated era pre 1905, it is highly likely that the number of livestock grazing and watering within the Black Point Grazing Allotment far exceeded the current number permitted by the BLM.

[70] Black Point grazing allotment permit and grazing use report attached as Exhibit 22.

III. CONCLUSION

The limitation of water use under Proofs V-01316, V-01327, V-01329, V-10809, V-10810, V-10816, V-10817, V-10818, V-10858, V-10859, V-010860 and V-10861, as was done within the Preliminary Order, will severely limit the full extent of Beck Properties use of the Black Point Grazing Allotment.

The submittal of the initial claims of vested rights by the original Claimants and Beck Properties in the form of sworn affidavits while being prima facie proof of their content, coupled with the known historical watering and grazing of at least 17,000 sheep and livestock prior to 1905 within Diamond Valley and additional evidence submitted through these objections sufficiently establishes a level of "clear and convincing evidence" that the Order of Determination for Proofs V-01316, V-01327, V-01329, V-10809, V-10810, V-10816, V-10817, V-10818, V-10858, V-10859, V-010860 and V-10861 should be amended with the terms as submitted and described below.

1) Proof V-01316 - Approve a vested right to divert water from Rock Springs via the natural spring, when it is available, for the stock watering of 75 cattle and horses, from April 1 through July 31 with a priority date of 1886.

2) Proof V-01327 - Approve a vested right to divert water from Munroe Spring via 8 small dams, when it is available, for the stock watering of 100 head of cattle and horses, from April 1 through October 1 with a priority date of 1899.

3) Proof V-01329 - Approve a vested right to divert water from Little Willow Spring via a small ditch, when it is available, for the stock watering of 50 cattle, from April 1 through July 31 with a priority date of 1874.

4) Proof V-10809 - Approve a vested right to divert water from Pastorino East Spring via a collection system, pipeline to troughs and natural channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

5) Proof V-10810 - Approve a vested right to divert water from Pastorino Middle Spring via a collection system, pipeline and natural channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

6) Proof V-10816 - Approve a vested right to divert water from Banks Ranch Spring via spring and natural channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

7) Proof V-10817 - Approve a vested right to divert water from Eunice Place Spring via spring and natural channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

8) Proof V-10818 - Approve a vested right to divert water from Upper Torre NE Spring via collection system, pipeline to troughs and natural channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

9) Proof V-10857 - Approve a vested right to divert water from Cottonwood Creek via ditch from the natural creek channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

10) Proof V-10858 - Approve a vested right to divert water from North Pasture Spring via ditch from natural spring and channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

11) Proof V-10859 - Approve a vested right to divert water from Silver Bell Mine Spring via natural spring and channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

12) Proof V-10860 - Approve a vested right to divert water from Water Canyon Spring via natural spring and channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

13) Proof V-10861 - Approve a vested right to divert water from Monroe Canyon Spring via natural spring channel, when it is available, for the stock watering of 100 head of cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

DATED this 29th day of October, 2018.

BECK PROPERTIES,
a California General Partnership

Robert F. Beck, General Partner
289 La Costa Avenue
Dayton, Nevada 89403

01216

No. 01816 Indexed under Rock Springs. Giulio Minoletti.

Name of applicant

Map

Stream

Field book

Township 21 N. R. 54 E. (NW¼NW¼ of SE¼ of Sec 25)

Report No.

Eureka County
BASIN NO. 10-153
DIAMOND VALLEY

ASSIGNED

Date of receipt. — June 8, 1914.
Date returned for correction. — June 8, 1914.
Corrected proof received. — June 19, 1914
Date of filing — June 20, 1914.
Protested by
Map filed — June 8, 1914.

Investigated on ground by

Protested

~~Form Affidavit 90A filed~~

~~Approved~~

~~Denied~~

~~Withdrawn by applicant~~

~~Canceled~~

~~Proof of labor filed~~

~~Map filed~~

~~Proof of beneficial use filed~~

Certificate No. Issued

REMARKS

KEEP AT TOP OF FILE
Application No: V01316

Owner(s) of Record:

Beck Properties
289 La Costa Avenue
Dayton, NV 89403
Last updated: 11/04/2015

Send Correspondence To:

Hydrotech Consulting Services, LLC (AGENT)
4280 North Tioga Way
Las Vegas, NV 89129
Last updated: 03/22/2017

STATE OF NEVADA
DIVISION OF WATER RESOURCES

SUMMARY OF OWNERSHIP

Please retain this sheet on top of file

PROOF: V01316 USE: STK CFS: 0.25 DUTY: _____ AFA
CERTIFICATE: _____ ISSUED: _____ CFS: _____ DUTY: _____ AFA

REVIEW DATE: 6/30/1999 BY: HCS SUPPLEMENTAL TO:
LAST UPDATE: 4/14/2017 BY: SLC

Owner	CFS	DUTY AFA	SUFFICIENT TO WATER	CHANGED BY STATUS	REFERENCED DOCUMENTS	DESCRIPTION
Beck Properties, a California general partnership	0.25	—	75	_____	1-15	ENCUMBERED By DOT #224805 for Nevada State Bank
GRAND TOTALS	0.25					

Reconveyance
Received Date 5-24-17
Filed Under 1937

Page 1 Subtotals 0.25

Beck Properties Exhibit 1 - Page 3

BRIAN SANDOVAL
Governor

STATE OF NEVADA

BRADLEY CROWELL
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
http://water.nv.gov

April 20, 2017

Robert Coache, P.E.
Hydrotech Consulting Services, LLC
4280 North Tioga Way
Las Vegas, Nevada 89129

RE: Permit 7549, Proofs V01316, V01327 and V01329

Mr. Coache:

Please be advised that your *Reports of Conveyance* received on October 28, 2015, are hereby confirmed to update ownership of **Permit 7549, Proofs V01316, V01327 and V01329** in the name of **Beck Properties, a California general partnership** as listed in the table below. Details of the above water rights, including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	Diversion Rate (cfs)	Units
7549/1472	0.025	4000

Unadjudicated Proof	Diversion Rate (cfs)	Units
V01316	0.25	75
V01327	1.0	2000
V01329	---	50

Please be advised that a Notice of Pledge was filed to encumber **Proofs V01316, V01327 and V01329** by Deed of Trust, Document #224805, recorded August 27, 2013 in Eureka County, executed by Randall Venturacci, Peter G. Lazetich, and Thomas Belaustegui, in favor of **Nevada State Bank, as Beneficiary.**

The amount under the unadjudicated proofs may change after the adjudication process has been completed.

Also be advised that the confirmation of your Report of Conveyance does not guarantee that the water right is in good standing with the office of the State Engineer; the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and, this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right. *See* NRS 533.386(2)(a)-(b).

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2854.

Sincerely,

Shawnee L. Clayson
Engineering Technician IV

SLC/sgc
cc: Beck Properties

01316

Recd. 6/8/14
No fee.
Cert. 01316 6/19/14

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

From Rock Springs.
Name of natural water source.

Through has been used for 40 years for watering stock and for no
Name of ditch, pipe line, etc.
other purpose by claimant & grantors, *the undersigned, being first duly sworn, deposes and says that the statements herein contained relative to the appropriation of water by* Giulio Minoletti *are full and correct to the best of his knowledge and belief.*

Charles Minoletti is the agent of Giulio Minoletti and attends to situate
If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant
all trans actions in connection with this ranch where this spring is

(1) *Name of claimant* Giulio Minoletti

Address Eureka, *County of* Eureka,

State of Nevada.

(2) *The means of diversion employed is* used at the Springs
When pipe line, flume, etc.

(3) *The water is impounded in* not impounded
Troughs, reservoirs, tanks, etc.

(4) *The construction of the ditch or other works was begun* none

and completed

Office note; - See section (7) proof No. 01329, for stipulation that Rock Springs are Cleaned out from time to time when necessary.

(5) *The nature of the claimant's title to the land upon which the works are located is*
no works

(6) *The claimant's water right* ~~xxx~~ *(was not) recorded in the office of the County Recorder of* County, *at page* of *Book* of

(7) *The approximate number of animals watered by the claimant during the first year was* 40 Or 50 *and said watering was conducted for an approximate period of* 120 *days during* ~~xxxx~~ *of the following months* April, May, June & July

(8) *The approximate number of animals watered by claimant in subsequent years was as follows:*
an average of 75 head

(9) The amount of water which it has been necessary to divert for the said purpose has been

Entire Springs about 1 cubic feet per second.
40 miners inches equals 1 cubic foot per second

(10) The water is diverted from its source at ..... feet
True bearing to nearest 5 minutes distance

from the ..... corner of Section ....., T. ....., R. .....,

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 .....
Describe as within a 40 acre subdivision of public survey or by a tie in same manner as under (10)

Remarks: Those are the Springs for which A C.Florio made application as being in Section 26 or Section 25, as his applicatn tion Notice cannot be understood as it reads. as the Spring is situated in the N½ of the SE¼ of Sec.25, tp.21, N R 54 E.M.D.B & M and not in Sec.28 The map hereto attached will explain, a recent Survey

Thos A Minoletti

Subscribed and sworn to before me this 3rd. day of June, 191 4

R.M.V Charles, County Clerk,
and ex-officio Clerk of the District Court thereof.

Notary Public in and for the County of .....

My Commission expires ....., 191...

This part of form to be left blank by claimant

Filing Serial No. 01316

STATE OF NEVADA

Proof of Appropriation of

Water for Stock Purposes

Water Source Rock Springs.

Through

Claimant Giulio Minoletti.

Filed in State Engineer's Office on

June 20th, 1914.

W. M. Kearney

By S. C. State Engineer

Certificate No. issued hereunder

, 191

Form No. As 500—1-21-1911

Beck Properties Exhibit 1 - Page 8

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 14, 1976

State Engineer
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Dear Sir:

Enclosed is a notice I would like you to place in the file of PROOF OF APPROPRIATION numbers 01316 and 01329. This is to notify interested persons as to the ranches claim to the water. The Deed simply describes the sources as being in Preston Canyon, Mattei Canyon, and Little Willow Springs. These two springs are in these areas but not described by number. The owner of record was supposedly to have purchased all Minoletti's holding, these being included.

If we can be of further help, please contact us.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

JBP/ms

United Dressed Beef, Inc.
Eureka, Nevada

TO WHOM IT MAY CONCERN:

The water with Proof of Appropriation numbers 01316 and 01329, in the name of G. or Guilio Minolotti, have been used by the ranch known as Cottonwood Creek or LaBarry Ranch ever since Minoletti sold all his holdings to the Handley Bros. operation (Book 19, Page 283, recorded August 29, 1922). At that time all the water was sold with the property (note: certificate numbers 1937, 1958). The water rights to 01316 and 01329, either through a mistake in the description of the springs or because it was inadvertently forgotten, were not a part of the deed.

This letter is to notify interested persons that the ranch has been using the water from these two sources to water livestock since the land was purchased from Guilio Minoletti back in October 29, 1917.

October 14, 1976

ELMO J. DERICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
Capitol Complex
201 South Fall Street, Carson City, Nevada 89710

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 01751, 7226, 7227, 01316, 01329, 1820 thru 1826, 1875 thru 1879

Address All Communications to the State Engineer, Division of Water Resources
Telephone (702) 885-4380

August 18, 1976

Mr. John B. Parker
Western Farm Management
P. O. Box 320
Reno, Nevada 89501

Re: LaBarry - United Dressed Beef, Inc.

Dear Mr. Parker:

We have examined the three deeds you submitted August 3, 1976 and find them not acceptable to assign Proofs 01316, which stands in the name of Giulio Minoletti, and Proof 01329, which stands in the name of G. Minoletti. We are returning the documents for your convenience, so that you may complete the chain of title.

For your reference the places of use under 01316 is the NW¼ SE¼ Section 25, T.21N., R.54E., and under 01329 is the SE¼ SW¼ Section 26, T.21N., R.54E., and none of them are described in the deeds.

With reference to permits 1820 through 1826 and 1875 through 1879, we would like to inform you that they are all certificated water rights, which have as owner of record Guy Saval, Pedro Corta and Theophile Bidart. In order for those rights to be assigned the chain of title has to be completed from the above owners to W. S. McGill and R. K. McGill and then further to the present owners.

Further, the affidavit of identity for Corinda (Clorinda) Robinson is acceptable, however we cannot complete the assignments until we receive the $28.00 in filing fees, as requested July 22nd.

We will hold the documents for 30 days pending the receipt of the filing fees.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

Ingrid A. Klaich

(Mrs.) Ingrid A. Klaich

IAK:sk
Enclosures (3)

, June 20, 1914.

Rock Springs.

No. 01316.

Mr. Chas. A. Minoletti,

Eureka, Nevada.

Dear Sir:-

The proof of appropriation of Giulio Minoletti for stock-watering purposes from Rock Springs was again received in this office today, accompanied by the five dollar filing fee. The proof has been filed under our serial number 01316 and official receipt for the filing fee is herewith enclosed.

While the proof has been filed it is slightly incomplete in that the applicant has not stated what manner of diversion or works he has at the spring. If the works consist only of small dams that are ~~xx~~ replaced year by year ~~to year~~ to hold the water in little ponds, or any other manner of works, you should be advise by letter so that we may insert such information in the proof. There must be some artificial works of diversion or storage to constitute a lawful appropriation of water.

Yours very truly,

C. State Engineer.

June, 8, 1914.

General-No.1608

Mr. Chas. A. Minoletti,

Eureka, Nevada.

Dear Sir;-

The enclosed proof of appropriation of water for stock watering purposes, which was received in this office today, is herewith returned for the reason that you did not enclose the filing fee of Five dollars as required by law.

Five dollars is the minimum fee for a proof of appropriation where the applicant furnishes the map, as in this instance, and is to pay for the issuing and recording of certificates,

On return of the proof accompanied by the filing fee it will be promptly filed in our records.

Yours very truly,

C. State Engineer.

7/6084

June 8,1914.

Rock Spring,
Proof of Appropriation G. Minelitti,

Mr. Giulio Minelitti,
C/o. H.G. Wedekind,
Eureka, Nevada.

Dear Sir:-

Your map showing the location of Rock Spring in NW¼SE¼,Sec.25 T/ 21 N.,R.54 E., M.D.B. & M. and to accompany you proof of appropriation was received and filed in this office on June 8,1914.

Very truly yours,

State Engineer.

PPJ./

Eureka

Nev.

May ~~13~~ 7th 1914.

Mr. W. A. Harney

Baron City.

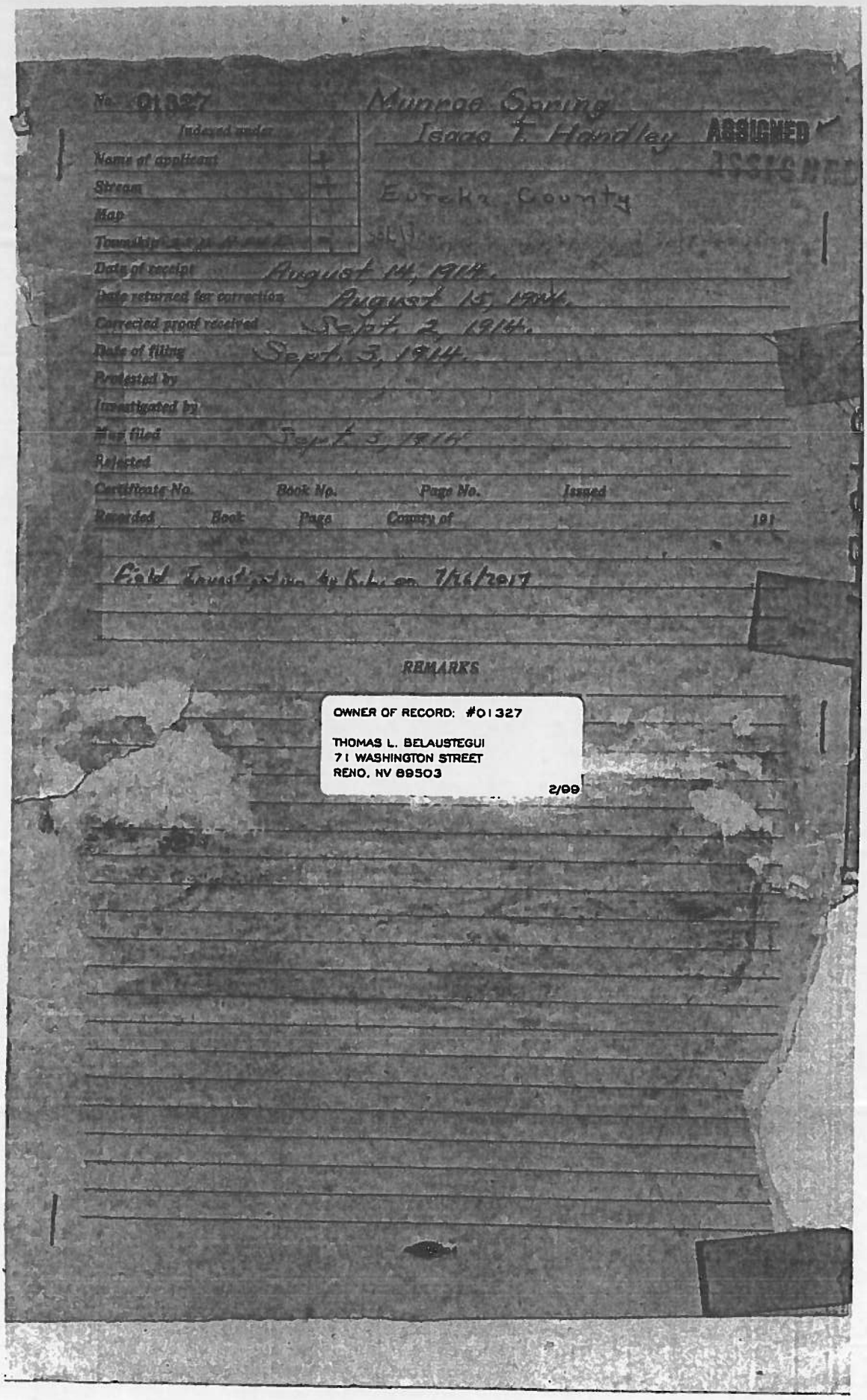
Dear Sir.

Please send me some applicatio papers as I may want to apply for the waters of a spring near my ranch.

Yours Truly

Giulio Minoletti

Pamphlet #5
2 Blank applications,
Mailed 5/20/14.



No. 01327

Indexed under

Name of applicant

Stream

Map

Township

Munroe Spring

Isaac T. Handley ASSIGNED

Eureka County

Date of receipt August 14, 1914.

Date returned for correction August 15, 1914.

Corrected proof received Sept. 2, 1914.

Date of filing Sept. 3, 1914.

Protested by

Investigated by

Map filed Sept 3, 1914

Rejected

Certificate No. Book No. Page No. Issued

Recorded Book Page County of 191

Field Examination by K.L. on 7/16/1917

REMARKS

OWNER OF RECORD: #01327

THOMAS L. BELAUSTEGUI
71 WASHINGTON STREET
RENO, NV 89503

2/99

KEEP AT TOP OF FILE
Application No: V01327

Owner(s) of Record:

Beck Properties
289 La Costa Avenue
Dayton, NV 89403
Last updated: 11/04/2015

Send Correspondence To:

Hydrotech Consulting Services, LLC (AGENT)
4280 North Tioga Way
Las Vegas, NV 89129
Last updated: 03/22/2017

STATE OF NEVADA
DIVISION OF WATER RESOURCES

SUMMARY OF OWNERSHIP

Please retain this sheet on top of file

PROOF: V01327 USE: STK CFS: 1 DUTY: _____ AFA
CERTIFICATE: _____ ISSUED: _____ CFS: _____ DUTY: _____ AFA

REVIEW DATE: 6/30/1999 BY: HCS SUPPLEMENTAL TO:
LAST UPDATE: 4/14/2017 BY: SLC

Owner	CFS	DUTY AFA	SUFFICIENT TO WATER	CHANGED BY STATUS	REFERENCED DOCUMENTS	DESCRIPTION
Beck Properties, a California general partnership	1	—	2000	_____	1-11	Encumbered By DOT #224805 for Nevada State Bank
GRAND TOTALS	1					

Reconveyance
Received Date 5-24-17
Filed Under 1937

Page 1 Subtotals 1





Entered in DB_____ Initials_____ Date Entered_____

BRIAN SANDOVAL
Governor

STATE OF NEVADA

BRADLEY CROWELL
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
http://water.nv.gov

April 20, 2017

Robert Coache, P.E.
Hydrotech Consulting Services, LLC
4280 North Tioga Way
Las Vegas, Nevada 89129

RE: Permit 7549, Proofs V01316, V01327 and V01329

Mr. Coache:

Please be advised that your *Reports of Conveyance* received on October 28, 2015, are hereby confirmed to update ownership of **Permit 7549, Proofs V01316, V01327 and V01329** in the name of **Beck Properties, a California general partnership** as listed in the table below. Details of the above water rights, including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	Diversion Rate (cfs)	Units
7549/1472	0.025	4000

Unadjudicated Proof	Diversion Rate (cfs)	Units
V01316	0.25	75
V01327	1.0	2000
V01329	---	50

Please be advised that a Notice of Pledge was filed to encumber **Proofs V01316, V01327 and V01329** by Deed of Trust, Document #224805, recorded August 27, 2013 in Eureka County, executed by Randall Venturacci, Peter G. Lazetich, and Thomas Belaustegui, in favor of **Nevada State Bank, as Beneficiary.**

The amount under the unadjudicated proofs may change after the adjudication process has been completed.

Also be advised that the confirmation of your Report of Conveyance does not guarantee that the water right is in good standing with the office of the State Engineer; the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and, this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right. *See* NRS 533.386(2)(a)-(b).

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2854.

Sincerely,

Shawnee L. Clayson

Shawnee L. Clayson
Engineering Technician IV

SLC/sgc
cc: Beck Properties

01327

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

Munroe Spring
Name of natural water source.

Name of ditch, pipe line, etc.

the undersigned, being first duly sworn, deposes and says that the statements herein contained relative to the appropriation of water by Isaac T Handley are full and correct to the best of his knowledge and belief.

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

(1) Name of claimant Isaac T Handley

Address Eureka, County of Eureka,

State of Nevada.

(2) The means of diversion employed is 2 Dams and used at Spring
Dam and ditch, pipe line, flume, etc.

(3) The water is impounded in 2 small Dams
Troughs, reservoirs, tanks, etc.

(4) The construction of the ditch or other works was begun ~~No work done~~ The dams were made in June 1914 but we watered sheep there in and completed ~~No work necessary~~ 1910 & every summer since then.

(5) The nature of the claimant's title to the land upon which the works are located is

Peaceable possession for 15 years, We have no title to the land on which Munroe Spring is situated, it is Government Land.

(6) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of County, at page of Book of

(7) The approximate number of animals watered by the claimant during the first year was 100 and said watering was conducted for an approximate period of 30 days during each of the following months ~~from April 1st to the~~ 1st of October each year

(8) The approximate number of animals watered by claimant in subsequent years was as follows:

During the last 5 years we have watered 2000 sheep at Munroe Spring during the summer months. Prior to that, for 15 years to my certain knowledge, Munroe Spring was used for watering about 100 head of horses & cattle, by my predecessors on the Hicks Ranch.

(9) The amount of water which it has been necessary to divert for the said purpose has been

One cubic feet per second.

40 miners inches equals 1 cubic foot per second

(10) The water is diverted from its source at / not diverted feet

True bearing to nearest 5 minutes distance

from the corner of Section , T. , R. ,

Mount Diablo Base and Meridian.

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

(11) The works are located at no works

Describe as within a 40 acre subdivision of public survey or by a tie in same manner as under (10)

Remarks: Spring is situated in the ~~NE¼ SW¼~~ NE¼ SW¼ of SE¼, 13 Tp. 22 N R 2000 Sheep

E. M. D. during the last 5 years over 4000 Sheep has been watered

~~5 years during the summer months~~

(2000 Sheep are watered at 8 small reservoirs

each about 6 feet square & 1 ft deep. The

reservoirs are one below the other in the

old channel where the water has always run.

There are 8 dams, made of rocks & dirt & 12 in.

to 18 in. high.

Brunner Spring has been used by my

predecessors on the Higley Ranch (which I

now own, and which is about two miles

from Brunner Spring), for more than 15

years to my certain knowledge.

I J Handley

Subscribed and sworn to before me this 20th day of June 1914.

A M Shuts County Clerk,

And Ex-officio Clerk of the District Court, Barstow County.

Notary Public in and for the County of

My Commission expires , 191

This part of form to be left blank by claimant

Filing Serial No. 01327

STATE OF NEVADA

Proof of Appropriation of Water for Stock Purposes

Water Source Munroe Spring

Through

Claimant Isaac I. Handley
Eureka, Nevada

Filed in State Engineer's Office on
September 3, 1914
W. M. Kearney
By S. C. State Engineer

Certificate No. issued hereunder

, 191

Form No. A8 500—1-21-1911

Beck Properties Exhibit 2, Page 9

BOB MILLER
Governor

STATE OF NEVADA

ROLAND D. WESTERGARD, P.E.
Director

PETER G. MORROS, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES
Capitol Complex
201 S. Fall Street
Carson City, Nevada 89710
(702) 885-4380

1224 et. al.

April 20, 1989

George D. McClintock
2200 Norwest Center
90 South Seventh Street
Minneapolis, Minnesota 55402

Subject: Assignment of water rights to Chloe Held Trust u/w Paul R. Held.

Dear Mr. McClintock:

Please be advised that the following permits and proofs have been assigned to show Chloe Held Trust u/w Paul R. Held as current owner of record:

71 Permits, 1224, 1646, 1937, 1958, 2157, 2199, 2289, 2315, 2401, 2565, 2587, 2789, 2855, 3018, 3636, 3637, 3640, 3641, 4181, 4703, 4704, 5160, 5582, 5835, 5836, 5837, 5838, 6369, 6370, 6972, 7127, 7128, 7130, 7131, 7145, 7146, 7226, 7227, 7487, 7488, 7548, 7605, 7606, 7607, 7868, 7869, 7870, 8185, 8300, 8301, 8339, 8403, 8515, 8571, 8754, 8755, 8756, 8813, 8814, 8815, 8995, 9199, 9555, 13198, 13200, 13580, 21209, 21210, 21211, 21943 and 30172.

45 Proofs, 01068, 01082, 01083, 01196, 01253, 01327, 01421, 01423, 01424, 01751, 01754, 01755, 01756, 02885, 02886, 02887, 02890, 02891, 02892, 02894, 02895, 02896, 02897, 02898, 02899, 02900, 02901, 02902, 02958, 02960, 02961, 02962, 02963, 02964, 02965, 02966, 02967, 02968, 02969, 02970, 02971, 02972, 02975, 02976 and 02979.

This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions please contact this office.

Sincerely,

Mark D. Beutner
Engineering Technician III

MDB/pm
cc: Chloe Held Trust u/w Paul R.Held
John McMillan
Michael D. Buschelman
First Trust
Linda Facque

01327 et al

April 28, 1976

Mrs. Gloria V. Cullen
Western Farm Management Co.
P. O. Box 320
Reno, Nevada 89504

RE: Mr. & Mrs. Bill Harris

Dear Mrs. Cullen:

With reference to your letter of April 15, 1976, enclosed please find a complete list of the owners of record as they stand today in the State Engineer's office.

In order for us to assign any water rights, documentation, certified by the county recorders, has to be furnished. The chain of title has to be complete.

Our filing fees are one dollar per document per water right.

Should any questions arise, please do not hesitate to contact us.

Very truly yours,

(Mrs.) Ingrid A. Klaich

IAK/bs
Enclosure

WESTERN FARM MANAGEMENT COMPANY 450 MARSH AVENUE P.O. BOX 320 RENO, NEVADA 89504 (702) 329-8483

April 15, 1976

State of Nevada
Division of Water Resources
201 S. Fall Street
Carson City, Nevada 89701

Gentlemen:

We have been engaged by the purchaser of the property described on the attached Schedule "A" to complete the chain of title for the transfer of all appurtenent water rights to his name.

In January, 1973, Mr.& Mrs. Bill Harris purchased this property from LaBarry & LaBarry and assumed an existing loan with Connecticut General Life Insurance Company. The loan records indicate that the Certificates, Permits, Applications and/or Proofs appurtenent to this land were as shown on Schedule "B".

In order for us to gather the necessary documentation for you, in the event you require more than a certified copy of the Deed to Harris to accomplish these transfers, we would appreciate your confirming the status of the listed Certificates, etc. If it is convenient, please use the extra copy of Schedule "B" which is enclosed for your remarks or specific requirements and return this to us.

We very much appreciate your assistance in this matter and request that any charges incurred be billed to us, and forwarded to the attention of the undersigned.

Yours very truly,

Gloria V Cullen

(Mrs.) Gloria V. Cullen

gvc:oam
Enclosures

SCHEDULE "A"

EUREKA COUNTY

Parcel 1: Township 20 North, Range 53 East, M.D.B.&M.

Section 1: Lots 1, 2 and 5

Township 21 North, Range 53 East, M.D.B.&M.

Section 36: SE¼

Township 19 North, Range 54 East, M.D.B.&M.

Section 2: SW¼SW¼
Section 3: S½SE¼; SE¼SW¼

Township 20 North, Range 54 East, M.D.B.&M.

Section 3: Lot 5
Section 4: S½NE¼
Section 5: W½SW¼
Section 9: S½NE¼; SE¼NW¼; NE¼SW¼
Section 10: Lot 2 (SW¼NW¼); SE¼NW¼
Section 15: W½SW¼
Section 16: E½SE¼
Section 17: SE¼SW¼; S½SE¼
Section 20: NE¼NW¼; NW¼NE¼
Section 21: NW¼SE¼; E½SE¼; S½NE¼; N½NW¼; SE¼NW¼
Section 22: NW¼NW¼; SE¼NW¼; S½NE¼
Section 23: SW¼NE¼
Section 24: NW¼SW¼
Section 25: NW¼NE¼; N½NW¼; N½SW¼; SE¼SW¼
Section 26: S½NE¼; N½S½
Section 27: SW¼NE¼; NE¼SE¼; NW¼NW¼; SE¼NW¼
Section 28: SW¼SW¼; NE¼NE¼; NW¼SE¼; NE¼SW¼; S½NW¼; SE¼SE¼
Section 29: SE¼SE¼
Section 34: NW¼NW¼; SE¼NW¼; SW¼NE¼
Section 35: NW¼SW¼

Township 21 North, Range 54 East, M.D.B.&M.

Section 23: N½S½
Section 34: S½SE¼
Section 35: S½SW¼; N½SE¼

EUREKA COUNTY (continued)

Township 22 North, Range 54 East, M.D.B.&M.

Section 22: E½W½; W½E½, excepting oil, gas and other mineral deposits
Section 27: E½W½; W½E½, excepting oil, gas and other mineral deposits

WHITE PINE COUNTY

Parcel 1: TOWNSHIP 20 NORTH, Range 55 East, M.D.B.&M.

Section 2: Lot 4 (NW¼NW¼); SW¼NW¼
Section 3: Lots 1 and 2 (N½NE¼); S½N½; N½NW¼; SE¼
Section 10: N½NE¼
Section 14: S½SE¼; SW¼; NE¼SE¼

Township 21 North, Range 55 East, M.D.B.&M.

Section 27: W½SW¼
Section 33: SE¼; E½SW¼; E½NE¼
Section 34: W½W½; SE¼NW¼; E½SW¼

Township 18 North, Range 56 East, M.D.B.&M.

Section 21: NW¼NW¼

Township 20 North, Range 56 East, M.D.B.&M.

Section 23: SW¼SW¼

Township 20 North, Range 57 East, M.D.B.&M.

Section 6: SW¼NE¼

Parcel 2: Township 20 North, Range 55 East, M.D.B.&M.

Section 14: NW¼SE¼; S½NW¼
Section 15: SE¼NE¼
Section 23: E½NW¼; S½NE¼
Section 27: E½NE¼
Section 34: N½NE¼; SE¼NE¼
Section 35: SW¼NW¼

Township 18 North, Range 57 East, M.D.B.&M.

Section 11: SE¼SW¼

Schedule "B"

Application Number	Certificate Number	OWNER OF RECORD: Required to transfer to Harris
1937	43	MARIA TERESA LABARRY, JEAN PIERRE LABARRY, RAYMOND LABARRY, JR. } 1/3 interest each
1958	42	"
2157	165	"
2199	149	"
2789	307	"
2855	308	"
5835	716	"
5836	1638	"
5837	717	"
5838	718	"
6369	795	"
6370	1381	"
3640	379	"
3641	373	"
7127	1320	"
7128	1321	"
7130	1322	"
7605	1640	"
7606	2079	"
7607	2080	"
8300	2552	"
8301	1813	"
8339	1639	"
8571	1735	"
8813	2021	"
8814	2022	"
8815	2023	"
8995	2024	"
01327	Vested Right	"
01423	" "	"
7131	1323	"
21653		CANCELLED
21654		"
13650	4558	RAYMOND LABARRY AND RAYMOND LABARRY, JR.
20366	6196	LABARRY AND LABARRY COMPANY
20367		CANCELLED

GRAY, HORTON AND HILL
ATTORNEYS AT LAW
777 AULTMAN STREET
P. O. BOX 1260
ELY, NEVADA 89301
TELEPHONE 289-4431

W. HOWARD GRAY
C. E. HORTON
EARL M. HILL

RENO OFFICE
105 NORTH SIERRA STREET
P. O. BOX 2790 - ZIP CODE 89505
TELEPHONE 329-2518

July 6, 1971

Mr. Bruce L. Rice
Hydraulic Engineer
Division of Water Resources
State Office Building
Carson City, Nevada 89701

Re: 01327, et al

Dear Mr. Rice:

Thank you for your letter of June 29, 1971.

We note that you would correct your records to show that the interest in the subject waters presently in the name of "Jean Pierce Labarry" would be changed to show one-third to Maria Teresa Labarry, one-third to Raymond Labarry, Jr. and one-third to "Jean Pierce Labarry".

This letter is to advise that the correct name of the latter named person is Jean Pierre Labarry, as is set forth in the Decree of Distribution.

We write this letter so that the water rights will stand correctly in the names of Maria Teresa Labarry, Raymond Labarry, Jr. and Jean Pierre Labarry.

Thank you for your courtesy and cooperation.

Yours very truly,

GRAY, HORTON AND HILL

C. E. Horton

lrc
cc: Labarry and Labarry Co.

01327, et al June 29, 1971

Mr. C. E. Horton
Attorney at Law
777 Aultman Street
Ely, Nevada 89301

Dear Mr. Horton:

Thank you for your letter of June 24, 1971, regarding the Labarry water rights. An error was made in our office at the time the deeds were filed and the rights were incorrectly transferred in total to Jean Pierce Labarry. They will be corrected to show that a one-third interest belongs to Maria Teresa Labarry, one-third to Raymond Labarry, Jr., and one-third to Jean Pierce Labarry.

Very truly yours,

Bruce L. Rice
Hydraulic Engineer

BLR:hs

GRAY, HORTON AND HILL
ATTORNEYS AT LAW
777 AULTMAN STREET
P. O. BOX 1260
ELY, NEVADA 89301
TELEPHONE 289-4431

W. HOWARD GRAY
C. E. HORTON
EARL M. HILL

RENO OFFICE
105 NORTH SIERRA STREET
P. O. BOX 2790 - ZIP CODE 89505
TELEPHONE 329-2518

June 24, 1971

State Engineer
Division of Water Resources
State Office Building
Carson City, Nevada 89701

Dear Sir:

Under date of August 27, 1962, we mailed you a copy of Decree of Distribution entered in the Matter of the Estate of Raymond Labarry, Sr., being Probate No. 1823, dated August 13, 1962. Referring to line 7, page 2 of that Decree, it provided that an undivided one-third interest in and to all of the property and water rights therein described was distributed to Jean Pierre Labarry.

We are writing you this letter for the reason that Raymond Labarry, Jr., was in our office a few days ago, and he stated that Robert Millard had made a check of their water rights as filed in your office. Thereafter Mr. Millard advised Labarrys that your records show that Jean Pierre Labarry had full title to all of the waters therein described.

We call this matter to your attention, so that your records may be corrected to show the actual status of the title to show that Jean Pierre Labarry owns but an undivided one-third in those waters.

In the event that you do not have, or have mislaid, your copy of the Decree, we shall be pleased to send you another copy thereof.

Thank you for your courtesy and cooperation in this matter.

Yours very truly,

GRAY, HORTON AND HILL

C. E. Horton

CEH:ij
cc: Labarry and Labarry Co.

September 7, 1962

01327, 01756, 1820,
9199 & 13650

Gray and Horton
Attorneys at Law
P. O. Box 1260
Ely, Nevada

Attention C. E. Horton

Gentlemen:

We have received your letter of August 27, 1962, in which you enclosed 5 instruments to transfer water rights into the names of the LaBarrys.

In checking over the instruments it was found that 37 transfers could be made, bringing these files into the names of the LaBarrys as follows:

01327	2289	5838	7607
01423	2315	6369	8300
01754	2789	6370	8301
01755	2855	7127	8339
01756	3640	7128	8571
1937	3641	7130	8813
1958	5835	7131	8814
2157	5836	7605	8815
2199	5837	7606	8995
			9199

Files numbered 1820 through 1826, and 1875 through 1879, stand in the names of Guy Saval, Pedro Corta, and Theophile Bidart. These were transferred by L. L. Hudson on November 17, 1910. We have had no further assignments.

The deeds which you submitted will transfer the 37 files at a statutory fee of $37.00 per instrument; or for the 5 instruments a total of $185.00.

The chain of title on the remaining twelve (12) files will have to be completed before the transfers can be made.

We are returning the instruments to you and you may resubmit them with the proper fee.

Enclosed for your convenience are abstracts of various water rights in this particular area, which may be of value.

Very truly yours,

Victor H. Stafford
Senior Hydraulic Engineer

VHS:amd

Enclosures

September 5, 1962

1875

Gray and Horton
Attorneys at Law
P. O. Box 1260
Ely, Nevada

Gentlemen:

We have received your letter of August 27th.

Due to the many files involved, it will require much time to process the documents submitted with your letter.

Very truly yours,

F. N. Dondero
Deputy State Engineer

FND:amd

GRAY AND HORTON
ATTORNEYS AT LAW
NEVADA BANK OF COMMERCE BUILDING
P. O. BOX 1260
ELY, NEVADA
AMHERST 4-4431

W. HOWARD GRAY
C. E. HORTON

RENO OFFICE
125 NORTH CENTER STREET
FAIRVIEW 9-2518

August 27, 1962

Mr. Edmund A. Muth
State Engineer
Carson City, Nevada

Dear Mr. Muth:

We are enclosing herewith the following certified copies of documents:

1. Assignment of Water Rights from Handley Bros. to Newark Land and Livestock Co.

2. Assignment of Water Rights from Newark Land and Livestock Co. to W. S. McGill and R. K. McGill.

3. Grant, Bargain and Sale Deed conveying certain land and water rights from W. S. McGill and R. K. McGill to Raymond Labarry.

4. Photostatic copy of Grant, Bargain and Sale Deed from Raymond Labarry and Maria Teresa Labarry conveying an undivided 1/3 interest in the land and water rights described therein to Raymond Labarry, Jr.

5. Copy of Order Approving First and Final Account and Decree of Distribution in the Estate of Raymond Labarry, Sr., whereby the Court distributed certain land and water rights to Jean Pierre Labarry.

We kindly request that you file these documents in your office, whereby the title to the water rights described in the documents will be vested in the name of the Labarrys.

Upon receipt of your statement for filing fees, we shall be pleased to remit by return mail.

Thank you for your courtesy and cooperation in this matter.

Yours very truly,

GRAY AND HORTON

C. E. Horton

ij
Enclosures

January 31, 1958

U. S. Dept. of the Interior,
Bureau of Land Management,
P. O. Box 275,
Battle Mountain, Nevada.

ATTN: Carl M. Rice,
Range Conservationist

Gentlemen:

Reference is made to your letter of November 27, 1957 and our answer thereto of December 27, 1957 relative to names and locations of certain listed water rights. Our records show the following briefly described:

Certificate No. 43 was issued under Application No. 1937 to Mrs. Mary Minoletti, assignee of Giuditta Mattei for 0.43 c.f.s. of the waters of Preston Creek, diverted at a point in the SW¼ NW¼ Sec. 2, T. 20 N., R. 54 E., M.D.B.&M. (This is the main point of diversion.) This certificate covers domestic, stockwatering and is for the irrigation of 42.16 acres of land from portions of Secs. 3 and 4, T. 20 N., R. 54 E.; by means of assignments this water right is now in the names of Isaac T. and Walter Handley, all except the water right for the SE¼ NW¼ of said Sec. 3.

Certificate No. 42 issued under Application No. 1958 to Guilio Minoletti, assignee of Giacomo Mattei for 0.56 c.f.s. of the waters of Mattei Creek in Mattie Canyon, diverted at a point in the NW¼ SW¼ Sec. 36, T. 21 N., R. 54 E., MDB&M., for domestic, stockwatering and for the irrigation of 55.54 acres of land in portions of Secs. 34, 35 and 36, T. 21 N., R. 54 E. This right is on our record in the name of Isaac T. and Walter Handley, all except the NW¼ SW¼ Sec. 36, and SW¼ SE¼ Sec. 35, T. 21 N., R. 54 E.

Certificate No. 165 issued under Application No. 2157 to Giuseppi (Giuseph) Tagnoni for 0.4 c.f.s. of the waters of Cottonwood Creek, diverted at a point in the SW¼ NE¼ Sec. 10, T. 20 N., R. 54 E., for stockwatering, domestic and for the irrigation of 40 acres of land in portions of Sec. 5, 9 and 10, T. 20 N., R. 54 E. The areas herein allowed is also named in Proof of Beneficial Use under Permit No. 2157 from Red Rock Spring. That source is a tributary of Cottonwood Creek and therefore, this certificate will cover both permits Nos. 2157 and 2289. This right is now on our records in the name of Handley Brothers.

Certificate No. 149 issued under Application No. 2199 to Handley Brothers for 0.0046 c.f.s. of the waters of Handley Spring, diverted at a point which is N. 43° 5' W., 370 chains (24,420 feet)

from the SW corner Sec. 35, T. 23 N., R. 55 E., for stockwatering and domestic purposes.

Certificate No. 307 issued under Application No. 2789 to Isaac T. and Walter Handley for 0.025 c.f.s. of the waters of Nigren Canon Spring, diverted at a point N. 14° 35' W., 7600 feet from the NE corner Sec. 24, T. 21 N., R. 54 E., for stockwatering and domestic purposes.

Certificate No. 308 issued under 2855 to Isaac T. and Walter Handley for 0.025 c.f.s. of the waters of Hog Back Spring, diverted at a point N. 23° 10' E., 3090 feet from the SW corner Sec. 26, T. 21 N., R. 54 E., for stockwatering and domestic purposes.

Certificate No. 716 issued under Application No. 5835 to Handley Brothers for 0.015 c.f.s. of the waters of Unnamed Spring No. 2 (Tunnel Spring), diverted at a point in the SW¼ NW¼ Sec. 17, T. 20 N., R. 55 E., from whence the NE corner Sec. 16, T. 20 N., R.55 E., bears N. 78° 30' E., 10,325 feet for stockwatering purposes to the extent of approximately 2500 head of sheep.

Certificate No. 1638 issued under Application No. 5836 for 0.034 c.f.s. of the waters of Unnamed Spring (Handley Brothers Spring), diverted at a point in the NE¼ SE¼ Sec. 22, T. 20 N., R. 55 E., or at a point which bears N. 16° 12' 10" E., 7236.88 feet from the S¼ corner Sec. 27, T. 20 N., R. 55 E., for watering 5000 sheep, 25 horses and 60 head of cattle at points in the NE¼ SE¼ Sec. 22, and NW¼ SW¼ Sec. 23, T. 20 N., R. 55 E.

Certificate No. 717 issued under Application No. 5837 to Handley Brothers for 0.015 c.f.s. of the waters of Rock Spring, diverted at a point in the NE¼ SE¼ Sec. 25, T. 21 N., R. 54 E., at a point which bears S. 47° 15' E., 5480 feet from the NW corner of said Sec. 25 for watering 2500 head of sheep.

Certificate No. 718 issued under Application No. 5838 to Handley Brothers for 0.015 c.f.s. of the waters of Unnamed Spring No. 1 (Robinson Spring), diverted at a point in the SE¼ NW¼ Sec. 6, T. 20 N., R. 55 E., at a point which bears N. 73° 15' W., 13800 feet from the SE corner Sec. 4 T. 20 N., R. 55 E., for watering 2500 head of sheep.

Certificate No. 795 issued under Application No. 6369 to Handley Brothers for 0.015 c.f.s. of the waters of Rye Patch Well, diverted at a point in the NE¼ NW¼ Sec. 27, T. 21 N., R. 53 E., M.D.B.&M., unsurveyed, from whence the SE corner of said T. 21 N., R. 53 E., bears S. 56° 20' E., 16,104 feet for watering approximately 75 head of cattle and 2000 head of sheep.

Certificate No. 1381 issued under Application No. 6370 to Handley Brothers for 0.031 c.f.s. of the waters of Dry Mountain Well, diverted at a point in the SW¼ NE¼ Sec. 5, T. 19 N., R. 57 E., M.D.B.&M.,

unsurveyed, or S. 52° 15' E., 164 chains from the NW corner of Sec. 31, T. 20 N., R. 57 E., for stockwatering and domestic purposes to the extant of watering 5000 head of sheep. This right is involved in an agreement and stipulation dated January 22, 1943 by the R. H. Pitchfork Company, Javier Goyenecke and Handley Brothers.

Certificate No. 379 issued under Application No. 3640 to A. C. Florio for 0.01 c.f.s. of the waters of Hole in the Wall Spring, diverted at a point on unsurveyed land approximately in the SE¼ SE¼ Sec. 20, T. 19 N., R. 54 E., or whence the SW corner of Sec. 21, T. 19 N., R. 54 E., bears S. 33° 35' E., 21 chains for stockwatering and domestic purposes. This right was assigned by Florio to Isaac T. and Walter Handley on February 23, 1928.

Certificate No. 373 issued under Application No. 3641 to A. C. Florio for 0.016 c.f.s. of the waters of Big Rock Spring, diverted at a point on unsurveyed land approximately in the SW¼ SE¼ Sec. 20, T. 19 N., R. 54 E., whence the SW corner of Sec. 21, T. 19 N., R. 54 E., bears S. 70° 15' E., 26 chains for stockwatering and domestic purposes. This right was assigned to Isaac T. and Walter Handley on February 19, 1928.

Certificate No. 1320 issued under Application No. 7127 to A. C. Florio for 0.05 c.f.s. of the waters of Richcreek Spring, diverted at a point N. 87° 9' E., 7665 feet from Post No. 1 of U. S. Patents Nos. 90 and 91, Eureka Mining District in the SW¼ NE¼ Sec. 30, T. 19 N., R. 54 E., unsurveyed for watering 800 head of sheep. This right was assigned to Isaac T. and Walter Handley on February 23, 1928.

Certificate No. 1321 issued under Application No. 7128 to A. C. Florio for 0.05 c.f.s. of the waters of Shirt Creek Spring, diverted at a point N. 78° 17' E., 10,324 feet from Post No. 1 of U. S. Patents Nos. 90 and 91, Eureka Mining District in the SW¼ SW¼ Sec. 20, T. 19 N., R. 54 E., M.D.B.&M., unsurveyed for watering 8000 head of sheep. This right was assigned to Isaac T. Handley and Walter Handley on February 23, 1928.

Certificate No. 1322 issued under Application No. 7130 to A. C. Florio for 0.05 c.f.s. of the waters of Pass Creek Springs diverted at a point S. 53° 51' E., 13,584 feet from Post No. 1 of U. S. Patents Nos. 90 and 91, Eureka Mining District, or in the SE¼ SW¼ Sec. 23, T. 19 N., R. 54 E., M.D.B&M., unsurveyed, for watering 8000 head of sheep.

Certificate No. 1640 issued under Application No. 7605 to Handley Brothers for 0.016 c.f.s. of the waters of Black Point Springs, diverted at a point in the SE¼ NE¼ Sec. 13, T. 21 N., R. 54 E., M.D.B.&M. (no tie given) for watering 2500 head of sheep.

Certificate No. 2079 issued under Application No. 7606 to Handley Brothers for 0.0187 c.f.s. of the waters of Pedroli Creek diverted at a point in the NW¼ SE¼ Section 23, T. 21 N., R. 54 E., (no tie given) for watering 3000 head of sheep. This water is conveyed by a ditch for a distance of 2 miles extending through W½ Sec. 23, NE¼ Sec. 22, SE¼ Sec. 15, W½ Sec. 15, and ending in the NE¼ Sec. 16, all in T. 21 N., R. 54 E.

Certificate No. 2080 issued under Application No. 7607 to Handley Brothers for 0.0187 c.f.s. of the waters of Pedroli Creek, diverted at a point in the NW¼ SW¼ Section 23, T. 21 N., R. 54 E., M.D.B.&M., (no tie given) for watering 3000 head of sheep. Water is conveyed by ditch about 1½ miles extending through S½ Sec. 22 and ending in the SE¼ Sec. 21, T. 21 N., R. 54 E., M.D.B.&M.

Certificate No. 2552 issued under Application No. 8300 to Handley Brothers for 0.016 c.f.s. of the waters of White Hill Spring, diverted at a point in the NW¼ NE¼ Sec. 34, T. 19 N., R. 57 E., or at a point which bears N. 25° 53' W., 17,315 feet from the SE corner of Sec. 11, T. 18 N., R. 57 E., M.D.B.&M., for watering 2000 sheep and 100 head of cattle. This right is involved in an agreement and stipulation dated January 22, 1943 between R. H. Pitchfork Co., Javier Goyenecke and Handley Brothers.

Certificate No. 1813 issued under Application No. 8301 to Handley Brothers for 0.039 c.f.s. of the waters of a pump well (underground), diverted at a point in the SE¼ NE¼ Sec. 15, T. 18 N., R. 57 E., M.D.B.&M., or at a point that bears S. 72° 37' W., 6,615 feet from the SE corner Sec. 11, T. 18 N., R. 57 E., M.D.B.&M., for watering 6000 sheep and 50 head of cattle. This right is involved in an agreement and stipulation dated January 22, 1943 between R. H. Pitchfork Company, Javier Goyenecke and Handley Brothers.

Certificate No. 1639 issued under Application No. 8339 to Handley Brothers for 0.016 c.f.s. of the waters of Mahogany Spring, diverted approximately in the NW¼ SE¼ Sec. 1, T. 21 N., R. 54 E., M.D.B.&M. fractional unsurveyed or at a point which bears N. 12° 25' E., 14,935 feet from the W¼ corner Sec. 24, T. 21 N., R. 54 E., for watering 2500 sheep.

Certificate No. 1735 issued under Application No. 8571 to Handley Brothers for 0.017 c.f.s. of the waters of Stonehouse Spring, diverted at a point in the SW¼ SE¼ Sec. 29, T. 20 N., R. 55 E., M.D.B.&M., at a point that bears N. 83° 32' W., 9660 feet from the quarter corner common to Secs. 27 and 34, T. 20 N., R. 55 E., for watering 2500 head of sheep and 50 head of cattle.

Certificate No. 2021 issued under Application No. 8813 to Handley Brothers for 0.028 c.f.s. of the waters of Cottonwood Canyon Springs and Creek (south branch), diverted at a point S. 39° 37' E.,

2708.31 feet from the quarter corner on the W. boundary Sec. 13, T. 20 N., R. 54 E., or in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., for watering 4000 sheep and 100 cattle.

Certificate No. 2022 issued under Application No. 8814 to Handley Brothers for 0.028 c.f.s. of the waters of Saw Mill Spring and Creeks, diverted at a point N. 82° 13' E., 4446.90 feet from the quarter corner on the W. Boundary, Sec. 13, T. 20 N., R. 54 E., or in the SE¼ NE¼ Sec. 13, T. 20 N., R. 54 E., for watering 4000 sheep and 100 cattle.

Certificate No. 2023 issued under Application No. 8815 to Handley Brothers. This certificate was issued for 0.028 c.f.s. of the waters of Cottonwood Springs and Creek (main branch), diverted at a point S. 61° 27' E., 5298.32 feet from quarter corner on the W. boundary Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., for watering 4000 sheep and 100 cattle.

Certificate No. 2024 issued under Application No. 8995 to Handley Brothers for 0.028 c.f.s. of the waters of Dipping Corral Spring, diverted at a point N. 46° 25' E., 3247.56 feet from the quarter corner on the E. boundary Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., or in the NW¼ NE¼ Sec. 14, T. 20 N., R. 54 E., for watering 4000 sheep and 100 cattle.

Proof of Appropriation No. 01327 filed September 3, 1914 by Isaac T. Handley. In this proof a claim is made for 1 c.f.s. of the waters of Munroe Springs for stockwatering purposes during the permiod April 1 to October 1 of each year, diverted at a point in the NE¼ SW¼ Sec. 13, T. 2? N., R. 54 E. The proof sets forth that during the last five years 2000 head of sheep have watered at this source during the summer months. Prior to that for 15 years the water has been used for watering about 100 head of horses and cattle by the predecessors on the Higby Ranch.

Proof of Appropiration No. 01423 filed September 14, 1915 by A. C. Florio. In this proof a claim is made for 0.025 c.f.s. of the waters of Spanish Gulch Springs, diverted at a point in the NW¼ NW¼ Sec. 28, T. 19 N., R. 54 E., for stockwatering purposes during the period April to November of each year. The proof sets forth that from the year 1890 to the year 1914 Thomas Dixon, assignor of this right watered approximately 300 head of stock each year and during the years 1914 and 1915 this claimant has watered approximately 2500 head of stock at this spring. This right was assigned on February 23, 1928 by A. C. Florio to Isaac and Walter Handley.

Due to our regular office routine work, it has been impossible to compile the above information sooner. I suggest that in the future when

information such as the above is needed, you send one of your crew here to search our records and compile the desired information and we will gladly assist in such work.

Very truly yours,

EDMUND A. MUTH
State Engineer

By

F. N. DONDERO
Principal Hydraulic Engineer

FND:bb

PS: The following was inadvertently omitted:

Certificate No. 1323 issued under Application No. 7131 to A. C. Florio for 0.05 c.f.s. of the waters of Cottonwood Creek Spring, diverted at a point S 86° 49' E., 11824 feet from Post No. 1 of U. S. Patents Nos. 90 and 91, Eureka Mining District, or in the SE¼ NW¼ Sec. 29, T. 19 N., R. 54 E., M.D.B.&M., unsurveyed for watering 8000 head of sheep.

FND

February 7, 1947

W. Howard Gray,
Attorney at Law,
Ely, Nevada.

Dear Mr. Gray:

This will acknowledge your letter of February 4, 1947 together with the assignment of water rights from Newark Land and Livestock Company to W. S. and R. K. McGill.

In checking over the files, as you have them listed, we find that most of them still stand in the name of Handley Brothers. Permits No. 1820 to 1826 incl. and 1875 to 1879 incl. stand in the names of Guy Saval, Pedro Corta and Theophile Bedart. In order for this office to record the assignments, the chain of title from Handley Brothers down to the Newark Land and Livestock Co. must be completed and the chain of title from Guy Saval et al down to the Newark Land and Livestock Co. must also be completed.

For your information we are listing the ownerships as they appear on our records:

Permit No. 1937 assigned by C. A. Minoletti et al on Oct. 29, 1917 to Isaac T. Handley and Walter Handley all except the SE¼ NW¼ Sec. 3, T. 20 N., R. 54 E.

Permit No. 1958 assigned by C. A. Minoletti et al to Isaac T. Handley and Wallie Hahdley all except the NW¼ SW¼ Sec. 36, and SW¼ SE¼ Sec. 35, T. 21 N., R. 54 E.

Permit No. 2157 assigned Nov. 3, 1920 by Joseph and Kate Tognoni to Handley Brothers.

Permit No. 2289 assigned Nov. 3, 1920 by Joseph and Kate Tognini to Handley Brothers.

Permit No. 2199 was filed Sept. 8, 1911 by Handley Brothers.

Permit No. 2315 was filed Jan. 15, 1912 by Handley Brothers.

Permit No. 2789 assigned by A. C. Florio to Isaac T. Handley and Walter Handley.

Permit No. 2855 assigned by A. C. Florio to Isaac T. Handley and Walter Handley.

Permit No. 5835 filed Nov. 5, 1919 by Handley Brothers.

Permit No. 5836 filed Nov. 5, 1919 by Handley Brothers.

February 7, 1947

Permit No. 5837 filed Nov. 5, 1919 by Handley Brothers.

Permit No. 5838 filed Nov. 5, 1919 by Handley Brothers.

Permits Nos. 6369 and 6370 were filed Jan. 6, 1921 by Handley Brothers.

Permits Nos. 3640 and 3641 assigned Feb. 23, 1928 by A. C. Florio to Isaac T. and Walter Handley.

Permits Nos. 7127, 7128, 7130, 7131 were assigned Feb. 23, 1928 by A. C. Florio to Isaac T. and Walter Handley.

Permits Nos. 7605, 7606, and 7607 were filed Dec. 18, 1925 by Handley Brothers.

Permits Nos. 8300 and 8301 filed Aug. 22, 1927 by Handley Brothers. Memorandum of Agreement and Stipulation dated Jan. 22, 1943 between R. H. Pitchforth, Javier Goyeneche and Handley Brothers.

Permit No. 8339 filed Oct. 5, 1927 by Handley Brothers.

Permit No. 8571 filed June 14, 1928 by Handley Brothers.

Permits Nos. 8813, 8814 and 8815 were filed Jan. 17, 1929 by Handley Brothers.

Permit No. 8995 filed July 20, 1929 by Handley Brothers.

Permit No. 9199 filed Jan. 10, 1929 by Handley Brothers. Memorandum of Agreement and Stipulation dated Jan. 22, 1943 between R. H. Pitchforth, Javier Goyeneche and Handley Brothers.

The following permits and certificates were assigned on March 31, 1911 by L. L. Herdson to Guy Saval, Pedro Corta and Theophile Bidart:

Permit	Certificate	Permit	Certificate
1820	51	1826	56
1821	52	1875	57
1822	53	1876	65
1823	54	1877	66
1824	55	1878	67
1825	56	1879	68

Proof of appropriation No. 01327 in the name of Isaac T. Handley for the waters of Monroe Spring.

Proof of appropriation No. 01423 in the name of Isaac T. and Walter Handley for the waters of Spanish Gulch Springs.

Proof of appropriation No. 01754, 01755 and 01756 stand in the name of Handley Brothers.

February 7, 1947

Permit No. 1224 and Certificate No. 39 was assigned Feb. 9, 1920 by Thomas Dixon to A. C. Florio and Theophile Bidart.

We are herewith returning the document together with your check No. 2723. When you have the chain of title completed, this assignment can be resubmitted.

Very truly yours,

ALFRED MERRITT SMITH
State Engineer

By

HUGH A. SHAMBERGER
Assistant State Engineer

JAM:at
encls.

April 29, 1938

s. 01323 to 01327, inclusive

Marius Allard
Battle Mountain
Nevada

Dear Mr. Allard:

Your letter of April 27 regarding information on water rights registered to Gil Prida on or adjacent to Township 27 N., Range 41 E., M.D.B.& M., is acknowledged.

Our records do not indicate any filings in the name of Gil Prida in Township 27 N., Range 41 E., M. D.B.& M., or in townships immediately adjacent to said township and range. There may, of course, be vested rights claimed by Gil Prida for stockwatering purposes in the same township, but a claim of such rights never made of record in this Office in the form of a Proof of Appropriation. There are a number of filings of record in this Office in the name of Gil Prida, but same are somewhat distant from the township referred to in your letter.

Yours very truly

ALFRED MERRITT SMITH
State Engineer

By

H. W. Reppert
Assistant State Engineer

H R:G

o t. 23, 1919.

Nos. 0150 and 01527.

M. Clement Carpini,)
Reno, Nevada.)

and

Mr. Isaac . Sadler,.
Reno, Nevada.)

Gentlemen,-

Mr. I le eland, e [illegible] i e, [illegible]
e v inity of Reno on [illegible] t. 1 t. t) [illegible] e [illegible]
[illegible], and on which ar [illegible] e.

It will also be [illegible] n [illegible] t. [illegible]
[illegible] ent it [illegible] e [illegible] the [illegible] ns.

Yo r very truly,

[illegible]
[illegible] nnoor.

by
[illegible] .

D.

July 19, 1919.

Nos. 5151,5250,5160,5251,[illegible]5207.

[illegible]
Attorneys-at-Law,
[illegible],Nevada.

Gentlemen,-

In reply to your letter of the 11th inst. relative to the claims in the name of Clement Cargini and Cargini and Anderson, will advise that no entries have been made thereon, and it is impossible that any action can be taken on the [illegible] until an interpretation will have to be made for the reason that, at least in the [illegible] claims, there [illegible] to be a possible conflict with claims claimed by Jonas H. Hendley under [illegible] No. 5207.

I do not know just how an interpretation will be made, but you will be advised when the matter is finally acted upon.

Very truly,

J. [illegible],
State Engineer.

by

Deputy.

[illegible]

Oct. 15, 1918

Monroe Springs

Nos. 01427, 5159, 5250

Messrs Handley Brothers,
Mr. W. Handley,
Macka, Nev.

Gentlemen:

In reply to your letter of the 11th inst. will advise that the only filing of record we have in this office of a water right in the name of Handley for Monroe Springs is that of proof No. 01427, referred to in office letter of September 17, 1918, the same being a right for stock watering purposes recorded here in the name of Isaac E. Handley. No reference is made in that proof to the use of the water for irrigation. In addition to application No. 5250 of Clement Agnini, to which you refer, there is another filing No. 5159 by the same applicant in that vicinity for water of same source named Monroe Canon Springs. The location of the necessary water as described in those applications is about one-half mile south of the location given in proof No. 01427 of Isaac W. Handley. However, owing to the similarity in the names of the sources it seems possible, and even probable, that the water applied for in applications No. 5159 and 5250 is the same as that for which a stock watering right is recorded in proof No. 01427. Therefore, your letter will be placed in our files as an informal protest against these applications and they will be carried by suspended before any action is taken on them.

As the one acre limit seems to be used in the event that you decide to file for a reservoir. Whether or not such reservoirs are filed on this investigation will be made as above stated.

As to the matter in the office letter of October 7, 1918 and office receipt for the filing fee in the proof of appropriation No. 01427.

Yours very truly,

State Engineer

Beck Properties Exhibit 2 - Page 36

, September 3, 1914.

Munroe Spring.

No. 01327.

Mr. Issac T. Handley,

Eureka, Nevada.

Dear Sir;-

Your letter of the 29th.ult.,returning proof of appropriation of water for irrigation from Munroe Spring and check for $5.00 as filing fee, is received.

The proof was found to be in proper form and has been filed under our serial number 01327.

Official receipt for the Five Dollar filing fee is herewith enclosed.

Yours very truly,

C. State Engineer.

Eureka

Aug 29th 1914

Subject: Munroe Spring.
Proof of A/r/ropriation.

Mr. W. N. Kearney
Carson City, Nev.

Dear Sir,

I received your letter of Aug 15 a few days ago, and have made the necessary statement in the proof which I hope will now be all right.

Yours respectfully
J. S. Handley.

,,August 15, 1914.

Lunroe Spring.

Proof of Appropriation.

Mr. Isaac T. Handley,

Eureka, Nevada,

Dear Sir;-

The enclosed proof of appropriation of water and check for $5.00, together with your letter of the 8th., inst.,were received in this office yesterday.

We must again return the proof as no certificate can be issued under it in its present form, since the earliest date of use named in the proof itself is 1910, ~~and~~ while to constitute a vested right the use must have begun prior to the year 1905. However in your letter accompanying the proof you state that you know the spring has been used by your predecessors for more than 15 years. If you will simply make that statement in the proof itself we can accept it and issue you a certificate. It is not necessary that you yourself should have made the first use of the water, or that you were in that vicinity when such first use was made. But it must be shown in the proof that such early use was made and it is immaterial how you obtained the information so long as it is true.

When returning the proof you should also again enclose the check.

Yours very truly,

C.

State Engineer.

Subject. Munroe Spring.
Proof of Appropriation.

Eureka
Nev.
Aug 8th 1914

Mr. W. F. Kearney
Carson City, Nev.

Dear Sir,

I have been from home or would have answered your letter of July 17th before now. I cannot give the exact date when we first used the water of Munroe Spring, but it was in 1910, sometime during the summer. I did not mean we ourselves had used the water or been in peacable possession for 15 years, but our predecessors on the Higby Ranch, which is near Munroe Spring, had always used the spring for watering stock. We bought the Higby Ranch in 1910, & since then have used the spring for watering stock. I do not know how long Munroe Spring has been used for stock watering purposes by the owners of Higby Ranch, but I know that it has been used by them for more than 15 years. The spring is about two miles from our ranch, & will be six miles from any other ranch & is used by no one but us.

Yours very truly,
J. T. Handley.

, July 17, 1914.

Munroe Spring.

Proof of Appropriation.

Mr. Isaac T. Handley,

Eureka, Nevada.

Dear Sir;-

Your letter of the 13th.inst..returning the enclosed proof of appropriation and your check for Five dollars, was received in this office today.

I am again returning the proof for a reason that was evidently overlooked on returning it before. At any rate no mention was made of the matter in our previous letter. The proof is still incomplete for the reason that you have not stated a definite date when water was first used. This date is usually named in answer to question (4) and in this case where you have no ditch you should give the year that the dams were first built. We presume that the first year the works were built is the first year the water was used. Under question (5) you state that you have been in peaceable possession for 15 years of the land on which the works are located but this does not necessarily mean that you have used the water for that length of time.

Under "remarks"you state that sheep have been watered at the spring for the last five years. If five years ago was the first use of water it would not be a vested right and you should file an application to appropriate it instead of a proof of appropriation. If your use began at an earlier date please state that fact clearly as advised above.

I.T.H. #2.

The fee enclosed with the proof is the proper amount and is simply returned in order to keep our records straight. If your right is a vested one and the proof is again returned for filing the same amount of fee should accompany it.

Yours very truly,

C. State Engineer.

Subject: Humboldt River.
Proof of appropriation.

Eureka
Nevada
July 13th 1914.

Mr. W. M. Kearney.
State Engineer,
Carson City.

Dear Sir,

In answer to yours of June 25th, I am returning amended Proof of Appropriation, also I enclose check for $3.00 for filing fee, sorry I made the mistake. I thought the fee was $1.00.

Yours truly
J. J. Handley.

, June 25, 1914.

Munroe Spring.

Proof of appropriation.

Mr. Issac T. Handley,

Eureka, Nevada.

Dear Sir;-

The enclosed proof of appropriation for stock-watering purposes and your check for One dollar as a filing fee therewith were received in this office yesterday.

The proof is returned for the reason that you did not enclose a filing fee of Five dollars, as required by law. This fee is to pay for the issuing and recording of a certificate by this office. Also you should describe in more detail the works at the spring by means of which the water is impounded. State in the proof the number and size of the dams that are used and the dimensions of the small reservoirs or ponds that are formed thereby.

On return of the amended proof, accompanied by the required filing fee, it will be promptly filed in our records.

Your map showing the location of Monroe Spring has also been received and will be held here without filing pending the return of the proof.

Yours very truly,

C. State Engineer.

(1)

ASSIGNMENT OF WATER RIGHTS

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, HANDLEY BROS., a partnership composed of Walter Handley and Isaac T. Handley, and WALTER HANDLEY as an individual and MAUDE F. HANDLEY, his wife, and ISAAC T. HANDLEY as an individual, hereinafter referred to as parties of the first part, for and in consideration of the sum of Ten Dollars ($10.00), lawful money of the United States, and other good and valuable considerations, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, assign, transfer and set over unto the NEWARK LAND AND LIVESTOCK CO., a partnership composed of Raymond LaBarry and M. B. Bates, hereinafter referred to as second party, all of said first parties' right, title and interest, claim and demand, both in law and in equity, which they now have or may hereafter acquire in and to those certain waters and water rights situate, being and existing in the State of Nevada, and being more particularly described as follows:

All those certain water rights and claims located in White Pine County and Eureka County, Nevada, in and under the following proofs filed in the Office of the State Engineer:

Permit No.	Certificate No.
1937	43
1968	42
2157 }	
2299 }	165
2199	149
2315	150
2789	307
2855	308
5835	716
5836	1638
5837	717
5838	718
6369	786
6370	1381
3640	379
3641	373

Permit No.	Certificate No.
7127	1320
7128	1321
7130	1322
7131	1323
7605	1640
7606	2079
7607	2080
8300	
8301	1813
8359	1639
8571	1735
8813	2021
8814	2022
8815	2023
9995	2024
9199	2025

Also all those certain water rights located in White Pine County and Eureka County, Nevada, included in and under the following proofs of appropriation in the Office of the Nevada State Engineer:

No. 01327
No. 01423
No. 01754
No. 01755
No. 01756

Also those certain springs known and described as: Mithias (Mathias), Heath Springs, Carpenter, Bill Murray, John Baskins, McConlakey, Hall, Nancy Springs, John Swayne, Della, Bell Rea, Dora, the same being represented by application Numbers 1820 to 1826, both inclusive, and 1875 to 1879, both inclusive, filed in State Engineer's Office of Nevada.

Also the John T. Baker Springs located in Spanish Gulch, in the said County of Eureka, State of Nevada, more fully described in that certain deed from Thos. Dixon to A. C. Florio, recorded in Book 18 of Deeds on page 207, reference thereto made a part hereof as though fully incorporated herein; also all of his right, title in and to Granite and Little Cherry Springs situate in the said County of Eureka, State of Nevada.

And all other water rights, whether or not hereinabove referred to and discribed which the said first parties now own or have a right to, whether the same be evidenced by a certificate of the State Engineer of the State of Nevada or by a prior application of waters to beneficial use.

TO HAVE AND TO HOLD the same unto the said second party, its heirs, executors, administrators and assigns forever.

IN WITNESS WHEREOF, said parties of the first part have hereunto set their hands this 21st day of June, 1943.

HANDLEY BROS., a partnership

By Walter Handley
Walter Handley

By Isaac T. Handley
Isaac T. Handley

Walter Handley
Walter Handley

Maude F. Handley
Maude F. Handley

Isaac T. Handley
Isaac T. Handley

STATE OF NEVADA,)
) ss.
COUNTY OF [illegible])

On this 21st day of June, 1943, personally appeared before me, a Notary Public in and for said County and State, WALTER HANDLEY and MAUDE F. HANDLEY, his wife, and ISAAC T. HANDLEY, known to me to be the persons described in and who executed the foregoing instrument; who duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

C. E. Norton
Notary Public

My Commission Expires
October 27, 1945

No. 01329 Little Willow Spring.

Indexed under	G. Minolatti.
Name of applicant	
Stream	
Map	
Township 21 N. R. 54 E.	

ASSIGNED

Eureka County
BASIN NO. 10-153
DIAMOND VALLEY

SW¼ - Sec. 24

Date of receipt	August 22, 1914.
Date returned for correction	Aug. 24, Sept. 5, 1914.
Corrected proof received	Sept. 8, Sept. 12, 1914.
Date of filing	Sept. 14, 1914.
Protested by	
Investigated by	
Map filed	Aug. 21, 1914.
Rejected	
Certificate No.	Book No. Page No. Issued
Recorded Book Page	County of 191

REMARKS

01329

KEEP AT TOP OF FILE
Application No: V01329

Owner(s) of Record:

Beck Properties
289 La Costa Avenue
Dayton, NV 89403
Last updated: 11/04/2015

Send Correspondence To:

Hydrotech Consulting Services, LLC (AGENT)
4280 North Tioga Way
Las Vegas, NV 89129
Last updated: 03/22/2017

STATE OF NEVADA
DIVISION OF WATER RESOURCES

SUMMARY OF OWNERSHIP

Please retain this sheet on top of file

PROOF: V01329 USE: STK CFS: _____ DUTY: _____ AFA
CERTIFICATE: _____ ISSUED: _____ CFS: _____ DUTY: _____ AFA

REVIEW DATE: 6/30/1999 BY: HCS SUPPLEMENTAL TO:
LAST UPDATE: 4/14/2017 BY: SLC

Owner	CFS	DUTY AFA	SUFFICIENT TO WATER	CHANGED BY STATUS	REFERENCED DOCUMENTS	DESCRIPTION
Beck Properties, a California general partnership	—	—	50	_____	15	Encumbered By DOT #224805 for Nevada State Bank

Reconveyance
Received Date 5-24-17
Filed Under 1937

BRIAN SANDOVAL
Governor

STATE OF NEVADA

BRADLEY CROWELL
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
http://water.nv.gov

April 20, 2017

Robert Coache, P.E.
Hydrotech Consulting Services, LLC
4280 North Tioga Way
Las Vegas, Nevada 89129

RE: Permit 7549, Proofs V01316, V01327 and V01329

Mr. Coache:

Please be advised that your *Reports of Conveyance* received on October 28, 2015, are hereby confirmed to update ownership of **Permit 7549, Proofs V01316, V01327 and V01329** in the name of **Beck Properties, a California general partnership** as listed in the table below. Details of the above water rights, including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	Diversion Rate (cfs)	Units
7549/1472	0.025	4000

Unadjudicated Proof	Diversion Rate (cfs)	Units
V01316	0.25	75
V01327	1.0	2000
V01329	---	50

Please be advised that a Notice of Pledge was filed to encumber **Proofs V01316, V01327 and V01329** by Deed of Trust, Document #224805, recorded August 27, 2013 in Eureka County, executed by Randall Venturacci, Peter G. Lazetich, and Thomas Belaustegui, in favor of **Nevada State Bank, as Beneficiary.**

The amount under the unadjudicated proofs may change after the adjudication process has been completed.

Also be advised that the confirmation of your Report of Conveyance does not guarantee that the water right is in good standing with the office of the State Engineer; the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and, this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right. *See* NRS 533.386(2)(a)-(b).

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2854.

Sincerely,

Shawnee L. Clayson
Engineering Technician IV

SLC/sgc
cc: Beck Properties

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 14, 1976

State Engineer
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Dear Sir:

Enclosed is a notice I would like you to place in the file of PROOF OF APPROPRIATION numbers 01316 and 01329. This is to notify interested persons as to the ranches claim to the water. The Deed simply describes the sources as being in Preston Canyon, Mattei Canyon, and Little Willow Springs. These two springs are in these areas but not described by number. The owner of record was supposedly to have purchased all Minoletti's holding, these being included.

If we can be of further help, please contact us.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

JBP/ms

United Dressed Beef, Inc.
Eureka, Nevada

TO WHOM IT MAY CONCERN:

The water with Proof of Appropriation numbers 01316 and 01329, in the name of G. or Guilio Minolotti, have been used by the ranch known as Cottonwood Creek or LaBarry Ranch ever since Minoletti sold all his holdings to the Handley Bros. operation (Book 19, Page 283, recorded August 29, 1922). At that time all the water was sold with the property (note: certificate numbers 1937, 1958). The water rights to 01316 and 01329, either through a mistake in the description of the springs or because it was inadvertently forgotten, were not a par: of the deed.

This letter is to notify interested persons that the ranch has been using the water from these two sources to water livestock since the land was purchased from Guilio Minoletti back in October 29, 1917.

October 14, 1976

, Sept. 14, 1914.

Little Willows Spring.

No. 01329.

Mr. Chas. Minoletti,

Eureka, Nevada.

Dear Sir;-

The proof of appropriation of water for stock watering purposes from Little Willows Spring by Mr. C. Minoletti, and check for Five Dollars as filing fee, have been again received in this office from you.

The proof was found to be complete and has been filed under our serial number 01329.

Official receipt for the filing fee is herewith enclosed.

Yours very truly,

C. State Engineer.

, Sept. 5, 1914.

Little Willows Spring.

Mr. Chas. Minoletti,

Eureka, Nevada.

Dear Sir;-

The enclosed proof of appropriation of water was again received in this office today.

The proof must be again returned to you and this time for the reason that you do not state the year of first use of water from the spring, or approximately how many years ago the first use was made. This information should be state either under question No. (4) or under "remarks". This data may also have been omitted from the form you sent in before, and in that event it was overlooked as otherwise you would have been advised of the matter in our former letter.

On return of the amended proof and filing fee it will receive our prompt attention.

Yours very truly,

State Engineer.

August 24, 1914.

Little Willows Spring.

Mr. Chas. Minoletti,

Eureka, Nevada.

Dear Sir;-

The enclosed proof of appropriation of water and check for Five dollars as filing fee were received in this office on the 22nd.inst.

The proof is returned for the reason that you make no mention therein of any work whatever having been done at the spring, while to constitute a lawful appropriation of water there must have been some artificial works of diversion or storage, or at least a cleaning out of the spring from time to time. Therefore if you do not show in the proof that some manner of work has been done at the spring, the said proof can not be filed in this office as showing a vested right. In that event this office could only accept an application to appropriate the water.

In this connection I would like also to refer you to our letter of June 20th., last, wherein you were advised that the proof of appropriation of water from Rock Springs, by Mr. Giulio Minoletti, had been filed, but that you should advise what manner of work had been done at the spring, and that we could insert such information in the proof. In accepting and filing the proof we assumed that there must have been some works of diversion, or storage, or of keeping the springs cleaned out. However no reply to our letter has been received to date and without the data

desired,or if the appropriator actually has done no work whatever at the spring, no certificate can be issued under the proof.

Enclosed I am returning also the check for filing fee in order to keep our records straight,but a like amount should be returned with the amended proof.

Yours very truly,

C. State Engineer.

01329

7/4/14

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

From Little Willows Spring
Name of natural water course

Through Used at the spring
Name of ditch, pipe line, etc.

, the undersigned, being first duly sworn, deposes and says that the statements herein contained relative to the appropriation of water by G Minoletti are full and correct to the best of his knowledge and belief.

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

(1) Name of claimant G Minoletti

Address Eureka, County of Eureka,

State of Nevada

(2) The means of diversion employed is used out of the spring
Dam and ditch, pipe, etc.

(3) The water is impounded in not impounded
Troughs, reservoirs, tanks, etc.

(4) The construction of the ditch or other works was began small Ditch and Dam is the only work done and completed Spring & ditch cleaned out occasionally.

(5) The nature of the claimant's title to the land upon which the works are located is

Quit claim Deed from James Mattei

(6) The claimant's water right was (was not) recorded in the office of the County Recorder of County, at Page of Book of

(7) The approximate number of animals watered by the claimant during the first year was 50, and said watering was conducted for an approximate period of 30 days during each of the following months April, May, June, July, August & September

Willows Spring and rock Spring are both used for watering stock purposes are cleaned out whenever such cleaning is necessary and the dates of such work I do not know

(8) *The approximate number of animals watered by claimant in subsequent years was as follows:*

About 50 head each year

(9) *The amount of water which it has been necessary to divert for the said purpose has been*

none diverted *cubic feet per second.*

40 miners inches equals 1 cubic foot per second

N 67 E 35 chains, 70

(10) *The water is diverted from its souurce at* Spring is situated *feet from*

True bearing to nearest 5 minutes distance

links

the from the SW *corner of Section* 26, *T.* 21 N., *R.* 54 *E.,*

Mount Diablo Base and Meridian.

NOTE—Information under (10) must invariably be given when a public corner is within 6 miles, unless the State Engineer consents to some other form of description.

(11) *The works are located at*

Describe as within a 40-acre subdivision of public survey or by a tie in same manner as under (10)

Remarks: This spring has been used for watering stock with any out improvements thereon. for forty years My grantors used this Spring for stock watering purpose continuously since 1874 or 1875. I used for three years

8/21/14

Remarks: .....

Chas Minoletti

Subscribed and sworn to before me this 17 *day of* August, 1914

P. M. McChesney

And ex-officio Clerk of the District Court, ...

Notary Public in and for the County of .....

My commission expires ....., 191.....

Subscribed and sworn tobefore me
this 8th day Of September, A.D.1914

Chas. Minoletti

P. M. McChesney, *County Clerk,*

and ex-officio Clerk of the District Court .....

This part of form to be left blank by claimant

Filing Serial No. 01329

01329

STATE OF NEVADA

Proof of Appropriation of Water for Stock Purposes

Water Source .....

Through .....

Claimant .....

Filed in State Engineer's Office on

....., 191.....

.....

State Engineer

Certificate No..... issued hereunder

....., 191.....

Form No. As 1000—11-15-13

Beck Properties Exhibit 3 - Page 15

PROOF OF APPROPRIATION FOR Stock Water PURPOSES

File No. 02889

INDEXED UNDER

Name of claimant	X
Map	
Stream	X
Township 20N, R54E.	X

Eureka County
BASIN NO. 10-153
DIAMOND VALLEY

Name of claimant United Dressed Beef, Inc. ASSIGNED

Source of water claimed Bank Ranch Stock Water

Date of filing proof August 26, 1976

Date of filing map

Description of point of diversion NW¼SE¼ Section 28, T. 20N, R54E, M.D.B.M.

REMARKS

3195

KEEP AT TOP OF FILE
Application No: V02889

Owner(s) of Record:

Beck Properties
289 La Costa Avenue
Dayton, NV 89403
Last updated: 11/04/2015

Send Correspondence To:

American Agcredit, FLCA/ Fallon (BENEFICIARY)
Scott S. McKinley
P.O. Box 1708
Fallon, NV 89407
Last updated: 02/25/2016

Hydrotech Consulting Services, LLC (AGENT)
4280 North Tioga Way
Las Vegas, NV 89129
Last updated: 03/22/2017

STATE OF NEVADA
DIVISION OF WATER RESOURCES

SUMMARY OF OWNERSHIP

Please retain this sheet on top of file

PROOF: V02889 USE: Stk. CFS: --- DUTY: — AFA 600 UNITS
CERTIFICATE: ISSUED: CFS: DUTY: AFA UNITS

REVIEW DATE: 6/30/1999 BY: HCS
LAST UPDATE: 11/25/2015 BY: RDM

SUPPLEMENTAL TO:

OWNER	CFS	DUTY AFA	UNITS	CHANGED BY: STATUS	REFERENCED DOCUMENTS	DESCRIPTION
Beck Properties, a California general partnership, Trustor	---	---	100 cattle 500 sheep		1-5	Reconveyance Received Date 5-24-17 Filed Under 1937
						ENCUMBERED
						Reconveyance Received Date 12-28-17 Filed Under 2789

ENCUMBRANCE(S) : YES ( ) NO (X)

BRIAN SANDOVAL
Governor

STATE OF NEVADA

LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
http://water.nv.gov
December 24, 2015

Mr. Robert Coache, P.E.
Hydrotech Consulting Services, LLC
4280 North Tioga Way
Las Vegas, NV 89129

RE: Permits 2789 (Cert. 307), 2855 (Cert. 308), 5160 (Cert. 1012), 5837 (Cert. 717), 7548 (Cert. 1471), 7605 (Cert. 1640), 8339 (Cert. 1639), 13198 (Cert. 4145), 13200 (Cert. 4146), 13580 (Cert. 4147), Proofs V02888, V02889 and V09333

Dear Mr. Coache:

Please be advised that your *Reports of Conveyance* received on May 29, 2015, are hereby confirmed to update ownership of all of the **Permits 2789 (Cert. 307), 2855 (Cert. 308), 5160 (Cert. 1012), 5837 (Cert. 717), 7548 (Cert. 1471), 7605 (Cert. 1640), 8339 (Cert. 1639), 13198 (Cert. 4145), 13200 (Cert. 4146), 13580 (Cert. 4147) and Proof V02889** in the name of **Beck Properties, a California general partnership** as listed in the table below. Details of the above permit(s), including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Proof/Permit/Certificate	Diversion Rate (cfs)	Duty (AFA/AFS)	Acres/Units
2789/307	0.025	---	---
2855/308	0.025	---	---
5160/1012	0.0125	---	2000 sheep
5837/717	0.015	---	2500 sheep
7548/1471	0.025	---	4000 sheep
7605/1640	0.016	---	2500 sheep
8339/1639	0.016	---	2500 sheep
13198/4145	0.036	---	4500 sheep/250 cattle
13200/4146	0.036	---	4500 sheep /250 cattle
13580/4147	0.035	---	4500 sheep/250 cattle
V02889	---	---	100 cattle/500 sheep

Please be advised that your *Reports of Conveyance* received on May 29, 2015, are hereby confirmed to update ownership of all of **Proofs V02889 and V09333** in the name of **Beck Family Trust dated April 19, 2005** as listed in the table below.

Proof	Diversion Rate (cfs)	Duty (AFA/AFS)	Acres/Units
V02888	1.16	414.0 AFS	138.0
V09333	5.0	---	---

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) the water right is in good standing with the office of the State Engineer; or b) the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and c) this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2830.

Sincerely,

Roy Mickle
Engineering Technician III

RDM/sgc
cc: Beck Properties
Beck Family Trust

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

Street and No. or P.O. Box No. of Eureka City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within 40-acre subdivision of public survey, and by course and distance a section corner. If on unsurveyed land it should be stated. Diversion over channel reach must described by course d distance to a section ner for both the beginning and of such reach.

(5) The water is impounded in Pool and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or ther works was begun not diverted
Date

and completed
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is. Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of County, at Page of Book of
NOTE—Failure to record in the county in no way invalidates a water right, but if water right was recorded, supply full information in space)

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

9/22/76 2 of 2

1836

(9) The approximate number of animals watered by the claimant during the first year 1975, was 100 cattle, horses 500, sheep or Other. The watering was conducted during each of the following months all year around

(10) The approximate number of animals wa ered by the claimant in subsequent years was as follo .

100 head of cattle and 500 sheep

If water was not used, or used in reduced dly at any time full information as to causes and duration of non-use should be given.

(1) The amount of water which has been necessary to be diverted for this purpose has been

All the ource p oduc which vari s from summer to winter

cubic eet per second

gal. per min equals 1 bic foot per econd.

(12) The works are located t NW¼ of SE¼ Section 28 T. 20N 4E.

Describe as sing within a 40-acre subdivision, section, township and rang p blic survey If on unsurveyed land, it should be stated.

Remarks .. This spr ng has bee used for domestic irrigation and stockwa er for over 90 years. A garden was grown h r and holding are s for sheep were built. An ld stone h se still stan s on the spring site, dating back to the 1880 s It has been an operating ranch since th t time. The s ring is leaned out from time to time, when necessary, by ch foreman, in order to maint in the flow .

Remarks: This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc. are full and correct to the best of his knowledge and belief

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D. Eldridge

Street, No., P.O. Box No.

Evanston, Wyoming
State, Zip Code

Subscribed and sworn to before me this 2nd day of August, 19 80

Mildred Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED SANDERS
Notary Public State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72) 405

A F F I D A V I T

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brisacker) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: Sept 22, 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this 22 day of Sept,
1976, by _____.

Willis A. DePaoli
Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1978

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 asks about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and [redacted] with this in mind I used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

ELMO J. DeRICCO
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
Capitol Complex
201 South Fall Street, Carson City, Nevada 89710

ROLAND D. WESTERGARD
State Engineer

In reply refer to
No. 02884 thru 02903, inclusive

Address All Communications to
the State Engineer, Division
of Water Resources
Telephone (702) 885-4380

September 14, 1976

Mr. John B. Parker
Western Farm Management
P. O. Box 320
Reno, Nevada 89501

Dear Mr. Parker:

This office is in receipt of five Proofs of Appropriation of Water for irrigation and stockwatering purposes and fifteen Proofs of Appropriation for Stockwatering purposes - all in the name of United Dressed Beef, Inc. together with the statutory fees. Our serial numbers assigned to the Proofs of Appropriation are as follows:

Proof No. 02884 - Irrigation and Stockwater
Hildebrand Canyon Creek

Proof No. 02885 - Irrigation and Stockwater
Mau Creek

Proof No. 02886 - Irrigation and Stockwater
North Creek

Proof No. 02887 - Irrigation and Stockwater
Sadler Canyon Creek

Proof No. 02888 - Irrigation and Stockwater
Torre Creek

Proof No. 02889 - Stockwater
Bank Ranch Stock Water

Proof No. 02890 - Stockwater
Barrel Spring

Proof No. 02891 - Stockwater
Beck Spring

Proof No. 02892 - Stockwater
Eldridge Ranch Stock Ponds

Proof No. 02893 - Stockwater
Four Eyed Nicks Springs

Proof No. 02894 - Stockwater
Sand Springs

Proof No. 02895 - Stockwater
Sulphur Spring

Proof No. 02896 - Stockwater
Held Spring No. 1

Proof No. 02897 - Stockwater
Held Spring No. 2

Proof No. 02898 - Stockwater
Held Spring No. 3

Proof No. 02899 - Stockwater
Held Spring No. 4

Proof No. 02900 - Stockwater
Held Spring No. 5

Proof No. 02901 - Stockwater
Held Springs No. 6

Proof No. 02902 - Stockwater
Held Spring No. 8

Proof No. 02903 - Stockwater
Held Springs No. 9

In each of the fifteen Proofs for Stockwater, under Article 9, the year of priority of first beneficial use is 1975. This date should be a specific year sometime before 1905. Under Remarks in each Proof, information indicates that water was beneficially used over 90 years ago.

Please consider this point of information and advise this office be letter to change the date from 1975 to an earlier priority date relevant to each proof of appropriation. All of the above mentioned proofs have been reviewed and indexed on our office records.

An early reply to the above mattter will be appreciated.

Sincerely yours,

L. Edward Parmenter
Adjudication Engineer

By: L. Edward Parmenter SH

LEP:sk
Certified Mail No. 572429

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

August 25, 1976

State Engineer
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Dear Sir:

Enclosed is five (5) Proof of Appropriation of water for irrigation and fifteen (15) Proof of Appropriation of water for stock watering purposes. Also, $200 filing fee, $10 for each Proof, accompanies the Proof of Appropriation.

Please notify both Don Eldridge in Eureka, and myself, when the process of filing is complete and the serial numbers assigned to the water sources.

Should any problems arise, please do not hesitate to contact me.

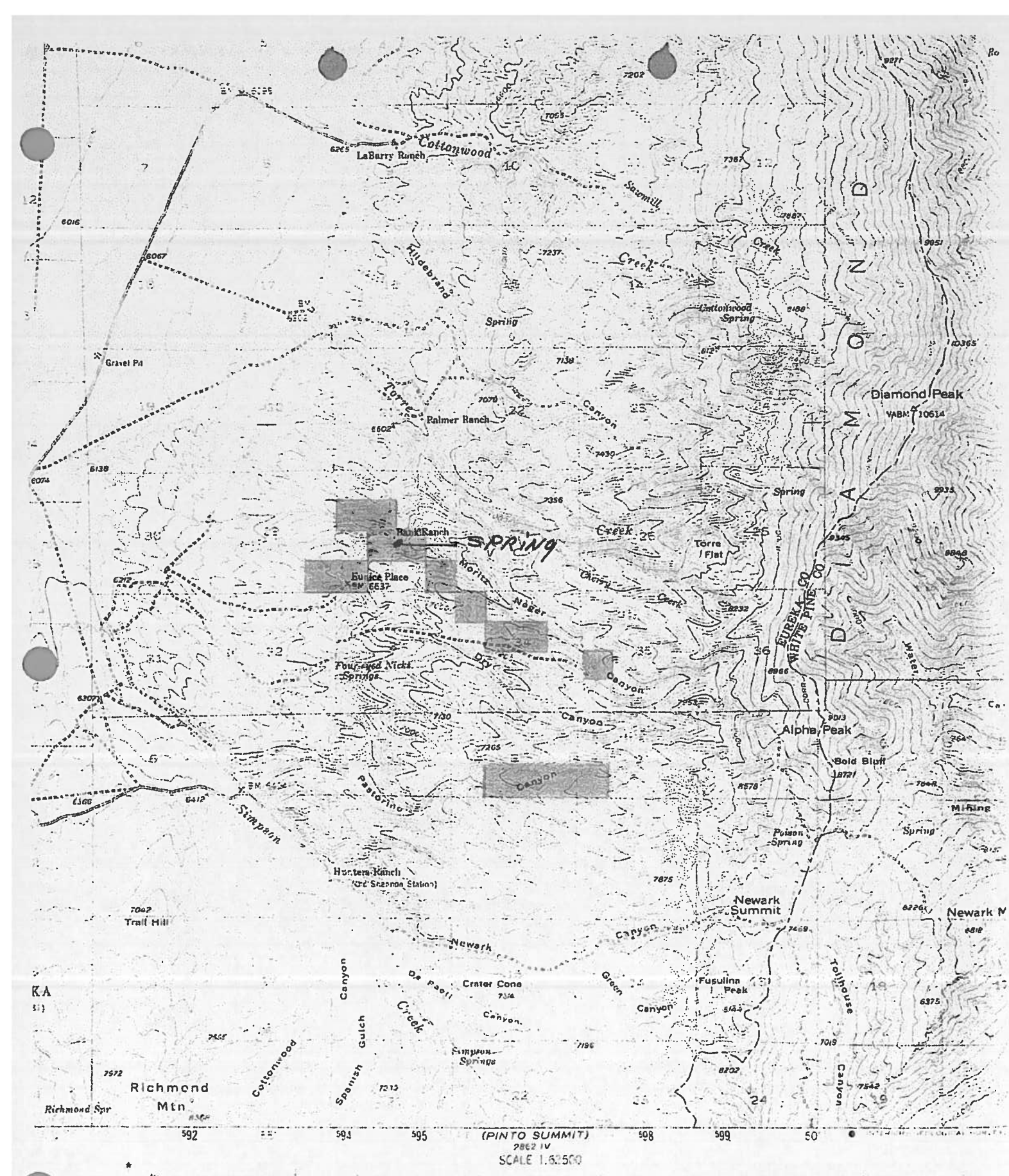
Thank you.

Sincerely,

John B. Parker

jbp/ms

encl.


Cottonwood
LaBarry Ranch
Sawmill
Creek
Kildebrand
Spring
Gravel Pit
Torre
Palmer Ranch
Canyon
Cottonwood Spring
Diamond Peak
YABM 10614
DIAMOND
Ranch
SPRING
Eureka Place
Morita
Nager
Creek
Torre Flat
Spring
EUREKA CO
WHITE PINE CO
Four-eyed Nicks Springs
Dry
Canyon
Water
Alpha Peak
Bald Bluff
Mining
Spring
Poison Spring
Pastorino
Simpson
Hunters Ranch
(Old Simpson Station)
Trail Hill
Newark Summit
Newark
Crater Cone
De Paoli
Creek
Canyon
Green
Canyon
Fusulina Peak
Trollhouse
Canyon
Spanish Gulch
Cottonwood
Canyon
Simpson Spring
Richmond Mtn
Richmond Spr
592
593
595
(PINTO SUMMIT)
2862 IV
598
599
50
SCALE 1:62500
CONTOUR INTERVAL 40 FEET
DOTTED LINES REPRESENT HALF-INTERVAL CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929
UTM GRID AND 1973 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET
02889
FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE
NEVADA

Proof No. V-10809

AMENDED

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 Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Pastorino East 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 Collection system, pipeline and natural channel

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

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

Within the SW¼ SW¼ of Section 02, Township 19 North, Range 54 East M.D.M., at a point from which the West ¼ corner of Section 07, Township 19 North, Range 55 East M.D.M., bears South 68° 11' 32" East a distance of 10,522 feet.

(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 _____

and completed specific dates unknown but most likely late 1920's to early 1930's

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Possessory interest prior to land being patented and then subsequently deeded to current owner.

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

0.03 cubic feet per second.

448 83 gallons per minute equals 1 cubic feet per second

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

Within the SW¼ SW¼ of Section 02, Township 19 North, Range 54 East M.D.M.

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(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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 Collection system piped to troughs with over flow to natural channel and pools
(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 (circle one) been enlarged.

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.

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_____
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 (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):

_____

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.

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.
_____	_____	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

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

If proof is not made by the claimant, deponent shall state on this line by virtue of what authority they represent the claimant

Name Robert Beck, Partner Signature
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada
County of Carson city

Subscribed and sworn to before me on 4/21/16
(Date)

by Robert Beck

NOTARY PUBLIC
STATE OF NEVADA
County of Carson
GABRIEL ACEBEDO
No: 08-6392-3
My Appointment Expires APR. 21, 2016

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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

of Eureka
Street and No. or P.O. Box No. City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date

and completed
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of

County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 & E.P. 1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle horses 500 sheep or (Other). The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been All the source produces which varies from summer to winter cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.

Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Emmaus Ave Mesa

City, State, Zip Code No.

Subscribed and sworn to before me this 21 day of August, 1976.

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72)

405

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brizmaker) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Hold Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: _____, 1976.

_____
RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this ___ day of Sept.,
1976, by _____.

_____
Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 1st, 1978

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about Month and end about Month, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

6. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-CT

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed - 10-28-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 1021 Issued 11-9-33

Recorded ..... At ..... Page .....

..... County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By ..... ASSISTANT

AMENDED

APPLICATION FOR PERMIT

ASSIGNED Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

At a point in the SE¼ NE¼ of Sec. 13, T. 20 N; R. 54 E., which bears N. 82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundery of said Sec. 13,
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about and end about , of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00

6. Estimated time required to construct works Additional one year.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 21 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930

Certificate No. 2992 Issued Nov 27 1933

Recorded Book Page

Counsel, Records

State Engineer.

By ASSISTANT STATE ENGINEER

Beck Properties Exhibit 5 - Page 17

AMENDED

APPLICATION FOR PERMIT

ASSIGNED Serial No. 8813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
S. 61° 27' E., 5298.32 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

6. Estimated cost of works $150.00 additional

6. Estimated time required to construct works One year.

7. Remarks.

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929.

Proof of labor filed 10-30-30

Proof of completion of work filed 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 7103, issued Nov. 21, 1933

Recorded ..... Book .....

..... County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 39° 37' E. 2708.31 ft. from the ¼ Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.088 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 12 feet wide and 20 feet long, making reservoir 80 feet in diameter. Place of use is in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amounts above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer.

Recorded 12/1/33 in Book B Page 83 Eureka County Records

Application No. 8814 Certificate Record No. 2622 Book 7 Page 2022

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Shaw Mill Spring and Creek

through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: N. 828.1ft. E. 4446.8ft. from the S. Cor. on the E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE¼ NE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Bros.

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic feet per second or sufficient to water 400 sheep and 100 cattle.

Period of use, from: April 1st to Nov. 1st each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: About 10 ft. of 2 inch pipe conveys water from the spring to two galvanized iron troughs each 2 ft. wide, 1 foot deep and 10 ft. long. Place of use is in the SE¼ NE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purposes for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of the State of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933

State Engineer

Recorded 12/1/33 Bk. B Page 94

Eureka County Records

Application No. 8815 : Certificate Record No. 2023 Book 7 Page 2023

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 61° 27' E., 8296.32 ft. from 1/4 Cor. on W. bdy. Sec. 15, T. 20 N., R. 54 E., M.D.B.&M. or in the SW1/4 SW1/4 Sec. 15, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 2 ft. deep has been constructed at the spring and 16 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SW1/4 SW1/4 Sec. 15, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933

State Engineer.

Recorded 12/1/33 at 12 Page 55

County Recorder

Exhibit – 4

AMENDED

ASSIGNED Serial No. 8995

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 29 1929
Returned to applicant for correction AUG 22 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
46° 24' 54" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated:
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given, with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed

7. Remarks

For use of applicant

HANDLEY BROTHERS, , Applicant.

By Harvey M. Payne

Compared MF-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930

Map Filed Aug. 22, 1929

Proof of labor filed May 2-1930

Proof of completion of work filed May 2-1930

Proof of beneficial use filed NOV 27 1933

Certificate No. 1014 Issued Nov 24, 1933

Recorded Book Page

County Records

State Engineer.

By

Beck Properties Exhibit 5 - Page 26

Exhibit – 5

Application No. 8995 Certificate Record No. 2024 Book 7 Page 2584

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from a Dipping Corral Spring through Reservoir and pipes for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: N. 48° 25' W. 3247.56 ft. from a Cor. on N. bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., at the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.028 cubic feet per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation July 20th, 1929

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is there again conserved in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is to also piped from this reservoir through 120 ft. of 2 inch pipe to stock ping vats and corrals. Place of use in the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. E. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer.

Recorded 12/1/33 in B Page 516
Eureka

AMENDED

Proof No. V-10810

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 ☐

DCNR/DWR/SNBO
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APR 27 2016

NAME OF CLAIMANT Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Pastorino Middle 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 Collection system, pipeline and natural channel

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

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

Within the SW¼ SW¼ of Section 02, Township 19 North, Range 54 East M.D.M., at a point from which the West ¼ corner of Section 07, Township 19 North, Range 55 East M.D.M., bears South 72° 18' 06" East a distance of 10,709 feet.

(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 _____

and completed specific dates unknown but most likely late 1920's to early 1930's

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Possessory interest prior to land being patented and then subsequently deeded to current owner.

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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

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

Within the SW¼ SW¼ of Section 02, Township 19 North, Range 54 East M.D.M.

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(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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 Collection system piped to troughs with over flow to natural channel and pools
(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 (circle one) been enlarged.

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.

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_____
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 (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):

_____

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.

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.)

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APR 27 2016

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.
_____	_____	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.

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

DCNR/DWR/SNBO
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APR 27 2016

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck, Partner Signature
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada

County of Carson city

Subscribed and sworn to before me on 4/21/16
(Date)

by Robert Beck

Signature of Notary Public Required

NOTARY PUBLIC
STATE OF NEVADA
County of Carson
GABRIEL ACEBEDO
No: 08-6392-3
My Appointment Expires APR. 21, 2016

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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

..... of Eureka
Street and No. or P.O. Box No. City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date

and completed.....
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of .....County, at Page.....of Book.....of.....

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 E.E.P.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date),

was 100 cattle horses 500 sheep or (Other) The watering

was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been

All the source produces which varies from summer to winter

cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Fernley, Nev.
City, State, Zip Code No.

Subscribed and sworn to before me this 2nd day of August, 1976.

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72)

405

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brigaker) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: _____, 1976.

_____
RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this ___ day of Sept.,
1976, by _____.

_____
Notary Public

WILLIS A. D'PAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1979

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.,
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~that~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 12 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
(Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8E13

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

6. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930.

Map filed Aug. 22, 1929

Proof of labor filed - 10-30-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 1021 issued 11-20-33

Recorded Bk Page

County Records

State Engineer.

By ASSISTANT STATE ENGINEER

AMENDED

ASSIGNED Serial No. 8814

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ NE¼ of Sec. 13, T. 20 N; R. 54 E., which bears N. 82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 180 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 (Month) and end about Oct. 1 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00

6. Estimated time required to construct works Additional one year.

7. Remarks For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929.
Proof of labor filed May 2, 1930
Proof of completion of work filed May 2, 1930
Proof of beneficial use filed NOV 21 1933
Certificate No. 2122 Issued Nov 27 1933
Recorded Book Page
Comm'l. Records

WITNESS MY HAND AND SEAL this 30th day of April 1930

State Engineer.

By Assistant State Engineer

AMENDED

ASSIGNED Serial No. 6815

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
S. 61° 27' E., 5298.32 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 (Month) and end about Oct. 1 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $150.00

6. Estimated time required to construct works additional One year.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed AUG 22 1929

Proof of labor filed - 10-30-30

Proof of completion of work filed 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 10083 issued Nov 21 1933

Recorded ..... By ..... Entry .....

..... County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes: The point of diversion of water from the source is as follows: S. 32° 37' E. 2708.31 ft. from the ¼ Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D. B.&M., or in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.088 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 12 feet wide and 20 feet long, making reservoir 80 feet in diameter. Place of use is in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer.

Recorded 12/1/33 in B, Page 82
Eureka County Records

Application No. 6814 Certificate Record No. 6922 Book 7 Page 6922

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Saw Mill Spring and Creek through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: N. 820.13 ft. E. 4446.80 ft. from the S. Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE¼ NW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.; situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 70, Chapter 140, Statutes of 1913, has determined the data, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Bros.

Post-office address: Eureka, Eureka County, Nevada.

Amount of appropriation: 0.025 cubic foot per second or sufficient to water 200 sheep and 100 cattle.

Period of use, from April 1st to (Nov. 1st) of each year.

Date of priority of appropriation: January 17th, 1929.

Description of works of diversion and use: About 10 ft. of 2 inch pipe conveys water from the spring to two galvanized iron troughs each 8 ft. wide, 1 foot deep and 24 ft. long. Place of use is in the SE¼ NW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where required and to the purpose for which required.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933.

State Engineer

Recorded 12/1/33 Bk. B Page 94
Eureka County Records

Application No. 8816 : Certificate Record No. 2023 Book 7 Page 2023

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANSLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 81° 27' E., 5898.32 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Hansley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1920

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 2 ft. deep has been constructed at the spring and 16 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purposes for which acquired.

In Testimony Whereof, I, GEO. H. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 at B Page 55

Beck Properties Exhibit 6 - Page 23

Exhibit – 4

AMENDED

ASSIGNED Serial No. 8995

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 29 1929
Returned to applicant for correction SEP 25 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N. 46° 24' 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about ____ (Month) and end about ____ (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is ____ horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

State manner in which water is to be diverted, whether by dam or other works; whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given, with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April, 1930

Map Filed Aug. 22 1929

Proof of labor filed May 2-1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 2 1933

Certificate No. 10174 issued Nov 2 1933

Recorded Bk. Page

County Records

State Engineer.

By

Compared [illegible]

Beck Properties Exhibit 6 - Page 26

Exhibit – 5

Application No. 8998 Certificate Record No. 3024 Book 7 Page 3024A

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Dipping Corral Spring through Reservoir and pipes for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: N. 46° 25' W. 3247.56 ft. from 1 Cor. on E. Bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., at Im. the NW¼ NE¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 52, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation July 20th, 1929

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is thence conserved in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 120 ft. of 2 inch pipe to drinking vats and corrals. Place of use in the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, to and not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 in Book B Page 516 Eureka

Proof No. V 10816 Date Filed JAN 04 2016 MOU Stock Water & Dom.

Basin 10-153 Diamond Valley County Eureka

POD(s) NE¼ SW¼ Sec 28 T 20N R 54E MDB&M

Applicant Beck Properties

Source of Water Banks Ranch Spring

Return for Correction Corrected Proof Received

Amended filed 4/27/2016

Maps Filed				
	POD	Under V - 10816	Date 1/4/2016
	POU	Under V - 10816	Date 1/4/2016

Supporting Documentation File Dates Under

Field Investigations 4/6/2017, T. Eng; see field sheet & photos

Withdrawal Date

Adjudication (Decree) Name

Preliminary Order Date

Hearing Dates

Final Order Date

Court Dates

Decree Date

Remarks

Map Table Review	Proof	DT	Map	BCP	DB Entry	File		Review		Decree	

Date; Start & End Time: Thursday, ~4/6/2017 ~5:30 - 6:30 Site Name/Site ID

Field Party: Tony Eng Spring/Stream Name Bank Ranch Spring

Claim#/Permit #: ~~3502889~~ / V10816 Claim #

Spring & Surface Water Inventory Form

Owner: ~~[redacted]~~ Beck Properties Basin Name/Number: Diamond Valley: #153

MOU: Stock Irrigation Elevation (ft): ~~6665~~ 6675 ft

County: Eureka Elevation Source (ie USGS topo):

Coordinates: 39.56917 N 115.89806 E (NAD83, Decimal degrees) M.D.B.M.

Legal Description: T. 20 (N)S R. 54 E. Sec 28 NE Qtr SW Qtr Land: Private X BLM ___

actual?; proof says NW/SE

Spring Characteristics

Is any surface water present? X Yes ☐ No If yes, ☐Saturated ☐Ponding X Flowing

If stream: ☐Perennial ☐Ephemeral ☐Intermittent (seasonal)

Spring Location Description (such as an open cut, depression, etc.):

If source is a spring complex or cluster, how many sources? _____

Flow Characteristics:

Discharge (gpm): ~8 gpm Measurement method: direct + visual

Rating of measurement: X Excellent → X Fair ☐Good ☐Poor

Measurement Notes: Main measured source is just below ~25 ft water tunnel in limestone; but later saw smaller seep to east w/ probable flow of ~3 gpm

1 gallon in 12" W = 46°F

Measuring point description or sketch: Below mouth of water tunnel; might be better to measure outflow from stock pond for collective flow of 2 springs

Water Temp (F): 46° Air Temp (F): upper 50's pH: NA Brook length/width/depth: _____

Weather Conditions At Site Visit: Overcast, breezy; ~upper 50's, low 60's

Spring/stream Outflow Description: flows west for ~1/4 mile to another excavated stock pond

Disturbance Level: ☐ Undisturbed ☐ Slight ☐Moderate X Heavy

Livestock/Wildlife evidence: X Presence(#) ☐Grazing ☐Trailing ☐Hummocking ☐Dung & Amount ☐Other

Notes:

Other Disturbances: ☐Spring Development X Reservoir ☐Road/OHV ☐Campsite X Human Development ☐Erosion ☐Other: _____

Notes: Some very old historic structures in area (Bank Ranch)

Diversion Type: ☐ Natural ☐ Spring Box ☐Trough ☐ Pipe ☐ Ditch ☐ Impoundment ☐Channelized ☐Fencing X Other_____

Brief Description of Condition/Upkeep Water tunnel then into ~40 ft diameter excavated stock pond

Accessibility Notes (Score 1-5: 1=easy, 5=difficult): 2-3;

Claim#/Permit #: V02889 Site Name/Site ID_____

Hydrologic Summary

Spring Type:

☐ Anthropogenic (man-made) ☐ Cave (occurs in cave) ☐ Exposure (exposed water table-lentic)
☐ Helocrene (marsh-no distinct source) ☐ Hillslope (occurs on slope) ☐ Limnocrene (open pool of water)
☐ Mound-form (mineral build up) ☐ Rheocrene (stream channel) ☐ Subaqueous (pond or stream)
☐ Fountain/Artesian ☐ Paleospring (former spring-no longer flowing)
☒ Other Water tunnel into two seeps/springs, ~ 30m apart

Surface Type:

☐Colluvial Slope ☒Sloping Bedrock ☐Wet Hillslope ☐Organic Ooze ☐Channel ☐Playa
☐Other_____

Substrate %: Clay, silt, sand, fine gravel, coarse gravel, cobble, boulder, (bedrock) organic soil/matter

Parent Rock:

☐Igneous (circle: Volcanic or Plutonic) ☐Metamorphic ☐Sedimentary (ie (limestone) sandstone) ☐Unconsolidated
Notes: "Kle" megabreccia / landslide blocks of Ely limestone

Photo ID Description Nikon # 484 - 501

	486 - 495 excavated stock pond, water tunnel + flow site
	496-499 adjacent seep/spring w/ ~ 2-3gpm flow (visual)

Site Map: Include an approximate scale, meadow shape, flow direction, north arrow, etc.

Entered in DB Beam Porter Initials_____ Date Entered ~5/2017





V-10816 (stk), Banks Ranch Spring - upper photo showing the excavated tunnel and spring sources along base of hillside; these flow into ~40 ft diameter, deeper excavated stock pond; the main 20-25 ft tunnel and fm site is on right edge of photo; another tunnel is in middle behind large slump block of soil and has flow of ~3 gpm (visual); looking SE; lower photo is of main source and tunnel, with measured flow of 5 gpm (excellent), looking south.



Photo of the presumed historic Banks Ranch house, located ~80 yards north of the tunnels and claimed POD, looking NE. The hillsides throughout this area have been thoroughly cut of juniper and lesser pinyon trees (note slash piles), presumably mainly for sage grouse habitat enhancement.

Proof No. V-10816

AMENDED

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) _____

DCNR/DWR/SNBO
RECEIVED
APR 27 2016

Secondary (Select all that may be applicable):

Stock water ☐ Domestic ☑

NAME OF CLAIMANT Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Banks Ranch 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 spring and channel
   Dam and ditch, pipeline, flume, natural channel, underground, etc.

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

Within the NE¼ SW¼ of Section 28, Township 20 North, Range 54 East M.D.M., at a point from which the Northwest corner of Section 21, Township 20 North, Range 54 East M.D.M., bears North 17° 08' 31" West a distance of 8,905 feet.

(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 _____

and completed specific dates unknown but most likely late 1920's to early 1930's

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Possessory interest prior to land being patented and then subsequently deeded to current owner.
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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

8. The place of use location (For Irrigation, skip question #8 and proceed to Question #12):
Within the NE¼ SW¼ of Section 28, Township 20 North, Range 54 East M.D.M.

DCNR/DWR/SNBO
RECEIVED
APR 27 2016

(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 1886 (Year) was
100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 spring pool, natural channel and small pond
(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 (circle one) been enlarged.

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.

DCNR/DWR/SNBO
RECEIVED
APR 27 2016

_____
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 (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):

_____

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.

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.)

DCNR/DWR/SNBC
RECEIVED
APR 27 2016

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.
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R. (circle one)	_____ E.

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

DCNR/DWR/SNBO
RECEIVED
APR 27 2016

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck, Partner Signature
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada
County of Carson city

Subscribed and sworn to before me on 4/21/16
(Date)

by Robert Beck

NOTARY PUBLIC
STATE OF NEVADA
County of Carson
GABRIEL ACEBEDO
No: 08-6392-3
My Appointment Expires APR. 21, 2016

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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs - appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

..... of Eureka
Street and No. or P.O. Box No. City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date

and completed .....
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of .....County, at Page .....of Book .....of .....

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 L.E.F.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle horses 500 sheep or ..... (Other). The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been.....
All the source produces which varies from summer to winter
.....cubic feet per second.
448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks.....This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Emmaus Ave.
City, State, Zip Code No.

Subscribed and sworn to before me this 2nd day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form Aa (Rev. 9-72)

403

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brigueker) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this [illegible] day of Sept.,
1976, by _____.

Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 1st, 1977

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~them~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED Serial No. 5813

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 12 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
(Name of applicant)
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
(Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet.
(One second-foot equals 40 miners' inches)

3. The water to be used for Stockwatering and domestic purposes.
(Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point: At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.
(Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated:
(Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
(Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream
(Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
(Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the land subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-CT

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed - 10-23-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 1021 issued 11/27/33

Recorded ..... Book ..... Page .....

..... County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

Hiram Mahoney
State Engineer.

By
ASSISTANT STATE ENGINEER

Beck Properties Exhibit 7 - Page 20

AMENDED

APPLICATION FOR PERMIT

ASSIGNED Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ NE¼ of Sec. 13, T. 20 N; R. 54 E., which bears N. 82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
(Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00

6. Estimated time required to construct works Additional one year.

7. Remarks For use of applicant

HANDLEY BROTHERS, Applicant.

By Hanney M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug 2 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 21 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930

Certificate No. 2000 issued Nov 27 1933

Copied Compd. Records

State Engineer.

By ASSISTANT STATE ENGINEER

Beck Properties Exhibit 7 - Page 22

AMENDED

APPLICATION FOR PERMIT

ASSIGNED Serial No. 5015

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
S. 61° 27' E., 5298.32 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about Month and end about Month, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and trenchs

[Give manner in which water is to be diverted, whether by dam or other works, whether through ditch, flume, tunnel, or other conduits. If water is to be stored in reservoir, it should be so stated and the location of the reservoir should be given with reference to the land subdivisions.]

5. Estimated cost of works $150.00

6. Estimated time required to construct works One year additional

7. Remarks

[For use of applicant]

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 5000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933, Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933.

WITNESS MY HAND AND SEAL this 30th day of April 1930

Map Filed Aug. 22, 1929

Proof of labor filed - 10-30-30

Proof of completion of work filed 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 7001 issued Nov 22 1933

Recorded ..... Book ..... Page .....

..... County Records

State Engineer.

By ..... Assistant

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Sa. 39° 32' E., 2708.31 ft. from the 1 Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.088 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 12 feet wide and 20 feet long, making reservoir 80 feet in diameter. Place of use is in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used; not to exceed the amounts above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933.

State Engineer.

Recorded 12/1/33 in B Page 83
Eureka County Records

Application No. 8814 Certificate Record No. 2822 Book 7 Page 2822

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, on H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Saw Mill Spring and Creek through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Not 333.15ft. E. and 4466.20 ft. from the S. Cor. on the E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE¼ NE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 78, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Bros.

Post-office address: Eureka, Eureka County, Nevada.

Amount of appropriation: 0.025 cubic feet per second or sufficient to water 200 sheep and 100 cattle.

Period of use, from: April 1st to Nov. 1st each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: about 10 ft. of 2 inch pipe conveys water from the spring to two galvanized iron troughs each 2 ft. wide, 1 foot deep and 8 ft. long. Place of use is in the SE¼ NW¼ Sec. 13 T. 20 N. R. 54 E. M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, and to the amount above specified, and the use is restricted to the place where required and to the purpose for which acquired.

In Testimony Whereof, I, GEO. A. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer

Recorded 12/1/33 Bk. B Page 94

Eureka County Records

Application No. 8815 : Certificate Record No. 2025 Book 7 Page 2025

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: In S1° 27½ E., 5299.38 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second or sufficient to water 2.00 Sheep and 2.00 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 8 ft. deep has been constructed at the spring and 16 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 8 ft. wide and 1 foot deep. Place of use is in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1929

State Engineer.

Recorded 12/12/29 at 3 Book 55

County Recorder

Exhibit – 4

AMENDED

ASSIGNED Serial No. 8995

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 20 1929
Returned to applicant for correction NOV 23 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
46° 24' 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about Month and end about Month, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 and end about Dec. 31, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.F.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April, 1930

Map Filed Aug. 22, 1929.
Proof of labor filed May 2, 1930
Proof of completion of work filed May 2, 1930.
Proof of beneficial use filed NOV 24 1933
Certificate No. 10174 Issued Nov. 24, 1933
Recorded Book Page
County Records

State Engineer.

By

Beck Properties Exhibit 7 - Page 31

Exhibit – 5

Application No. 8993 Certificate Record No. 2024 Book 7 Page 2024

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from a point in the bed of Dipping Corral Spring

through Reservoir and pipes for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: No. 440, 251 W., 2347.58 ft. from 1/4 Cor. on N. bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., and from the NW1/4 NW1/4 Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 28, Chapter 140, Statutes of 1913 has determined the data, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation: July 20th, 1929

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is then conveyed and served in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 120 ft. of 2 inch pipe to stock watering vats and corrals. Place of use in the NW1/4 NW1/4 Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. F. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer

Recorded 12/1/33 in B Page 516 Eureka

Proof No. V 10817 Date Filed JAN 04 2016 MOU Stock Water & Domestic

Basin 10-153 Diamond Valley County Eureka

POD(s) SW¼ SW¼ Sec 28 T20N R54E MDB&M

Applicant Beck Properties

Source of Water Eunice Place Spring

Return for Correction Corrected Proof Received

Amended filed 4/27/2016

Maps Filed					
	POD	Under	V-10816	Date	4/4/2016
	POU	Under	V-10816	Date	4/4/2016

Supporting Documentation File Dates Under

Field Investigations 4/6/2017, T. Eng; see field sheet & photos

Withdrawal Date

Adjudication (Decree) Name

Preliminary Order Date

Hearing Dates

Final Order Date

Court Dates

Decree Date

Remarks

Map Table Review	Proof		Map		DB Entry	File		Review		Decree	



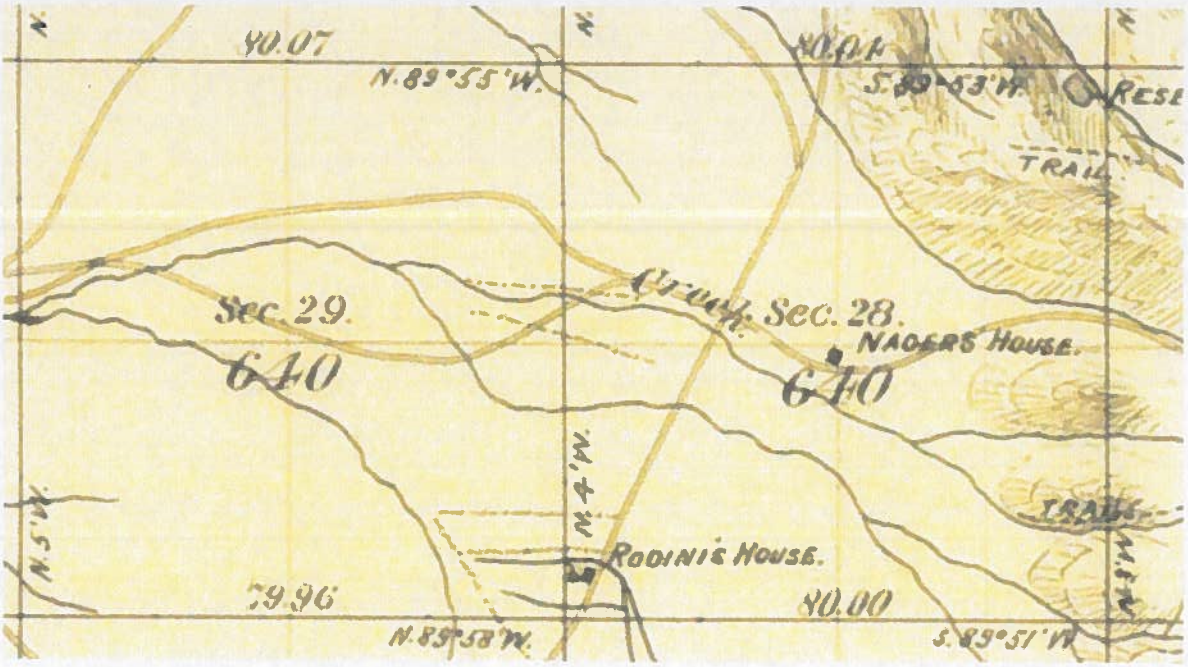


V10817, Eunice Place – upper photo looking NNE, lower photo looking west; the spring source is beneath the cottonwood trees by stock pond; the FM site is in channel below pond; note remnants of stonewall structure.





V10817, Eunice Place – flow measurement site, looking NNE; flow was measured at 10.6 gpm (excellent) with the small 60° weir. The development of this spring and settlement is substantiated by the 1894 GLO map for T20N, R54E that illustrates "Rodinis' House" directly above the spring in the SW¼ SW¼ Section 28, along with a 30-acre triangular shaped fenced area, downslope of the spring (see below).



Proof No. V-10817

AMENDED

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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APR 27 2016

NAME OF CLAIMANT Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Eunice Place 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 spring and channel
   Dam and ditch, pipeline, flume, natural channel, underground, etc.

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

Within the SW¼ SW¼ of Section 28, Township 20 North, Range 54 East M.D.M., at a point from which the Northwest corner of Section 21, Township 20 North, Range 54 East M.D.M., bears North 02° 33' 25" West a distance of 10,302 feet.

(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 _____

and completed specific dates unknown but most likely late 1920's to early 1930's

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Possessory interest prior to land being patented and then subsequently deeded to current owner.
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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

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

Within the SW¼ SW¼ of Section 28, Township 20 North, Range 54 East M.D.M.

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(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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 spring pool, natural channel and small pond
(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 (circle one) been enlarged.

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.

_____
If claimant is an owner in the conduit, state interest held on this line.

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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 (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):

_____

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.

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.)

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Date	Acres	Quarter-Quarter	Section	Township	Range
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____ , T.	_____ (N./S.), R.	_____ E. (circle one)

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

DCNR/DWR/SNBO
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APR 27 2016

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck, Partner Signature
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada
County of Carson city

Subscribed and sworn to before me on 4/21/16
(Date)

by Robert Beck

Signature of Notary Public Required

NOTARY PUBLIC
STATE OF NEVADA
County of Carson
GABRIEL ACEBEDO
No: 08-6392-3
My Appointment Expires APR. 21, 2018

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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

of Eureka
Street and No. or P.O. Box No. City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted and completed
Date Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE



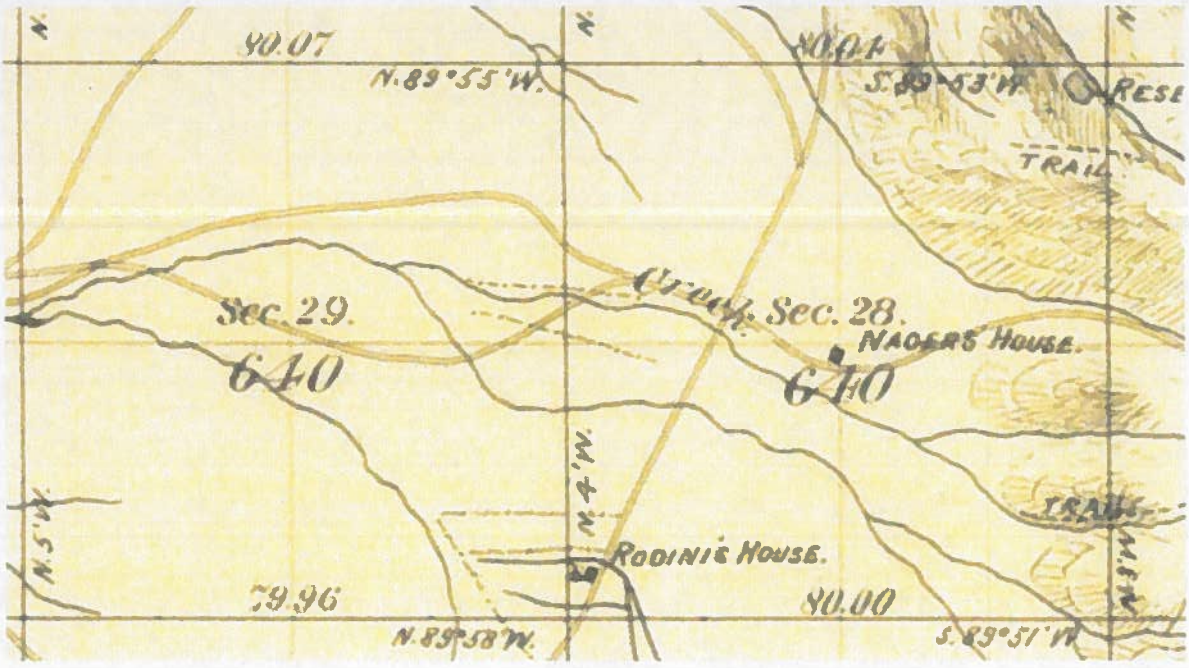


V10817, Eunice Place – upper photo looking NNE, lower photo looking west; the spring source is beneath the cottonwood trees by stock pond; the FM site is in channel below pond; note remnants of stonewall structure.





V10817, Eunice Place – flow measurement site, looking NNE; flow was measured at 10.6 gpm (excellent) with the small 60° weir. The development of this spring and settlement is substantiated by the 1894 GLO map for T20N, R54E that illustrates "Rodinis' House" directly above the spring in the SW¼ SW¼ Section 28, along with a 30-acre triangular shaped fenced area, downslope of the spring (see below).



See Affidavit 9/22/76 E.E.P.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle, horses 500 sheep or ..... (Other). The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been.....
All the source produces which varies from summer to winter
.....cubic feet per second.
448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks.....This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Elko, Nev.
City, State, Zip Code No.

Subscribed and sworn to before me this 21st day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form 4A (Rev. 9-72)

403

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torra Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Hicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Heald Spring (Brigmeker) - No. 1, Heald Spring - No. 2, Heald Spring - No. 3, Heald Spring - No. 4, Heald Spring - No. 5, Heald Springs - No. 6, Heald Spring - No. 7, Heald Spring - No. 8, and Heald Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this [illegible] day of Sept,
1976, by _____.

Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1980

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED

APPLICATION FOR PERMIT

Serial No. 3813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 1 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
(Name of applicant)

of Eureka, County of Eureka,

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
(Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet.
(One second-foot equals 40 inners' inches)

3. The water to be used for Stockwatering and domestic purposes.
(Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point:
(Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.)
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated:
(Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
(Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream
(Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
(Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipe, ditches, flumes, or other conduits. If point is to be diverted to reservoir, it should be so stated and the location of the reservoir should be given with reference to the land upon which it is to be located.

6. Estimated cost of works $200.00

8. Estimated time required to construct works Works already completed.

7. Remarks

Purpose of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed AUG 22 1929

Proof of labor filed - 10-22-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 21 1933

Permit No. 1021 Issued 11/24/30

Recorded ..... Book ..... Page .....

..... County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By ASSISTANT STATE ENGINEER

Beck Properties Exhibit 8 - Page 18

AMENDED

APPLICATION FOR PERMIT

ASSIGNED Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ NE¼ of Sec. 13, T. 20 N., R. 54 E., which bears N. 82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer whom application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 (Month) and end about Oct. 1 (Month), of each year.

(i) Remarks: Applicants and their predecessors have used water from the source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with sufficient definiteness to identify it on the ground and on the map.

5. Estimated cost of works $400.00

6. Estimated time required to construct works Additional one year.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Hannah M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933.

WITNESS MY HAND AND SEAL this 30th day of April 1930.

Map Filed Aug. 2 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 21 1933

Certificate No. 2992 issued Nov 27 1935

Recorded Book Page

Comm'd. Records

State Engineer.

By ASSISTANT STATE ENGINEER

AMENDED

APPLICATION FOR PERMIT

ASSIGNED Serial No. 5818

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers (Name of applicant)
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch). (Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet. (One second-foot equals 40 miners' inches)

3. The water to be used for stockwatering and domestic purposes. (Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point: At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears (Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.)
S. 61° 27' E., 5298.32 feet from the N. corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated (Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E. (Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream (Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year. (Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through flume, ditches, tunnel, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the land subdivisions.

5. Estimated cost of works, $150.00

6. Estimated time required to construct works, One year additional

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933, Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929.

Proof of Notice filed 10-30-30

Proof of completion of work filed 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 7003 Issued Nov 21 1933

Recorded Book

County Recorder

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By Assistant

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Sa. 282.37 ft. N., 2708.31 ft. from the ¼ Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.039 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 12 feet wide and 20 feet long, making reservoir 20 feet in diameter. Place of use is in the SW¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the quantity above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933.

State Engineer.

Recorded 12/1/33 in B Page 83

Eureka County Records

Application No. 8814 Certificate Record No. 2628 Book 7 Page 2628

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

H. M. PAYNE FOR HANDLEY BROTHERS presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use from Saw Mill Spring and Creek through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Near 688.13ft. East 4448.88 ft. from the S. 1/4 Cor. on the E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SW1/4 NE1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Bros.

Postoffice address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic feet per second or equivalents to water for sheep and stock cattle.

Period of use, from: April 1st to: May 1st inclusive each year

Date of priority of appropriation: January 17th, 1928

Description of works of diversion and use: About 10 ft. of 2 inch pipe conveys water from the spring to two troughs from troughs each 2 ft. wide, 1 foot deep and 8 ft. long. Place of use is in the SW1/4 NE1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. L. MALONE, State Engineer of the State of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 1933

State Engineer

Recorded 12/1/33 Bk. B Page 94
Eureka County Records

Application No. 8815 Certificate Record No. 2023 Book 7 Page 2023

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANSLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and Domestic purposes. The point of diversion of water from the source is as follows: No. 61° 27' E. 6229.32 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N. R. 54 E., M.D.B.&M. or in the SW¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Hansley Brothers

Post-office address Hansley, Eureka County, Nevada

Amount of appropriation 0.028 cubic feet per second or sufficient to water 2000 sheep and 200 cattle.

Period of use, from April 1st to Nov. 1st inclusive of each year

Date of priority of appropriation January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 8 ft. deep has been constructed at the spring and 14 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 8 ft. wide and 1 foot deep. Place of use is in the SW¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purposes for which acquired.

In Testimony Whereof, I, GEO. H. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 8th day of November A. D. 1933

State Engineer.

Recorded 12/1/33 at 8 Page 55

County Recorder

Exhibit – 4

AMENDED

ASSIGNED

Serial No. 8995

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 26 1929
Returned to applicant for correction SEP 25 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
(Name of applicant)
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
(Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet.
(One second-foot equals 40 miners' inches)

3. The water to be used for stockwatering and domestic purposes
(Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N. 46° 24" 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.
(Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
(Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
(Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream
(Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through ditches, pipes, flumes, pumps, or other appliances. If water is to be stored in reservoirs, it should be stated and the location of the reservoir should be given, with reference to the legal subdivisions.

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.F.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1933

Proof of completion of work shall be filed before Nov. 1, 1933

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929.
Proof of labor filed May 2, 1930
Proof of completion of work filed May 2, 1930
Proof of beneficial use filed NOV 27 1933
Certificate No. 1019 Issued Nov. 27, 1933
Recorded Book Page
County Records

WITNESS MY HAND AND SEAL this 30th day of April, 1930.

J. Leahy Malone
State Engineer.

By

Exhibit – 5

Application No. 8988 ... Certificate Recorded No. 2024 Book 7 ... Page ...

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PARKS FOR HAMBLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from a point in the bed of Dipping Corral Spring through Reservoir and pipes for stockwatering and domestic purposes. The point of diversion of water from the source is as follows: N. 46° 26' W. 2347.84 ft. from the S. Cor. on N. Bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., and in the NW¼ NE¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section ... Chapter 140, Statutes of ... 1913 ... has determined the duty, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Hambley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic feet per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use: from January 1st to December 31st of each year

Date of priority of appropriation: July 20th, 1922

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is then conserved in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is to also be piped from this reservoir through 120 ft. of 2 inch pipe to watering vats and corrals. Place of use in the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used for the purposes above specified, and the use is restricted to the place where required and to the purpose for which acquired.

In Testimony Whereof, I, GEO. H. MAHON, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 1933

State Engineer.

Recorded 12/1/33 in Book B, Page 516

Beck Properties Exhibit 8 - Page 31

Proof No. V10818 Date Filed JAN 04 2016 MOU Stock Water

Basin 10-153 Diamond Valley County Eureka

POD(s) NW¼ NE¼ Sec 25 T 20N R54E MDB&M

Applicant Beck Properties

Source of Water Upper Torre NE Spring

Return for Correction Corrected Proof Received

Amended filed 4/27/2016

Maps Filed					
	POD	Under	V-10816	Date	1/4/2016
	POU	Under	V-10816	Date	1/4/2016

Supporting Documentation File Dates Under

Field Investigations

Withdrawal Date

Adjudication (Decree) Name

Preliminary Order Date

Hearing Dates

Final Order Date

Court Dates

Decree Date

Remarks

Map Table Review	Proof	JTT	Map	BCP	DB Entry	File		Review		Decree	

Proof No. V-10818

AMENDED

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 ☐

DCNR/DWR/SNBO
RECEIVED
APR 27 2016

NAME OF CLAIMANT Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Upper Torre NE 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 Collection system, pipeline and natural channel

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

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

Within the NW¼ NE¼ of Section 25, Township 20 North, Range 54 East M.D.M., at a point from which the Northwest corner of Section 21, Township 20 North, Range 54 East M.D.M., bears North 72° 09' 33" West a distance of 20,027 feet.

(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 _____

and completed specific dates unknown but most likely late 1920's to early 1930's

5. The nature of the claimant's title to the land upon which the source of water and place of use is located:

Possessory interest prior to land being patented and then subsequently deeded to current owner.

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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

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

Within the NW¼ NE¼ of Section 25, Township 20 North, Range 54 East M.D.M.

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(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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 Collection system piped to troughs with over flow to natural channel and pools
(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 (circle one) been enlarged.

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.

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_____
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 (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):

_____

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.

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.)

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Date	Acres	Quarter-Quarter	Section	Township	Range
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	
_____	_____	acres in the _____ of Sec.	_____ , T. _____	(N./S.), R. _____ E. (circle one)	

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

DCNR/DWR/SNBO
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APR 27 2016

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck, Partner Signature
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada
County of Carson city

Subscribed and sworn to before me on 4/21/16
(Date)

by Robert Beck

Signature of Notary Public Required

NOTARY PUBLIC
STATE OF NEVADA
County of Carson
GABRIEL ACEBEDO
No: 04-6392-3
My Appointment Expires APR. 21, 2018

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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

..... of Eureka
Street and No. or P.O. Box No. City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date

and completed.....
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of .....County, at Page.....of Book.....of.....

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 L.E.F.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle, horses 500 sheep or (Other). The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been All the source produces which varies from summer to winter cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc. are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Carson City, Nevada
City, State, Zip Code No.

Subscribed and sworn to before me this 2nd day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form Aa (Rev. 9-72) 403

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brizaker) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this [illegible] day of Sept.,
1976, by _____.

Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1980

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.,
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~thus~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED 8813

APPLICATION FOR PERMIT Serial No.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA.

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about and end about , of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by courses and distances to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoirs should be given with reference to the land upon which

6. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M E - C T

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931.

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed - 10-23-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 21 1932

Certificate No. 1021, issued 11/21/32

Recorded Bk Pg

County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

ASSISTANT STATE ENGINEER

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ NE¼ of Sec. 13, T. 20 N; R. 54 E., which bears N.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivisions, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about and end about , of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and tronche

State manner in which water is to be diverted, whether by dam or other work, whether through ditch, flume, pipe, or other conduit. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00

6. Estimated time required to construct works Additional one year.

7. Remarks For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug 22 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 21 1933

Certificate No. 2992 issued Nov 27 1933

Copied Compared Proofed

Colorado Records

WITNESS MY HAND AND SEAL this 30th day of April 1930

State Engineer.

By Assistant

Beck Properties Exhibit 9 - Page 18

AMENDED

APPLICATION FOR PERMIT

ASSIGNED Serial No. 5815

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers (Name of applicant)

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch). (Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet. (One second-foot equals 40 miners' inches)

3. The water to be used for stockwatering and domestic purposes. (Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point: At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears (Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.) S. 61° 27' E., 5298.32 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated (Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E. (Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream (Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year. (Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoir, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $150.00 additional

6. Estimated time required to construct works One year.

7. Remarks. For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 5000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933, Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929.
Proof of Inter filed -10-30-30
Proof of completion of work filed 10-9-31
Proof of beneficial use filed NOV 21 1933
Certificate No. 7013 issued March 21 1932
Recorded By
County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

Beck Properties Exhibit 9 - Page 20

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Bn. 309.37 E., 2708.31 Ft. from the ¼ Cor. on the W. bdy. Sec. 15, T. 20 N., R. 54 E., M.D.B.&M., or in the SW¼ SW¼ Sec. 15, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.089 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 12 feet wide and 20 feet long, making reservoir 80 feet in diameter. Place of use is in the SE¼ SW¼ Sec. 15, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933.

State Engineer.

Recorded 12/1/33 in Book B Page 83
Eureka County Records

Application No. 6814 ... Certificate Record No. 2822 ... Book 7 ... Page 2822

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from ... in ... of the ... to ... Saw Mill Spring and Creek ... through ... pipeline and troughs ... for ... domestic ... Stockwatering and domestic ... purposes. The point of diversion of water from the source to be followed: Near ... 1320 ft. from the ¼ Cor. on the E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE¼ NE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. ... situated in ... Eureka ... County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section ... Chapter ... Statutes of ... 1913 ... has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator ... Handley Bros. ...

Post-office address ... Eureka, Eureka County, Nevada ...

Amount of appropriation ... 0.025 cubic foot per second, sufficient to water 400 sheep and 100 cattle. ...

Period of use, from ... April 1st ... to ... Nov. 1st ... each year.

Date of priority of appropriation ... January 17th, 1929 ...

Description of works of diversion and use: ... About 10 ft. of ¾ inch pipe delivers water from the spring to two galvanized iron troughs each 2 ft. wide, 1 foot deep and 10 ft. long. Place of use in the SE¼ NW¼ Sec. 13 T. 20 N. R. 54 E. M.D.B.&M. ...

The right to water hereby determined is limited to the amount which can be beneficially used, and is not to exceed the amount above specified, and the use is restricted to the place where required and to the purpose for which acquired.

In Testimony Whereof, I, GEO. L. MALONE, State Engineer ... of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer

Recorded 12/1/33 in B Page 94
Eureka County Records

Application No. 2615 Certificate Record No. 2023 Book 3 Page 2023

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANSLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: N. 61° 27' E. 8228.38 ft. from ¼ Cor. on E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Hansley Brothers

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 2 ft. deep has been constructed at the spring and 10 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purposes for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 25th day of November A. D. 1935

State Engineer.

Recorded 12/1/35 in Book B Page 55

County Recorder

Exhibit – 4

AMENDED

ASSIGNED
Serial No. 8995

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 21 1929
Returned to applicant for correction AUG 22 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
(Name of applicant)
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
(Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet.
(One second-foot equals 40 miners' inches)

3. The water to be used for shookwatering and domestic purposes
(Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N. 46° 24' 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.
(Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated:
(Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instructions from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
(Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream
(Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

6. Estimated cost of works $200.00

8. Estimated time required to construct works Already completed

7. Remarks

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed May 2, 1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed NOV 27 1933

Certificate No. 5074 Issued Nov. 27, 1933

Recorded Bk. Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April, 1930

State Engineer.

By Assistant

Exhibit – 5

Application No. 6225 Certificate Record No. 2084 Book 7 Page 2084

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

This is to certify, That H. M. PAYNE FOR HAMILTON BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from a spring to be known as Dipping Corral Spring through Reservoir and pipes for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: No. 40° 28' W. 3247.56 ft. from a Cor. on E. bdy. Sec. 36, T. 20 N., R. 54 E., M.D.B.&M., also from the NW¼ NW¼ Sec. 36, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Hamilton Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic feet per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use: from January 1st to December 31st of each year

Date of priority of appropriation: July 20th, 1929

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6-in. cl. I Iron pipe to the natural channel leading from said spring where it runs about 50 ft. and is then conserved in a reservoir about 30 x 100 ft. and 4 ft. deep. Water is to also be piped from this reservoir through 120 ft. of 2-inch pipe to watering vats and corrals. Place of use in the NW¼ NW¼ Sec. 36, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, said right to the above amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. E. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 1933

State Engineer.

Recorded 12/1/33 in B. Page 516

Beck Properties Exhibit 9 - Page 29

Proof No. V10857 Date Filed MAY 09 2016 MOU Stock Water

Basin 10-153 Diamond Valley County Eureka

POD(s) SE¼ SW¼ Sec 5 T20N R54E MDB&M

Applicant Beck Properties

Source of Water Cottonwood Creek

Return for Correction | Corrected Proof Received

Maps Filed				
	POD	Under V-10857	Date 5/9/2016
	POU	Under V-10857	Date 5/9/2016

Supporting Documentation File Dates | Under

Field Investigations 4/9/2017 & 5/21/2017, T. Eng; see V10856

Withdrawal Date

Adjudication (Decree) Name

Preliminary Order Date

Hearing Dates

Final Order Date

Court Dates

Decree Date

Remarks

Map Table Review	Proof	DT	Map	BCP	DB Entry	File		Review		Decree	

Book Records CB

Proof No. 10857

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 Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Cottonwood Creek

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 is by ditch from the natural creek channel

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

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

Within the SE¼ SW¼ of Section 05, Township 20 North, Range 54 East M.D.M., at a point from which the Southwest corner of said Section 05 bears South 54° 14' 24" West a distance of 2,092 feet.

(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 Unknown

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:

Permit for use of BLM Grazing allotment

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

not measured cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

10-153

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

Stock water use occurs within the SE¼ SW¼ of Section 05, Township 20 North, Range 54 East 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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 Ditch and natural creek channel
(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 _____

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.

_____
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 (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):

_____

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.

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.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____ (N./S.), R.	_____ E. (circle one)

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck, Partner Signature
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada
County of Carson city

Subscribed and sworn to before me on 4/21/16
(Date)

by Robert Beck

NOTARY PUBLIC
STATE OF NEVADA
County of Carson
GABRIEL ACEBEDO
No: 08-6392-3
My Appointment Expires APR. 21, 2016

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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

..... of Eureka
Street and No. or P.O. Box No. City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date

and completed
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of

County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information underlined.

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 L.E.P.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle horses 500 sheep or (Other). The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been.....
All the source produces which varies from summer to winter
.....cubic feet per second.
448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks.....This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Reno, Nevada
City, State, Zip Code No.

Subscribed and sworn to before me this 21 day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72) 403

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brigacker) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this [illegible] day of Sept,
1976, by _____.

Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1977

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8489

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~that~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED ASSIGNED

APPLICATION FOR PERMIT Serial No. 8813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA.

Date of first receipt and filing in State Engineer's office, JAN 1 1929.
Returned to applicant for correction
Corrected application filed AUG 22 1929.

The undersigned Handley Brothers.
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
S. 39° 37' E., 2708.31 ft. from the S. corner on the W. boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION.

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated:
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about Month and end about Month, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SW¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoir, it should be so stated and the location of the reservoir should be given with reference to the land by legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-CT

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed AUG 22 1929

Proof of Labor filed - 10-23-30.

Proof of completion of work filed - 10-9-31

Proof of Beneficial use filed NOV 21 1931

Certificate No. 1001 issued 11-9-31

Recorded Book Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

ASSISTANT STATE ENGINEER

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

At a point in the SE¼ NW¼ of Sec. 13, T. 20 N; R. 54 E., which bears N. 82° 12' 42" E. 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about and end about , of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and Sprouts

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, flumes, ditches, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00

Additional

6. Estimated time required to construct works one year

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Hanner M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930.

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed May 2, 1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed NOV 21 1933

Certificate No. 2120 Issued Nov. 24, 1933

Recorded Book Page

Carroll, Reporter

WITNESS MY HAND AND SEAL this 30th day of August 1930.

State Engineer.

By

ASSISTANT STATE ENGINEER

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 6313

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One cubic foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance from section-corner. If on unsurveyed land, it should be so stated.
S. 61° 27' E., 5298.52 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about Month and end about Month, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WASHING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

4. Pipe line and ditches

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoir, it should be so stated and the location of the reservoir should be given with reference to the land subdivisions.

5. Estimated cost of works, $150.00

6. Estimated time required to construct works, additional One year.

7. Remarks.

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey W. Payne

Compared MK-CT

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 5000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933, Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed AUG 22 1929

Proof of Labor Filed 10-30-30

Proof of completion of work filed 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 7101 Issued MAR 21 1932

Recorded Bk. Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

Exhibit – 3

Application No. 8813 Certificate Record No. 2081 Book 7 Page 2081

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 332 37' E., 2708.51 Ft. from the ¼ Cor. on the W. bdy. Sec. 15, T. 20 N., R. 54 E., M.D., B. & M., or in the SW¼ SW¼ Sec. 10, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.028 cubic foot per second or sufficient to water 4800 sheep and 100 cattle.

Period of use, from April 1st. to Nov. 1st. of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 32 feet wide and 20 feet long, making reservoir 20 feet in diameter. Place of use is in the SW¼ SW¼ Sec. 10, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amounts above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933.

State Engineer.

Recorded 12/1/33 Book B Page 83

Eureka County Records

Application No. 8814 ... Certificate Record No. 2922 ... Book 7 ... Page 2922

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an unnamed Saw Mill Spring and Creek

through pipeline and troughs for Stockwatering and domestic

purposes. The point of diversion of water from the source as follows: NW SE 1331 Ft. from E. & 1440.20 Ft. from the S. Cor. on the E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE1 NW1 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.; is situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Bros.

Postoffice address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic foot per second, or equivalent to water for 500 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: Water is diverted from the spring by means of about 20 rod of 2 inch pipe delivering water from the spring to two galvanized iron troughs each 2 feet wide, 1 foot deep and 6 feet long. Place of use is in the SE1 NW1 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Witness Whereof, I, GEO. W. MALONE, State Engineer, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 Bk. B Page 94
Eureka County Records

Application No. 8816 ; -- Certificate Record No. 2085 Book 7 Page 2085

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application to Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Is. 61° 27' E., 5288.52 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SE¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic foot per second or sufficient to water 4000 sheep and 200 cattle.

Period of use, from April 1st to Nov. 1st of each year.

Date of priority of appropriation: January 17th, 1939.

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 8 ft. deep has been constructed at the spring and 16 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SE¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purposes for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 29th day of November, A. D. 1939.

State Engineer.

Recorded 12/1/39 in Book B-1 Page 55 Eureka County Records

Exhibit – 4

AMENDED

ASSIGNED Serial No. 5995

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 29 1929
Returned to applicant for correction AUG 22 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers (Name of applicant)
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring (Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet. (One second-foot equals 40 miners' inches)

3. The water to be used for stockwatering and domestic purposes (Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point: NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N. 46° 24' 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14. (Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated (Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instructions from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E. (Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream (Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 and end about Dec. 31, of each year. (Month) (Month)

(i) Remarks: Applicants and their predecessors have used water from this spring for many years prior to 1906, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoir, the dam shall be described and the location of the reservoir should be given, with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.F.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence, and be completed on or before Oct. 1, 1933

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed May 22, 1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed NOV 22 1933

Certificate No. 1012 Issued May 14, 1930

Patented , Book , Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April, 1930.

J. R. Iralone

State Engineer.

By

Exhibit – 5

Application No. 8225 : : Certificate Record No. 3024 Book 7 Page 3284

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Witness: H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Dipping Corral Spring through Reservoir and pipes for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: No. 460, 251 W. and 3247.56 ft. from S. Cor. on N. bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., or in the NW¼ NE¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place at which such water is to be used, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation: July 20th, 1929

Description of works of diversion and use: small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 in. of 2 inch pipe to the natural channel leading from said spring where it runs about 60 ft. and is then served in a reservoir about 80 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 120 ft. of 2 inch pipe to watering vats and corrals. Place of use in the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of November A.D. 1933

State Engineer.

Recorded 12/1/33 in B. Rec. File

Proof No. V10858 Date Filed MAY 09 2016 MOU Stock Water

Basin 10-153 Diamond Valley County Eureka

POD(s) SW¼ SE¼ Sec 20 T23N R55E MDB&M

Applicant Beck Properties

Source of Water North Pasture Spring

Return for Correction Corrected Proof Received

Maps Filed					
	POD	Under	V-10858	Date	5/9/2016
	POU	Under	V-10858	Date	5/9/2016

Supporting Documentation File Dates Under

Field Investigations

Withdrawal Date

Adjudication (Decree) Name

Preliminary Order Date

Hearing Dates

Final Order Date

Court Dates

Decree Date

Remarks

Map Table Review	Proof	PTT	Map	BCP	DB Entry	File		Review		Decree	

Beck

Proof No. [illegible]0858

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 Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water North 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 spring and channel

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

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

Within the SW¼ SE¼ of Section 20, Township 23 North, Range 55 East M.D.M., at a point from which the Northwest corner of Section 35 Township 22 North, Range 54 East M.D.M. bears South 29° 03' 36" West a distance of 39,170 feet.

(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 Unknown

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:

Permit for use of BLM Grazing allotment

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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

06/15 - POA

10-153 EJ

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

Stock water use occurs within the SW¼ SE¼ of Section 20, Township 23 North, Range 55 East 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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 spring pool and natural channel
(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 (circle one) been enlarged.

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 _____
(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.

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.
_____	_____	acres in the	_____	of Sec. _____,	T. _____	(N./S.), R. _____ (circle one)	E.
_____	_____	acres in the	_____	of Sec. _____,	T. _____	(N./S.), R. _____ (circle one)	E.

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck Signature _____
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada

County of Carson City

Subscribed and sworn to before me on 2 May 2016
(Date)

by Robert Beck

_____
Signature of Notary Public Required

NOTARY PUBLIC
STATE OF NEVADA
County of Washoe
WARREN E. DALTON
No: 06-109241-2
My Appointment Expires Jan. 27, 2019

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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

of Eureka
Street and No. or P.O. Box No. City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date

and completed
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of

County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 L.E.F.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle, horses 500 sheep or (Other). The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been

All the source produces which varies from summer to winter

cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Carson City, Nev.
City, State, Zip Code No.

Subscribed and sworn to before me this 2nd day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72) 403

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Nau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brimacombe) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Hold Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this [illegible] day of Sept.,
1976, by _____.

Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1978

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~thus~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED 8813

APPLICATION FOR PERMIT

Serial No.

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA.

Date of first receipt and filing in State Engineer's office JAN 12 1928.
Returned to applicant for correction
Corrected application filed AUG 22 1928

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION.

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SW¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by courses and distances to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
(Month) (Month)

(i) Remarks. Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or utility works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

6. Estimated cost of works $200.00

8. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Hanvey M. Payne

Compared ME-CT

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Application filed Aug 22 1929

Proof of labor filed - 10-23-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 2 1933

Certificate No. 1021 issued 11-6-36

Recorded Bk. 7 Page 102

County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

ASSISTANT STATE ENGINEER

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ NW¼ of Sec. 13, T. 20 N., R. 54 E., which bears N. 82° 12' 12" E., 4446.90 feet from the W¼ corner on the West boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N., R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 (Month) and end about Oct. 1 (Month), of each year.

(i) Remarks: Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be stated how the boundaries of the reservoir should be given with reference to the legal subdivisions.)

5. Estimated cost of works $400.00.

6. Estimated time required to construct works Additional one year.

7. Remarks

(For use of applicant)

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .1048 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930.

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933.

Map Filed Aug. 22, 1929

Proof of labor filed May 2, 1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed NOV 21 1933

Certificate No. 2440 issued Nov. 11, 1935

Copied Compared By Proof

Carroll, Recorder

WITNESS MY HAND AND SEAL this 30th day of April, 1930.

State Engineer.

By

ASSISTANT STATE ENGINEER

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 5515

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SE¼ of Sec. 13, T. 20 N., R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
S. 63° 27' E., 5298.32 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about ____ (Month) and end about ____ (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N., R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 (Month) and end about Oct. 1 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

2815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

Give manner in which water is to be diverted, whether by dam or other works, whether through ditch, flume, or other conduit. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the land subdivisions.

6. Estimated cost of works. $150.00

8. Estimated time required to construct works. additional One year.

7. Remarks. For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 5000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929.

Proof of Labor filed -10-30-30

Proof of completion of work filed 10-31-31

Proof of beneficial use filed NOV 24 1933

Certificate No. 7001 issued

Recorded Bk. Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 899 37' E., 2708.31 ft. from the ¼ Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D. B. & M., or in the SW¼ SW¼ Sec. 18, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 12 feet wide and 20 feet long, making reservoir 20 feet in diameter. Place of use is in the SW¼ SW¼ Sec. 18, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used; not to exceed the amount above specified, and the use is restricted to the place where acquired, and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

GEO. W. MALONE
State Engineer.

Recorded 12/1/33 Bk B Page 83
[illegible] County Records

Application No. 8814 Certificate Record Volume 2022 Book 7 Page 2022

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Shaw Mill Spring and Creek

through pipeline and troughs for stockwatering and domestic

purposes. The point of diversion of water from the source is as follows: New 888.32 E. 4446.99 from the S. Cor. on the E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE¼ NE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.; all in

situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of Nevada, 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Bros.

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.025 cubic foot per second or sufficient to water 400 sheep and two cattle.

Period of use, from April 1st to November 1st of each year

Date of priority of appropriation January 17th, 1929

Description of works of diversion and use About 20 rds. of 2 inch pipe conveys water from the springs to two galvanized iron troughs each 2 ft. wide, 1 foot deep and 16 feet long. Place of use is on the SE¼ NW¼ Sec. 13 T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, and to the diversion above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. L. MACKAY, State Engineer, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 1933

State Engineer

Recorded 12/1/33 Bk. B Page 94

Eureka County Records

Application No. 8916 Certificate/Record No. 2025 Book 7 Page 2025

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Bears S. 61° 27½ E., 5896.32 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SE¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic feet per second or sufficient to water about sheep and 10 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 2 ft. deep has been constructed at the spring and 16 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SE¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 at 8 A. Page 55

Eureka County Records

Exhibit – 4

AMENDED

ASSIGNED
Serial No. 8995

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 20 1929
Returned to applicant for correction SEP 25 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
(Name of applicant)
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
(Name of stream, lake, or other source)

2. The amount of water applied for is one-fourth second-feet.
(One second-foot equals 40 miner's inches)

3. The water to be used for shookwatering and domestic purposes
(Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N. 46° 24' 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.
(Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
(Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
(Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.)

(f) Point of return of water to stream
(Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir, it is piped from the reservoir to the dipping tanks and used when desired for that purpose, as well as stockwatering.

State manner in which water is to be diverted, whether by dam or other works, whether through pipe, ditches, flumes, or other conduits. If water is to be stored in reservoirs, the capacity and the location of the reservoir should be given, with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Paine

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence, and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April, 1930

Map Filed Aug. 22, 1929.
Proof of labor filed May 2, 1930
Proof of completion of work filed May 2, 1930
Proof of beneficial use filed NOV 24 1933
Certificate No. 1074 Issued May 24, 1933
Recorded Book Page
County Recorder

State Engineer

By

Exhibit – 5

Application No. 8885 Certificate Record No. 2084 Book 7 Page 2884

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Witness: H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from a point in the bed of Dipping Corral Spring through Reservoir and pipes for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: No. 460.85 W. 3247.56 ft. from S. Cor. on Sly. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., said line being the NW¼ NW¼ Sec. 24, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the said Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use: from January 1st to December 31st of each year

Date of priority of appropriation: July 20th, 1929

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is then conserved in a reservoir about 80 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 820 ft. of 2 inch pipe to watering vats and corrals. Place of use in the NW¼ NW¼ Sec. 24, T. 20 N., R. 54 E., M.D.B.&M.

The right to water thereby determined is limited to the amount which can be beneficially used, and to the above mentioned amount specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer.

Recorded 12/1/33 B. Rec. File

Proof No. V10859 Date Filed MAY 09 2016 MOU Stock Water

Basin 10-153 Diamond Valley County Eureka

POD(s) SE¼ NE¼ Sec36 T22N R54E MDB&M

Applicant Beck Properties

Source of Water Silver Bell Mine Spring

Return for Correction Corrected Proof Received

Maps Filed				
	POD	Under V-10859	Date	5/9/2016
	POU	Under V-10859	Date	5/9/2016

Supporting Documentation File Dates Under

Field Investigations

Withdrawal Date

Adjudication (Decree) Name

Preliminary Order Date

Hearing Dates

Final Order Date

Court Dates

Decree Date

Remarks USBM IC-7022 pg 29 reference Silver Bell mine.

Map Table Review	Proof	DT	Map	BCP	DB Entry	File		Review		Decree	

Proof No. P-10859

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 Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Silver Bell Mine 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 spring and channel

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

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

Within the SE¼ NE¼ of Section 36, Township 22 North, Range 54 East M.D.M., at a point from which the Northwest corner of Section 35 Township 22 North, Range 54 East M.D.M. bears North 77° 53' 24" West a distance of 10,770 feet.

(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 Unknown

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:

Permit for use of BLM Grazing allotment

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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

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

Stock water use occurs within the SE¼ NE¼ of Section 36, Township 22 North, Range 54 East 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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 spring pool and natural channel

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 _____

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.

_____
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 (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):

_____

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.

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.
_____	_____	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.

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck (Please type or print name)

Signature _____ (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada

County of CARSON CITY

Subscribed and sworn to before me on 2 MAY 2016
(Date)

by Robert BECK

NOTARY PUBLIC
STATE OF NEVADA
County of Washoe
WARREN E. DALTON
No: 06-109241-2
My Appointment Expires Jan. 27, 2019

Warren E. Dalton
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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

Street and No. or P.O. Box No. of Eureka City or town

Nevada State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted Date and completed Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 L.E.F.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle horses 500 sheep or ..... (Other) The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been .....

All the source produces which varies from summer to winter

.....cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks.....This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock - recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Carson City, Nev.
City, State, Zip Code No.

Subscribed and sworn to before me this 21 day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72)

405

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Heald Spring (Prizmeka) - No. 1, Heald Spring - No. 2, Heald Spring - No. 3, Heald Spring - No. 4, Heald Spring - No. 5, Heald Springs - No. 6, Heald Spring - No. 7, Heald Spring - No. 8, and Heald Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this [illegible] day of Sept.,
1976, by _____.

Willis A. DePaoli
Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1980

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~this~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 3813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office, JAN 1 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about Month and end about Month, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other channels. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Hanvey M. Payne

Compared ME-CT

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933, Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By Assistant State Engineer

Map Filed Aug. 22, 1929

Proof of labor filed - 10-23-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 21 1933

Certificate No. 1021 issued 11-9-33

Recorded Book Page

County Recorder

Beck Properties Exhibit 12 - Page 16

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929.
Returned to applicant for correction
Corrected application filed AUG 22 1928

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ NE¼ of Sec. 13, T. 20 N; R. 54 E., which bears N.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about and end about , of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which rights not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or otherwise. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00

6. Estimated time required to construct works Additional one year.

7. Remarks For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second, or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930.

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933.

Map Filed Aug. 22 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 21 1933

Certificate No. 2100 issued Nov 27 1933

Recorded Book Page

Carroll, Recorder

WITNESS MY HAND AND SEAL this 30th day of April 1930

Fred Wilson Malone

State Engineer.

By

ASSISTANT STATE ENGINEER

Beck Properties Exhibit 12 - Page 18

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 6814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.
S. 61° 27' E., 5298.32 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $150.00

6. Estimated time required to construct works additional One year.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933, Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of Labor Filed 10-30-30

Proof of completion of work filed 10-9-31

Proof of beneficial use filed NOV 24 1933

Certificate No. 1001 Issued May 21 1934

Recorded Bk Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

Leon Ryalls
State Engineer.

By

ASSISTANT STATE ENGINEER.

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HAMBLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 392.37 ft. E. 2708.31 ft. from the ¼ Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SW¼ SW¼ Sec. 18, T. 20 N., R. 54 E., M.D.B.&M.; situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Hambley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.088 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 32 feet wide and 20 feet along, making reservoir 20 feet in diameter. Place of use is in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amounts above specified, and the use is restricted to the place where acquired, and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer.

Recorded 12/1/33 at 8 Page 82
Eureka County Records

Application No. 8814 Certificate Record No. 2622 Book 7 Page 2022

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application to Water to Beneficial Use, from Saw Mill Spring and Creek

through pipeline and troughs for stockwatering and domestic

purposes. The point of diversion of water from the source is as follows: NW. SE. 1/4 1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. at a point 4445.20 ft. W. from the S. 1/4 Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SE1/4 NE1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 70, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Bros.

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.025 cubic feet per second, or sufficient to water 100 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929

Description of works of diversion and use: About 10 rods of 2 inch pipe conveys water from the spring to two galvanized drum troughs each 2 ft. wide, 1 foot deep and 8 ft. long. Place of use is in the SE1/4 NW1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where required and to the purposes for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer within and for the State of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer

Recorded 12/1/33 Bk. B Page 94 Eureka County Records

Application No. 6815 ; Certificate Record No. 3025 Book 7 J Page 3025

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: Se. 61° 27½ E., 5268.38 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SE¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year.

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 2 ft. deep has been construction at the spring and 16 rt. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SE¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

b. The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purposes for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 Book B Page 55 Eureka County Records

Exhibit – 4

AMENDED

ASSIGNED Serial No. 8995

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 20 1929
Returned to applicant for correction AUG 22 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N. 46° 24' 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated:
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about ____ (Month) and end about ____ (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given, with reference to the legal subdivisions.)

6. Estimated cost of works $200.00

8. Estimated time required to construct works Already completed

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930

Map Filed Aug. 22, 1929

Proof of labor filed May 2, 1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed NOV 22 1933

Certificate No. None Issued May 21, 1930 Book 22 Page 392

Recorded ... Book ... Page ...

... County Records

State Engineer

By

Beck Properties Exhibit 12 - Page 27

Exhibit – 5

Application No. 8995 Certificate Record No. 2024 Book 7 Page 2584

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HAMBLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Dipping Corral Spring through Reservoir and pipes for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: No. 460.25i W. 3247.56 ft. from ¼ Cor. on S. bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M., and is the NW¼ NE¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Hambley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use: from January 1st to December 31st of each year

Date of priority of appropriation: July 20th, 1928

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 rds. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is then conserved in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 120 rds. of 2 inch pipe to watering vats and corrals. Place of use in the NW¼ NE¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to enter thereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. WILLIAM MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 1933

State Engineer.

Recorded 12/1/33 in B Rep. Sale

Beck Properties Exhibit 12 - Page 29

Values are in lead and silver. The ore consists of argentiferous galena, cerrusite, and stibnite in a gangue composed chiefly of quartz, calcite, and country rock stained with iron and manganese oxides.

A short distance east of the Phillips vein is a parallel vein on which very little work has been done.

Wilcox and Frazer Claims

J. L. Wilcox and the Frazer brothers, Abe and William, of Eureka own 5 unpatented claims, two adjoining the Phillips group on the south and three on the north. These claims are said to be on the extensions of the Phillips vein. Total development on the foregoing claims is about 1,000 feet, most of which has been done on the north claim. There is no equipment on the property and to the writer's knowledge no production has been made.

Silver Bell Group

The Silver Bell group of 13 unpatented claims, owned by C. E. Vance, W. F. Ewald, and associates of Eureka, is in Phillipsburg Canyon 1-1/2 miles easterly from the Phillips property. In the latter part of 1937, the owners of the Silver Bell group had filed an application to incorporate under the name of Summit Mining Co. This group of claims was located in May 1934, although some desultory prospecting had been done in the area as far back as the '90s and several small shipments were made at that time. Development consists of a number of short adits and scattered surface workings totaling about 500 feet. The principal adit has a length of 100 feet. Equipment includes a Baldwin single-stage compressor driven by 4-cylinder Dodge automobile engine, jackhammer, ore bin, and camp accommodations for a crew of 5 men. In the fall of 1937, four men were employed in the production of shipping ore, and the production up to this time amounted to 75 tons averaging $40 per ton.

The prevailing formations are limestone and quartzite, the former trending north and south and dipping 60° to the west. The best showing of ore occurs in fissures and along the bedding planes of the limestone near its contact with the quartzite. Values are in silver, lead, zinc, associated with a little copper in a siliceous gangue. Smelter returns on a shipment of ore made July 10, 1937, to the American Smelting & Refining Co. furnished the following data:

Metal quotations:	Silver	$0.77 per ounce.	
	Lead	6 less 1.5 cents per pound.	
	Copper	13.65 less 6 cents per pound.	
Settlement assay:	Silver	47.0 ounces per ton.	
		Percent	
	Lead	33.6	
	Copper	.95	
	Insoluble	29.4	
	Zinc	9.0	
	Sulphur	1.3	
	Arsenic	.4	
	Iron	2.5	
	Antimony	.3	
	Lime	3.9	
		Pounds	
Wet weight		44,900	
Moisture 4.5 percent		2,020	
Dry weight		42,880	or 21.44 tons

Smelter charges:	Base treatment charge	$2.00	
	Payment for lead over 30 percent	.17	
		1.83	
	Insoluble (debit)	2.94	
	Zinc (debit)	.90	
	Labor increase 4/1/37	.81	
		6.48	
	Iron (credit)	.15	
	Treatment charge	6.33 per ton	
Metal payment:	Silver, 95 percent at $0.77 per oz.	$34.38	
	Lead, less 1.5 percent, 90 percent at $0.90 per unit (20 lbs.)	26.00	
	Copper, less .75 percent at $1.53 per unit (20 lbs.)	.31	
		60.69	
	Treatment charge	6.33	
	Net value per ton	54.36	
	21.44 tons at $54.36		$1,165.48
Deductions:	Hauling $12.50 per ton		280.63
	Net proceeds		884.85

The ore was hauled to the Murray smelter in Salt Lake Valley, a distance of 336 miles, in a Dodge truck having a capacity of 7 tons per load.

NBMG DISTRICT FILES DIAMOND DISTRICT USBM IC-7022 see page 29

110 Item 1

I.C. 7022

1430 0001

Turquoise

The White Horse turquoise deposit is about 3 miles westerly from Cortez. It has been known for many years and a small amount of gem material has been mined. The turquoise occurs in small seams in a decomposed igneous rock, probably rhyolite.

In 1929, J. A. Boitano of Cortez found turquoise in Cortez Canyon, several miles from the camp of Cortez. In 1930 and 1931, Boitano prospected the deposit by several open cuts and during the course of this work produced 600 pounds of crude turquoise that was sold for $5 per pound. Here the turquoise occurs as nodules and seams in thin-bedded limestone striking S. 40° E. and dipping about 20° to the southwest.

DIAMOND DISTRICT

The Diamond, also known as the Phillipsburg, district is on the west slope of the Diamond Range, 21 miles north of Eureka. The first mineral discovery was made here in June 1864, by a man known as Phillips. In 1866, a few tons of ore from the Mammoth claim were hauled to Austin for treatment, after which the district remained virtually abandoned until 1873, when a small smelting furnace was erected at the Champion mine by the Champion Silver Mining Co. This venture was unsuccessful, and later a second furnace was built at the Phillips property. There is no record of production, but from the size of the slag pile, the extent of the underground workings, and reported value of the ore, the district has not produced more than $50,000.

In 1922, the Eureka Silver Mines Co., a Utah corporation, attempted to concentrate, by gravity methods, the dump material at the Phillips property, but the results were discouraging. Subsequently, lessees worked the mine and the dumps with indifferent results. In 1937, the only activity in this area was on the Silver Bell group of claims situated about 1 mile west of the Phillips property.

Phillips Group

This property consists of a group of three patented and one unpatented lode claims owned by H. A. Culloden of Los Angeles, Calif. Development consists of an adit 300 feet long, about 1,000 feet of drifts, and other workings, totaling in all about 1,500 feet. There is no usable equipment on the property.

The prevailing formation is silicified limestone. The Phillips vein, on which most of the work has been done, strikes nearly north and south, has a dip of 35° to 55° to the west, and a width ranging from 1 to 6 feet and averaging 3 feet. Approximately 400 feet of the vein has been stoped above the adit level, but, since the vein outcrops on a gently sloping hill into which the adit has been driven, the stoping distance from the level to the surface is small. In several places the vein has been explored below the adit level.

Beck Properties Exhibit 12 - Page 32

Proof No. V 10860 Date Filed MAY 09 2016 MOU Stock Water

Basin 10-153 Diamond Valley County Eureka

POD(s) NW¼ SE¼ Sec25 T22N R54E MDB&M

Applicant Beck Properties

Source of Water Water Canyon Spring

Return for Correction Corrected Proof Received

Maps Filed				
	POD	Under V-10859	Date	5/9/2016
	POU	Under V-10859	Date	5/9/2016

Supporting Documentation File Dates Under

Field Investigations by Ken Lucas on 7/26/2017

Withdrawal Date

Adjudication (Decree) Name

Preliminary Order Date

Hearing Dates

Final Order Date

Court Dates

Decree Date

Remarks

Map Table Review	Proof	DT	Map	BCP	DB Entry	File		Review		Decree	

B.R.
CS

Entered in DB No Initials _____ Permit/Claim# V10860

Spring & Surface Water Inventory Form

Date & Time: 7-26-17
Field Tech(s): Ken Lucas
Owner: Beck Properties
MOU: Stock Water
County: Eureka
Site Name/Site ID Water Canyon Spring
Basin Name: Diamond Valley
Elevation (ft): 6,900
Elevation Source (ie USGS topo): topo map
Coordinates: 39.755133 N 115.837584 W M.D.B.M. (Decimal degrees)
Legal Description: NW Qtr SE Qtr Sec 25 T. 22N N/S R. 54E E. Photo(s) ____Yes X No

Spring Characteristics

Is any surface water present? ☐ Yes ☐ No If yes, ☐Saturated ☐Ponding ☐Flowing Unknown

If stream: ☐Perennial ☒Ephemeral ☐Intermittent (seasonal)

Spring Location Description (such as an open cut, depression, substrate/parent rock type, etc.):

Unknown I didn't make it all of the way up the canyon to the proof position. This report are my observations of downstream evidence

If source is a spring complex or cluster, how many sources? Unknown

Flow Characteristics:

Discharge (gpm): Unknown Measurement method: _____

Measurement Notes/ Measuring point description or sketch:

Rating of measurement:
☐Excellent ☐Fair
☐Good ☐Poor

Disturbance Level: ☐ Undisturbed ☐ Slight ☐Moderate ☐Heavy

Livestock/Wildlife evidence: ☐ Presence(#) ☐Grazing ☐Trailing ☐Hummocking ☐Excrement ☐Other

Notes:

Unknown

Other Disturbances: ☐Spring Development ☐Reservoir ☐Road/OHV ☐Campsite ☐Human Development

☐Erosion ☐Other: _____

Notes:

Unknown

Type of Diversion: ☐ Natural ☐ Spring Box ☐Trough ☐ Pipe ☐ Impoundment ☐Channelized ☐Other_____

Accessibility Notes (Score 1-5: 1=easy, 5=difficult): 5

Site Map: Include an approx. scale, meadow shape, flow direction, north arrow, etc.



Additional Comments:

The pics are evidence of features way downstream of the proof

There is a well established mule trail heading up the canyon





Entered in DB_____ Initials_____ Date Entered_____

Proof No. 10860

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 Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Water Canyon 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 spring and channel

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

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

Within the NW¼ SE¼ of Section 25, Township 22 North, Range 54 East M.D.M., at a point from which the Northwest corner of Section 35 Township 22 North, Range 54 East M.D.M. bears South 81° 25' 12" West a distance of 9,122 feet.

(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 Unknown

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:

Permit for use of BLM Grazing allotment

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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

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

Stock water use occurs within the NW¼ SE¼ of Section 25, Township 22 North, Range 54 East 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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 collection system piped to troughs with over flow to natural channel and pools
(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 (circle one) been enlarged.

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.

_____
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 (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):

_____

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.

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. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)
_____	_____	acres in the _____ of Sec.	_____	, T. _____	(N./S.), R. ____ E. (circle one)

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck Signature _____
(Please type or print name) (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada

County of Carson City

Subscribed and sworn to before me on 2 May 2016
(Date)

by Robert Beck

NOTARY PUBLIC
STATE OF NEVADA
County of Washoe
WARREN E. DALTON
No: 06-109241-2
My Appointment Expires Jan. 27, 2019

Warren E Dalton
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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

Street and No. or P.O. Box No. of Eureka City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted and completed
Date Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 L.E.F.

1886

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle horses 500 sheep or (Other) The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been All the source produces which varies from summer to winter cubic feet per second.

449.03 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.
Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Lemmon Valley, Nevada
City, State, Zip Code No.

Subscribed and sworn to before me this 21st day of August, 1974.

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72) 405

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Nau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brizendine) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this 12 day of Sept,
1976, by _____.

Willis A. DePaoli
Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1978

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~that~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA.

Date of first receipt and filing in State Engineer's office JAN 12 1979

Returned to applicant for correction

Corrected application filed AUG 22 1979

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka,

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon Springs and Creek (No. 2 or South Branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears S. 39° 37' E., 2708.31 ft. from the ¼ corner on the W. boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about ____ (Month) and end about ____ (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is ____ horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 (Month) and end about Oct. 1 (Month), of each year.

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoirs should be given with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Hanway M. Payne

Compared M.E.-C.T.

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map filed Aug. 22, 1929

Proof of labor filed - 10-22-30

Proof of completion of work filed - 10-9-31

Proof of beneficial use filed NOV 23 1933

Certificate No. 1021, issued 11 Oct 33, 192

Recorded Book Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By ASSISTANT STATE ENGINEER

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929
Returned to applicant for correction
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka,
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SE¼ NW¼ of Sec. 13, T. 20 N; R. 54 E., which bears N.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NW¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits; if water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00

6. Estimated time required to construct works Additional one year

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug 22 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 21 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930

Certificate No. 11220 Issued Nov 17 1933

Recorded By Page

Carson, Nevada

State Engineer.

By

ASSISTANT

Beck Properties Exhibit 13 - Page 20

AMENDED

APPLICATION FOR PERMIT

ASSIGNED

Serial No. 6515

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

At a point in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

S. 61° 27' E., 5298.32 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month) of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ SE¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1 of each year.
(Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

Pipe line and troughs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $150.00

6. Estimated time required to construct works additional One year.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared ME-CT

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second, or sufficient to water 5000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933, Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930

Map Filed Aug. 22, 1929.
Proof of labor filed 10-30-30
Proof of completion of work filed 10-9-31
Proof of beneficial use filed NOV 24 1933
Certificate No. 7005 issued
Recorded ... Bk ... Page ...
... County Records

State Engineer.

By

Beck Properties Exhibit 13 - Page 22

Exhibit – 3

Application No. 8813 : Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for Stockwatering and domestic purposes: The point of diversion of water from the source is as follows: S. 399.37 ft. E. 2768.31 ft. from the ¼ Cor. on the W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 6 feet high, 12 feet wide and 20 feet long, making reservoir 20 feet in diameter. Place of use is in the SE¼ SW¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November A. D. 1933.

State Engineer.

Recorded 12/1/33 in B Page 83
Eureka County Records

Application No. 8814 Certificate Record No. 2622 Book 7 Page 2622

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Saw Mill Spring and Creek through pipeline and troughs for stockwatering and domestic purposes. The point of diversion of water from the source is as follows: NW. 660 ft. N. and 4440 ft. E. from the S. 1/4 cor. on the E. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.; or in the SE1/4 NW1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.; situated in Eureka County, State of Nevada

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Bros.

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic foot per second, or sufficient to water 400 sheep and 100 cattle.

Period of use: from April 1st to (Nov. 1st) of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: About 40 ft. of 2 inch pipe delivers water from the spring to two galvanized iron troughs each 2 ft. wide, 1 foot deep and 8 ft. long. Place of use is in the SE1/4 NW1/4 Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, and to the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of the State of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer

Recorded 12/1/33 Bk. B Page 94

Eureka County Records

Application No. 8915 ; Certificate Record No. 2025 Book 7 ; Page 2025

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS: H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 61° 27' E., 5298.38 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., or in the SW¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M., situated in Eureka County, State of Nevada;

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 2 ft. deep has been constructed at the spring and 16 ft. of 1¼ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SW¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, and to exceed this amount above specified, and the use is restricted to the place where acquired, and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 Bk. B Page 55

Eureka County Records

Exhibit – 4

AMENDED

ASSIGNED

APPLICATION FOR PERMIT

Serial No. 8995

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 21 1929
Returned to applicant for correction AUG 22 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant
of Eureka, County of Eureka
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
46° 24' 34" West, 3347.56 feet from the ¼ corner on the E. boundary of said Sec. 14.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated:
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month), of each year.

(i) Remarks: Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle,

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed May 2-1930

Proof of completion of work filed May 2, 1930

Proof of beneficial use filed NOV 22 1933

Certificate No. 10714 Issued Nov 24 1930

Recorded Book Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April, 1930

State Engineer

By

Exhibit – 5

Application No. 8995 : : Certificate Record No. 2084 Book 7 : Page 2084

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Witness: H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from a Spring

Dripping Corral Spring

through Reservoir and pipes for Stockwatering and domestic

purposes. The point of diversion of water from the source is as follows: No. 460.85 W. 3247.55 ft. from ¼ Cor. on E. bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M. for Inc. the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use, from January 1st to December 31st of each year

Date of priority of appropriation July 20th, 1929

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is then conserved in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 120 ft. of 2 inch pipe to drinking vats and corrals. Place of use in the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used to meet the demands above specified, and the use is restricted to the place where, and to the purpose for which, acquired.

In Testimony Whereof, I, GEO. WILLIAM MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 in Book B, Page 516

Proof No. 10861

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 Beck Properties, a California general partnership

Address 289 La Costa Avenue City of Dayton County of Lyon

State of Nevada Telephone No. 775-346-0572 Email Address rbecknet@gmail.com

1. Source of water Monroe Canyon 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 spring and channel

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

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

Within the SW¼ SE¼ of Section 24, Township 22 North, Range 54 East M.D.M., at a point from which the Northwest corner of Section 35 Township 22 North, Range 54 East M.D.M. bears South 57° 40' 12" West a distance of 10,719 feet.

(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 Unknown

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:

Permit for use of BLM Grazing allotment

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

0.03 cubic feet per second.

448.83 gallons per minute equals 1 cubic feet per second

10-153

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

Stock water use occurs within the SW¼ SE¼ of Section 24, Township 22 North, Range 54 East 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 1886 (Year) was

100 cattle _____ horses 500 sheep _____ other (describe in remarks)

The watering was conducted during each of the following months: January 1 thru December 31

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 spring pool and natural channel

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 (circle one) been enlarged.

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.

_____
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 (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):

_____

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.

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. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			
_____	_____	acres in the _____ of Sec. _____, T. _____ (N./S.), R. _____ E. (circle one)			

ADDITIONAL SUPPORTING REMARKS REGARDING THIS PROOF'S FILING

For the 1886 priority claimed under question 9, see attached supporting remarks for exhibit 1 and exhibit 1 which establishes a 1886 priority for the watering of 100 head of cattle and 500 head of sheep.

**Response to Question No. 10

See attached supporting remarks for exhibit 2 through 5. For 1887 through the years prior to 1905 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1905 to about 1987 (see exhibits 2 through 5) for the watering of 100 head of cattle and 4,000 head of sheep. For the years 1988 to present the use has been for the watering of approximately 350 head of cattle and 1,900 head of sheep.

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

Beck Properties, a California general partnership are full and correct to the best of their knowledge and belief.
(Name)

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

Name Robert Beck (Please type or print name) Signature _____ (Please sign in the presence of a Notary Public)

Address 289 La Costa Avenue State of NV ZIP Code 89403

Telephone Number 775-346-0572 Email Address rbecknet@gmail.com

State of Nevada

County of Carson City

Subscribed and sworn to before me on 2 May 2016
(Date)

by Robert Beck

NOTARY PUBLIC
STATE OF NEVADA
County of Washoe
WARREN E. DALTON
No: 05-109241-2
My Appointment Expires Jan. 27, 2019

Warren E Dalton
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.

Additional supporting remarks regarding this Proof's filing:

Exhibit No. 1. Copy of claim of vested right V-02889 with affidavit, claiming sufficient water for 100 head of cattle and 500 head of sheep. The spring appurtenant to claim V-02889 is located in proximity to this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 2. Copies of applications 8813, 8814 and 8815 filed on January 17, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to applications 8813, 8814 and 8815 which are in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 3. Copies of certificates 2021, 2022 and 2022 issued under permits 8813, 8814 and 8815 respectfully, for the watering of 100 head of cattle and 4,000 head of sheep. The springs appurtenant to certificates 2021, 2022 and 2022 are located in proximity to the source identified in this claim and are appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit No. 4. Copy of application 8995, filed on July 20, 1929, requesting sufficient water for 150 head of cattle and 6,000 head of sheep and stating that the predecessors have used the source appurtenant to application 8995, which is in the vicinity of the source appurtenant to this claim, for many years prior to 1905 and claimed a vested right.

Exhibit No. 5. Copy of certificate 2024 issued under permit 8995 for the watering of 100 head of cattle and 4,000 head of sheep. The spring appurtenant to certificate 2024 is located in proximity to the source identified in this claim and is appurtenant to the same historical ranching operation currently owned and operated by the party filing this claim.

Exhibit – 1

Serial No. 02889

THE STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING PURPOSES

(1) Name of claimant United Dressed Beef, Inc.

Street and No. or P.O. Box No. of Eureka City or town

Nevada
State and Zip Code No.

(2) Source of water Bank Ranch Stock water
Name of natural water source.

(3) The water is diverted by not diverted
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) not diverted
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated. Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in Pools and natural channels
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun not diverted
Date

and completed
Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is Deeded Land
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of County, at Page of Book of

NOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

FILED
Aug. 26, 1976
STATE ENGINEER'S OFFICE

See Affidavit 9/22/76 L.E.F.

1986

(9) The approximate number of animals watered by the claimant during the first year 1975 (Date), was 100 cattle, horses 500, sheep or ..... (Other). The watering was conducted during each of the following months all year around

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

100 head of cattle and 500 sheep

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.

(11) The amount of water which has been necessary to be diverted for this purpose has been.....

All the source produces which varies from summer to winter .....cubic feet per second.

448.83 gal. per min. equals 1 cubic foot per second.

(12) The works are located at NW¼ of SE¼ Section 28 T. 20N., R54E.

Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed land, it should be stated.

Remarks.....This spring has been used for domestic, irrigation and stockwater for over 90 years. A garden was grown there, and holding areas for sheep were built. An old stone house still stands on the spring site, dating back to the 1880's. It has been an operating ranch since that time. The spring is cleaned out from time to time, when necessary, by ranch foreman, in order to maintain the flow.

Remarks This land has an application for patent date of 1894 by John Hancock recorded at the division of State Land Office in Carson City, Nevada.

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by United Dressed Beef, Inc.

are full and correct to the best of his knowledge and belief.

Donald D. Eldridge - Agent

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

United Dressed Beef, Inc.

Claimant

By Donald D Eldridge

Street and No., or P.O. Box No.

Ely, Nevada

City, State, Zip Code No.

Subscribed and sworn to before me this 2nd day of August, 1976

Mildred K. Sanders

Notary Public in and for the County of Washoe, State of Nevada

My commission expires May 27, 1980

MILDRED K. SANDERS
Notary Public — State of Nevada
Washoe County
My Commission Expires May 27, 1980

$10 FILING FEE MUST ACCOMPANY PROOF

Form AA (Rev. 9-72)

405

AFFIDAVIT

I, RAYMOND LABARRY, JR., being first duly sworn, depose and say:

THAT the following statements are full and correct to the best of my knowledge and belief:

The waters of Torre Creek (Old Ardan Ranch), Hildebrand Creek, Mau Creek, North Creek, Sadler Creek, Barrel Spring, Beck Spring, Four Eyed Nicks Springs, Sand Springs, Sulphur Spring, Eldridge Ranch Stock Ponds, Held Spring (Brizendine) - No. 1, Held Spring - No. 2, Held Spring - No. 3, Held Spring - No. 4, Held Spring - No. 5, Held Springs - No. 6, Held Spring - No. 7, Held Spring - No. 8, and Held Springs - No. 9 have been used for irrigation and/or stock watering purposes for at least ninety (90) years prior to, and since, my acquisition of the property described in the Proofs of Appropriation attached hereto.

DATED: [illegible], 1976.

RAYMOND LABARRY, JR.

SUBSCRIBED AND SWORN TO before me,
this [illegible] day of Sept.,
1976, by _____.

Willis A. DePaoli
Notary Public

WILLIS A. DePAOLI
Notary Public — State of Nevada
Eureka County
My Commission Expires Oct. 14, 1978

FILED
Oct. 12, 1976
STATE ENGINEER'S OFFICE

WESTERN FARM MANAGEMENT COMPANY

P.O. BOX 320 RENO, NEVADA 89501
450 MARSH AVENUE RENO, NEVADA 89501 (702) 329-8483

October 8, 1976

Mr. L. Edward Parmenter
Division of Water Resources
201 South Fall Street
Carson City, Nevada 89710

Re: Water Rights - LaBarry-Harris - United Dressed Beef Inc.
No. 02884 thru 02903, inclusive

Dear Sir:

Your letter dated September 14 askes about the year of priority of First Benefical Use. I assumed the claimant, in article 9, was United Dressed Beef, Inc., and ~~that~~ with this in mind used the current year. If this is incorrect, I would appreciate the date being changed to conform with the rest of the information provided.

I am also enclosing an affidavit from Raymond LaBarry stating these waters have been used by the ranch for at least the last 90 years. Please file this original copy with the above list of proofs.

The Quit Claim Deed accompanying this letter should be sufficient to transfer ownership of that list of waters to United Dressed Beef, Inc. The Deed has been recorded and a certified copy is enclosed. Contact us when the transfer has been made.

If I can be of further assistants, do not hesitate to let us know.

Thank you.

Sincerely,

Western Farm Management Company

John B. Parker

jbp/ms
encl.

Exhibit – 2

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 6813

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA.

Date of first receipt and filing in State Engineer's office, JAN 1 7 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka,

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Canyon
Name of stream, lake, or other source

Springs and Creek (No. 2 or South Branch).

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

At a point in the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

S. 39° 37' E., 2708.31 ft. from the S. corner on the W. boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should

be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located In the SE¼ SW¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about April 1 and end about Oct. 1, of each year.
(Month) (Month)

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8813

DESCRIPTION OF PROPOSED WORKS

Dams and reservoirs

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

6. Estimated cost of works $200.00

6. Estimated time required to construct works Works already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

; Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 or sufficient to water 6000 sheep, 150 head of cattle. cubic feet per second.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

Map Filed Aug. 22, 1929

Proof of labor filed - 10-22-30

Proof of completion of work filed - 10-21-31

Proof of beneficial use filed NOV 23 1933

Certificate No. 4021 issued 11-9-33

Recorded Bk Page

County Records

WITNESS MY HAND AND SEAL this 30th day of April, 1930.

State Engineer.

By Assistant and Acting Engineer

AMENDED

ASSIGNED

APPLICATION FOR PERMIT Serial No. 8814

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Saw Mill Spring and Creek.
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for Stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:

At a point in the SE¼ NE¼ of Sec. 13, T. 20 N; R. 54 E., which bears N. 82° 12' 42" E., 4446.90 feet from the ¼ corner on the West boundary of said Sec. 13.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SE¼ NE¼ Sec. 13 T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
(Month) (Month)

(i) Remarks. Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby which right is not waived by virtue of the filing of this application.

8814

DESCRIPTION OF PROPOSED WORKS

Reservoirs and Trenches

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $400.00.

6. Estimated time required to construct works Additional one year.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared M.E.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930.

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933.

Map filed Aug 2 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 21 1933

Certificate No. 2100 issued Nov 27 1933

Recorded Book Page

Compared Chas. Roberts

WITNESS MY HAND AND SEAL this 30th day of April 1930.

State Engineer.

By Assistant State Engineer

AMENDED

APPLICATION FOR PERMIT

ASSIGNED

Serial No. 5515

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN 17 1929

Returned to applicant for correction

Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Cottonwood Springs and Creek (No. 1 or main branch).
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miners' inches

3. The water to be used for stockwatering and domestic purposes.
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
At a point in the SW¼ SE¼ of Sec. 13, T. 20 N; R. 54 E., which bears
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.
S. 61° 27' E., 5298.52 feet from the ¼ corner of the West boundary of said Sec. 13.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about Month and end about Month, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located in the SW¼ SE¼ of Sec. 13, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 150 cattle and 6000 sheep.

(h) Use will begin about Apr. 1 and end about Oct. 1, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this source, together with the range territory in the vicinity thereof, for many years prior to 1905 and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8815

DESCRIPTION OF PROPOSED WORKS

4. Pipe line and troughs.

single manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, tunnels, or other conduits. If water

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $150.00

6. Estimated time required to construct works additional One year.

7. Remarks

For use of applicant

HANDLEY BROTHERS, Applicant.

By Harvey M. Payne

Compared MF-CT

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second. or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April 1930.

Map Filed Aug. 22, 1929.

Proof of labor filed 10-30-30

Proof of completion of work filed 10-9-31

Proof of beneficial use filed NOV 23 1933

Certificate No. 10015 issued Nov. 27, 1933

Recorded Book

County Records

State Engineer.

By

Exhibit – 3

Application No. 8813 Certificate Record No. 2021 Book 7 Page 2021

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cottonwood Canyon Springs and Creek (South Branch) through Dam and reservoir for stockwatering and domestic purposes: The point of diversion of water from the source is as follows: S. 392 37' E. 2768.31 ft. from the ¼ Cor. on the W. bdy. Sec. 15, T. 20 N., R. 54 E., M.D.B.&M., or in the SW¼ SW¼ Sec. 15, T. 20 N., R. 54 E., M.D.B.&M.; situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Handley Brothers

Post-office address Eureka, Eureka County, Nevada.

Amount of appropriation 0.028 cubic foot per second or sufficient to water 4000 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation January 17th, 1929.

Description of works of diversion and use: Dam of earth and rock 4 to 5 feet high, 30 feet wide and 20 feet long, making reservoir 20 feet in diameter. Place of use is in the SE¼ SW¼ Sec. 15, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer.

Recorded 12/1/33 Book B Page 83
Eureka County Records

Application No. 8814 Certificate Record No. 3622 Book 7 Page 3022

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

Whereas, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application to Beneficial Use, from Saw Mill Spring and Creek through pipeline and troughs for stockwatering and domestic purposes. The point of diversion of water from the source is as follows: NW SW Sec. 13 T. 20 N. R. 54 E. M.D.B.&M. 4420.00 ft. from the S Cor. on the W. bdy. Sec. 13 T. 20 N. R. 54 E. M.D.B.&M.; or in the SW NW Sec. 13 T. 20 N. R. 54 E. M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Bros.

Post office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic foot per second, or sufficient to water 400 sheep and 100 cattle.

Period of use, from April 1st to Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: About 10 ft. of 2 inch pipe delivers water from the spring to two galvanized iron troughs each 2 ft. wide, 1 foot deep and 16 ft. long. Place of use is in the SW NW Sec. 13 T. 20 N. R. 54 E. M.D.B.&M. [illegible]

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purposes for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933.

State Engineer.

Recorded 12/1/33 Bk. B Page 94
Eureka County Records

Beck Properties Exhibit 14 - Page 22

Application No. 5915 ; Certificate Record No. 2085 Book 7 ; Page 2085

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from the Cottonwood Springs and Creek (Main Branch) through pipeline and troughs for Stockwatering and domestic purposes. The point of diversion of water from the source is as follows: S. 61° 27' E., 5898.52 ft. from ¼ Cor. on W. bdy. Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. or in the SW¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers

Post-office address: Eureka, Eureka County, Nevada

Amount of appropriation: 0.025 cubic foot per second or sufficient to water 2000 sheep and 100 cattle.

Period of use, from April 1st to? Nov. 1st of each year

Date of priority of appropriation: January 17th, 1929

Description of works of diversion and use: A reservoir about 10 ft. in diameter and 2 ft. deep has been constructed at the spring and 16 ft. of 1½ inch pipe conveys water from said reservoir to about 20 ft. of semi-circular galvanized iron troughs about 2 ft. wide and 1 foot deep. Place of use is in the SW¼ SE¼ Sec. 13, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A. D. 1933

State Engineer.

Recorded 12/1/33 in Book B-13 Page 55

Eureka County Records

Exhibit – 4

AMENDED

ASSIGNED
Serial No. 5995

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 22 1929
Returned to applicant for correction AUG 22 1929
Corrected application filed AUG 22 1929

The undersigned Handley Brothers
Name of applicant

of Eureka, County of Eureka

State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Dipping Corral Spring
Name of stream, lake, or other source

2. The amount of water applied for is one-fourth second-feet.
One second-foot equals 40 miner's inches

3. The water to be used for stockwatering and domestic purposes
Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point:
NW¼ NE¼ of Sec. 14, T. 20 N; R. 54 E., at a point which bears N.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section-corner. If on unsurveyed land, it should be so stated.
46° 24' 34" West, 3247.56 feet from the ¼ corner on the E. boundary of said Sec. 14.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NW¼ NE¼ Sec. 14, T. 20 N; R. 54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream
Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered 6000 sheep and 150 cattle

(h) Use will begin about Jan. 1 and end about Dec. 31, of each year.
Month Month

(i) Remarks Applicants and their predecessors have used water from this spring for many years prior to 1905, and ranged stock in the vicinity thereof, and claim a vested right thereby, which right is not waived by virtue of the filing of this application.

8995

DESCRIPTION OF PROPOSED WORKS

Spring has been cleaned out and water stored in a reservoir. It is piped from the reservoir to the dipping tanks and used when needed for that purpose, as well as stockwatering.

State manner in which water is to be diverted, whether by dam or other works, whether through pipe, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $200.00

6. Estimated time required to construct works Already completed.

7. Remarks

For use of applicant

HANDLEY BROTHERS, , Applicant.

By Harvey M. Payne

Compared M.F.-C.T.

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This Permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed .042 cubic feet per second, or sufficient to water 6000 sheep, 150 head of cattle.

Actual construction work shall begin on or before Oct. 1, 1930

Proof of commencement of work shall be filed before Nov. 1, 1930

Work must be prosecuted with reasonable diligence and be completed on or before Oct. 1, 1931

Proof of completion of work shall be filed before Nov. 1, 1931

Application of water to beneficial use shall be made on or before Oct. 1, 1933. Proof of the application of water to beneficial use must be filed with State Engineer on or before Nov. 1, 1933

WITNESS MY HAND AND SEAL this 30th day of April, 1930.

Map Filed Aug 22 1929

Proof of labor filed May 2 1930

Proof of completion of work filed May 2 1930

Proof of beneficial use filed NOV 27 1933

Certificate No. 10174 issued Nov 27 1933 292

Entered Book Page

County Records

State Engineer.

By

Beck Properties Exhibit 14 - Page 26

Exhibit – 5

Application No. 8995 Certificate Record No. 2084 Book 7 Page 288

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

This is to Witness, H. M. PAYNE FOR HANDLEY BROTHERS has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Dipping Corral Spring through Reservoir and pipes for stockwatering and domestic purposes. The point of diversion of water from the source is as follows: N. 46° 25' W. 3247.58 ft. from a Cor. on E. bdy. Sec. 14, T. 20 N., R. 54 E., M.D.B.&M. and is the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M. situated in Eureka County, State of Nevada.

Now Know Ye, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator: Handley Brothers.

Post office address: Eureka, Eureka County, Nevada.

Amount of appropriation: 0.028 cubic foot per second, or sufficient to water 4000 sheep and 100 cattle.

Period of use: from January 1st to December 31st of each year.

Date of priority of appropriation: July 20th, 1928.

Description of works of diversion and use: Small dam at the spring creates a pool about 8 ft. in diam. from which water is conveyed through 6 ft. of 1 inch pipe to the natural channel leading from said spring where it runs about 50 ft. and is then conserved in a reservoir about 60 x 100 ft. and 4 ft. deep. Water is also piped from this reservoir through 120 ft. of 2 inch pipe to watering vats and corrals. Place of use in the NW¼ NW¼ Sec. 14, T. 20 N., R. 54 E., M.D.B.&M.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and the purpose for which acquired.

In Testimony Whereof, I, GEO. W. MALONE, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 1933.

State Engineer.

Recorded 12/1/33 in Book B of Eureka Co. Records

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

PRELIMINARY ORDER OF DETERMINATION

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.

J K P.E.

JASON KING, P.E.
State Engineer

Dated this 30TH **day**
of AUGUST **, 2018.**

CERTIFICATION OF STATE ENGINEER

****

I, Jason King, P.E., State Engineer of the State of Nevada, duly appointed and qualified, having charge of the records and files of the Office of the State Engineer, do hereby certify that the following is a full, complete and true copy of the Preliminary Order of Determination of the relative rights in and to all waters of Diamond Valley, Hydrographic Basin No. 10-153, Elko and Eureka Counties, Nevada. This Preliminary Order of Determination was prepared and filed in the Office of the State Engineer on the 30TH day of August, 2018.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my seal of office at Carson City, Nevada, this 30th day of August, 2018.

J. K. P.E.

JASON KING, P.E.
State Engineer

ADJUDICATION

* * * * * *

DIAMOND VALLEY

ELKO AND EUREKA COUNTIES, NEVADA

* * * * * *

Presented herewith is the Preliminary Order of Determination defining the rights in and to all waters of Diamond Valley, Hydrographic Basin No. 10-153, Elko and Eureka Counties, Nevada. This Preliminary Order is prepared under the provisions of Chapter 533 of the Nevada Revised Statutes.

J K P.E.

Jason King, P.E.
State Engineer

Made, filed and caused to be entered of
record in the Office of the State Engineer
this 30TH day of AUGUST, 2018.

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I. GENERAL

On October 8, 1982, the State Engineer issued Order 800 entitled *Order Initiating Proceedings* pursuant to NRS § 533.090(2). The *Order* commenced this adjudication to determine the relative rights in and to all waters in the Diamond Valley Hydrographic Basin (10-153), located in Elko and Eureka Counties, Nevada pursuant to the procedure set forth in NRS § 533.087, *et seq.* Also on October 8, 1982, the State Engineer issued Order 801, *Notice of Order and Proceedings*, which underwent publication in the Eureka Sentinel located in Eureka, Nevada, and was served by certified mail to persons identified as owning land within the subject area that could be potential claimants as required by NRS § 533.095.

On November 18, 1982, the State Engineer issued Order 802, *Notice of Order for Taking Proofs to Determine Water Rights*. The *Notice* set forth the requirement that all those making claims to these waters were required to make proof of their claims on or before February 10, 1984. A copy of the *Notice of Order* was served by certified mail on November 18, 1982, to persons identified as owning land within the subject area that could be potential claimants. The *Notice* was published in the Eureka Sentinel located in Eureka, Nevada, pursuant to NRS § 533.110.

On December 23, 1983, the State Engineer extended the period of time for all claimants to submit proofs in support of their claims to February 10, 1985 in response to a request from John Buffham of the Romano Ranch. A copy of the *Notice of Extension of Time* was served by certified mail on December 23, 1983, to persons identified as potential claimants within the adjudication area.

On January 25, 1985, the State Engineer extended the period of time for all claimants to submit proofs in support of their claims, to August 12, 1985 in response to a request from Roy Risi of the Hay Ranch. A copy of the *Notice of Extension of Time* was served by certified mail on January 25, 1985, to persons identified as potential claimants within the adjudication area.

On June11, 2014, Sadler Ranch, LLC requested that the State Engineer adjudicate the relative rights of Big Shipley Hot Springs and Indian Camp Springs in Eureka County, Nevada. On February 10, 2015, the State Engineer deferred the Sadler Ranch request for adjudication citing a large backlog of prior initiated adjudications and that the Big Shipley Hot Springs and Indian Camp Springs issues had been addressed in State Engineer's Ruling 6290.

On August 21, 2015, the State Engineer issued Order 1263, a *Notice of Order and Proceedings to Determine Water Rights, both Surface and Underground* in the matter of the determination of relative rights in and to all waters in the Diamond Valley Hydrographic Basin (10-153), Elko and Eureka Counties, Nevada. The *Order* effectively reinitiated Order 801, which was issued in 1982. A copy of the *Notice of Order* was served by certified mail on August 21, 2015, to persons identified as owning land within the subject area that could be potential claimants. The *Notice* was published in the Elko Daily Free Press located in Elko, Nevada pursuant to NRS § 533.095.

On October 16, 2015, the State Engineer issued Order 1266, a *Notice of Order for Taking Proofs to Determine Water Rights* The *Order* reestablished the actions initiated by Order 802, issued in 1982. The *Notice* set forth the requirement that all those making claims to these waters were required to make proof of their claims on or before May 31, 2016. A copy of the *Notice of Order* was served by certified mail on October 16, 2015, to persons identified as owning land within the adjudication area that could be potential claimants. The *Notice* was published in the Elko Daily Free Press located in Elko, Nevada pursuant to NRS § 533.110.

On March 8, 2016, the State Engineer denied a request from the United States of America, Department of the Interior, Bureau of Land Management (BLM) dated February 22, 2016, to extend the period of time for submitting proofs, citing the issuance of the State Engineer's Order 1264[1], which designated the basin as a Critical Management Area (CMA). As a CMA, the majority of the water right holders have ten years to develop a Groundwater

[1] State Engineer's Order No. 1264, dated August 25, 2015, official records in the Office of the State Engineer.

Management Plan. One component of such a plan is the determination of the extent of water rights within the basin's pre-statutory water rights, which are determined via adjudication. Based in part on the amount of time that has passed, the CMA designation and that claims had already been filed by the BLM, the request for an extension was denied.

Pursuant to NRS § 533.140, the State Engineer affixed his signature to the Abstract of Claims on August 30, 2018 and hereby issues this Preliminary Order of Determination.

II. WATER SOURCES AND FLOWS

The sources of water that are the subject of this adjudication are located within Elko and Eureka Counties, Nevada, and consist of groundwater and all streams and springs within the Diamond Valley Hydrographic Area (10-153). Diamond Valley is an inter-mountain valley in east central Nevada. The basin is roughly elliptical in shape, oriented in a generally north-south direction. It is approximately 60 miles long and averages twelve miles in width. The total area of the drainage area is approximately 735 square miles (see Figure 1.).

The basin is bounded on the east by the Diamond Mountains and on the west by the Sulphur Spring Range, Whistler Mountain and the Mountain Boy Range. The southern boundary is formed by the Fish Creek Range.

The lowest part of the valley is the playa at the northern end of the valley at an elevation of about 5,750 feet (1,750 meters). Southward from the playa, the valley floor rises at a gradient of about ten feet per mile. The highest point in the valley is Diamond Peak in the Diamond Range with an elevation of 10,631 feet (3,240.3 meters).[2]

Present day streams are principally confined to a few of the canyons in the mountains, with discharge onto the alluvial fans and valley floors only occurring during the spring freshet or during storm flash-flood events.

The main areas with substantial irrigation along the west side of the valley include the ranches owned by: Ira R. and Montira Renner; Sadler Ranch, LLC; the Bailey Family Trust; and

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[2] Diamond Peak, Nevada , NGS Datasheet, National Oceanic and Atmospheric Administration, Retrieved June 19, 2017

Kobeh Valley Ranch, LLC. Ranches on the east side of the include those owned by: Milton Thompson, Daniel S. Venturacci, Bar D Land and Livestock, LLC, the Beck Family Trust, the Bingham Revocable Living Trust, Mary Bell Fiorenzi and Perniciea Johnson, Nathan and Pernicea Johnson and James E. and Vera L. Baumann. The majority of the streams and springs support stockwatering. The smaller streams are intermittent and only flow during the spring freshet or during storm events during the rest of the year.

Flow measurements of springs, streams and artesian wells recorded during field investigations by staff of the Office of the State Engineer along with historical reported data are publicly available from the website of the Office of the State Engineer[3]. Field reports generated from the field investigations are on record within the Diamond Valley Adjudication in the Office of the State Engineer.

[3] Nevada Division of Water Resources' Spring and Stream Flow Database, official records in the Office of the State Engineer, available at http://water.nv.gov/SpringAndStreamFlow.aspx.

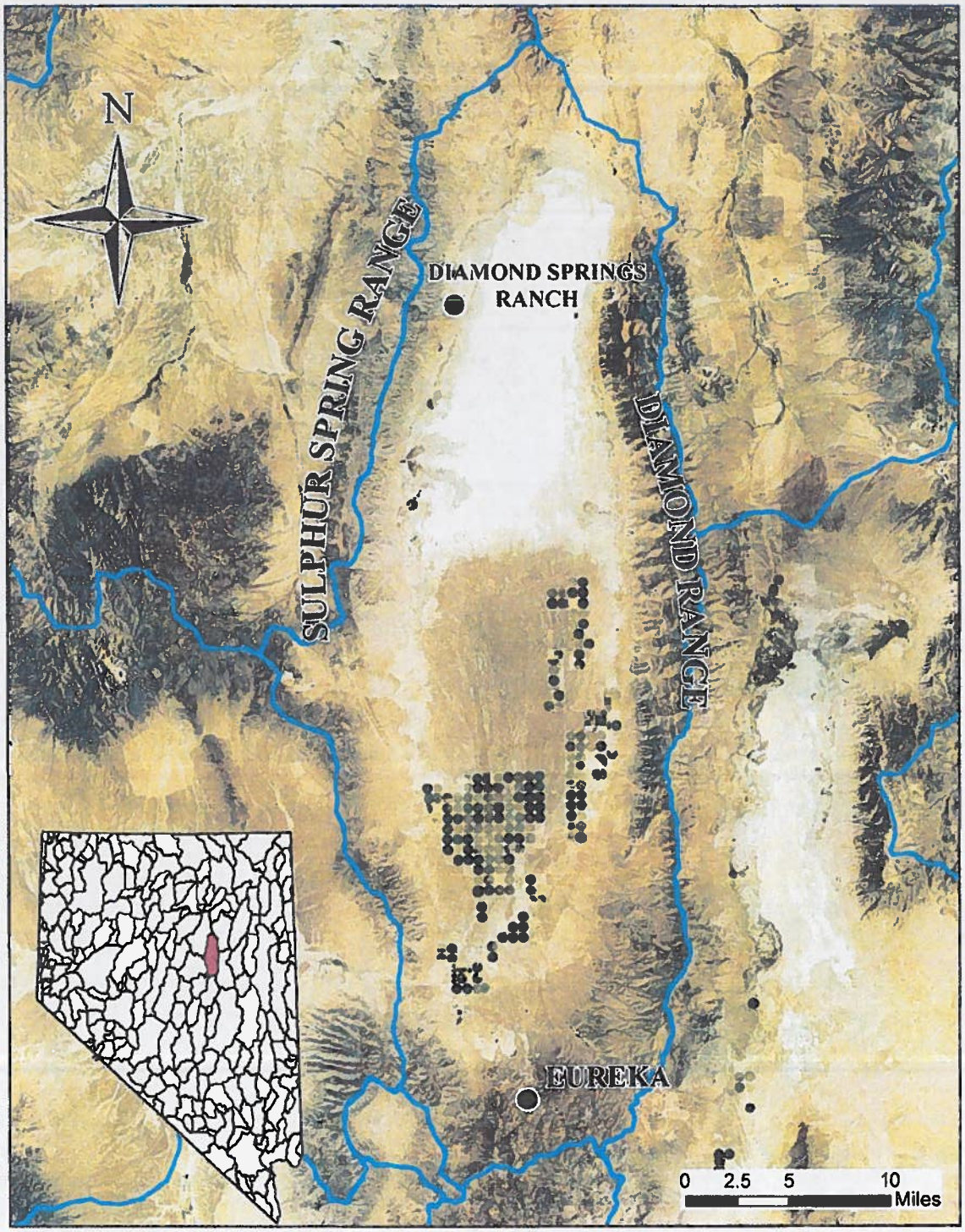


Figure 1. Location map of the Diamond Valley Hydrographic Basin (10-153).

III. DETERMINATION OF RIGHTS TO THE USE OF WATER

Claims to pre-statutory vested water rights on sources of water were established by filing proofs of appropriation in the Office of the State Engineer and submitting evidence to support the claimed date of priority, manner of use, place of use (POU) and the amount of water actually diverted and applied to beneficial use. Evidence is reviewed in conjunction with records such as, but not limited to permits, applications, proofs, maps, reports of conveyance and field investigations conducted by the Office of the State Engineer. Other data available in the public domain such as property records (Government Land Office (GLO) maps/plats/survey notes, land patents, etc.), census data, recent and historical aerial photography and insurance maps to determine the limit and extent of vested water rights claimed in this proceeding are also utilized.

Priority date is established as the year in which a water source was initially diverted and beneficially used. For surface water pre-statutory claims, water must have been diverted and beneficially used prior to March 1, 1905.[4] For pre-statutory claims to artesian underground sources, prior to March 22, 1913, and prior to March 25, 1939 for percolating underground sources.[5]

The doctrine of relation back may be applicable if the claimant can demonstrate the date at which the diversion of water was commenced and that such work or construction progressed with due and reasonable diligence to completion and beneficial use established (doctrine of "relation back").

As discussed below, the State Engineer describes the reasoning used to determine duty for the use of water for stockwatering. The limit and extent of water rights issued for all manners of use is limited to the quantity of water reasonably necessary for such use, without waste.[6] The period of use for all manners of use is January 1st to December 31st, unless otherwise specified.

A. Irrigation

Duty for irrigation purposes is determined by the class of culture type, identified as harvest, meadow and diversified pasture, further defined as follows:

Harvest crop areas include all lands devoted to cultivated crops, such as grains,

---

[4] 1905 Nev. Stat. ch. 46.
[5] NRS § 534.080(1).
[6] NRS § 533.035.

truck farm crops (produce) and orchards, but not limited to them. Also all irrigated native or other grass lands which normally receive sufficient water through a defined irrigation system (ditch and/or sprinkler systems) to produce a crop which will justify utilizing either manual or mechanical methods for cutting hay, although sometimes it may be pastured and not cut.

Meadow/Pasture crop areas are in production with crops of native and/or domesticated grasses with minimal invasion by weeds and brush and may be classified as good pasture but not of sufficient quality or quantity to be cut. Lands are irrigated as long as water is available through a defined irrigation system (ditch and/or sprinkler systems). Volumes of water utilized for irrigation are less than the amount necessary for harvest. Distinction from harvest is that lands in production are precluded from harvesting due to access, topography and/or rocky field conditions preventing the use of manual or mechanical harvesting methods.

Diversified Pasture areas include all grass lands from which brush has not been cleared but which are artificially irrigated by the farmer/rancher to some extent for the production of grasses for pasture. These lands are usually watered only when the stream is in flood stage or when there is excess water above the needs of higher-class culture. In addition, this classification includes those areas in the irrigated fields, which are grown up with willows, and the depression or other areas covered with tule reeds, horsetail rushes and flags (wild iris), if there is grass amongst them. While these latter areas generally receive as much or more water than is required for the higher class of culture, the excess water cannot be considered as being used beneficially, hence the right to divert it should not be recognized.

Water considered drain, waste and/or tail water is defined to be such water that has escaped from the irrigation infrastructure or those waters which have passed from the developed irrigation infrastructure or beneficial use area and is allowed to flow uncontrolled across adjacent ground.

In the Diamond Valley area, the Net Irrigation Water Requirement (NIWR) for alfalfa is 2.5 acre-feet per acre.[7] The State Engineer finds that the duty of water required to be diverted from the source to grow a full season of harvest crop is 3.0 acre-feet per acre, 2.0 acre-feet per acre for meadow/pasture crop and 0.75 acre-feet per acre for diversified pasture. These duties include the waters that would be consumed during transport (ditch loss). Sources of water that are commingled for irrigation at the same POU are limited to a total combined duty dependent on the crop type. Duty is described as acre-feet per annum (afa) if the period of use is year round, or

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[7] *Evapotranspiration and Net Irrigation Water Requirements for Nevada*, Huntington and Allen, 2010, State of Nevada, Division of Water Resources Publication, pp. 258.

acre-feet per season (afs) if the period of use is less than 365 days per calendar year. In Diamond Valley, the State Engineer has determined that the growing season is established as occurring between April 1 and October 31 of each year unless otherwise noted.

The amount of water herein granted in this adjudication represents the historical usage prior to the statutory water law from the water sources. The State Engineer recognizes that full utilization of the diversion rate and delivery of the associated duty is ultimately limited by water availability at the source, and in many years, water at the source is not sufficient to meet crop water demands. It is understood that no rights in excess of that amount are implied or inferred. Generally, throughout Northern Nevada, early July is the common time for harvesting crops of hay, both native/wild and a mixture of domestic pasture grasses. The reason for this date is two-fold: first, the crop of grass has reached its peak growth for harvest at this time, and second, stream flow has receded to a point where there is no longer a sufficient flow to adequately irrigate the crop for a second harvest. However, water may be available for a second irrigation season of a crop if there is upstream storage in a reservoir or if the water source is a spring that has sufficient flow for a longer period of time during the year. Generally, if it is a good water year, then any bonus flow would be used to grow as much grass as possible to be grazed later in the fall.

The filings by non-federal claimants for irrigation purposes in some instances, have claimed portions of places of use controlled by the federal government. The non-federal claimants in this proceeding are the successors in interest to the original appropriators who diverted and put to beneficial use various streams and springs that existed and crossed the federal public lands. Irrigation occurred on the open public lands even though the claimants had no title to the place of use. The prior appropriation system of acquiring waters rights by those who were early settlers on the public domain is recognized by the State Engineer as a way of establishing vested water rights. These acts of settlement were later codified through legislation by Congress, who recognized appropriations of water on the public range for various purposes including agriculture that had been only tacitly recognized before.[8] The State Engineer finds that the waters of this adjudication are non-navigable waters and that the Congressional legislation enacted specifically defined irrigation as a right to the use of the water on the public range.

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[8] Mining Act, 14 Stat. 253, § 9 (1866); Homestead Act, 16 Stat. 218 (1870); Desert Land Act, 19 Stat. 377 (1877), 43 U.S.C. § 321 et seq. (1964).

Even though the original settlers were trespassers on the public range, the federal government did not act to evict them. This lack of action allowed for the conveyance of possessory titles to land and water rights acquired transferring from one holder to another. Some of these possessory claims to land eventually came into private ownership through patents that did not necessarily include the entire place of use where historical irrigation was occurring. The conveyance of possessory rights on the public range for irrigation or stockwater would transfer in the same manner as water appurtenant to private lands. A settler in good faith might convey his possessory interest in the land and in the water right appurtenant thereto by voluntary surrender to one who takes possession from him. The transferee became vested with all the right his predecessor had in the premises.[9] The lands where the possessory claimants and initial appropriators originally irrigated were on unsurveyed public lands and the boundaries of those lands did not necessarily have definite metes and bounds. These appropriations already made on the public lands and recognized by Congress were a confirmation of the right to insist on the use of the waters to the extent necessary for beneficial purposes for the entire place of use before any control of the public domain was exerted by the federal government. The State Engineer previously found that the waters claimed for irrigation are not "federal property." The State Engineer finds that the claims for irrigation wherein portions of the places of use claimed are lands controlled by the federal government are viable claims unless otherwise determined in this Order.

B. Stockwatering

Claims filed for stockwater refer to differing quantities for the type of animals from their earliest date of beneficial use to the present. The State Engineer recognizes that livestock are opportunistic and that the number and type of animals that utilize water from the different sources varies, depending on available feed in different parts of the range at different times of year, the amount of water actually available at the source, and on management practices on the public lands. Stockwater duty is quantified based on the number and type of animals that historically used these water sources. Duty is not a measure of water actually available on a perennial basis.

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[9] Hindman v. Rizor, 21 Oreg. 112, 116-118, 27 Pac. 13 (1891).

C. Abandonment

In Nevada, abandonment of a water right is the voluntary "relinquishment of the right by the owner with the intention to forsake and desert it." *In re Manse Spring*, 108 P.2d 311, 315 (Nev. 1940). Abandonment requires both action and intent, and under Nevada law is "a question of fact to be determined from all the surrounding circumstances." *Revert v. Ray*, 95 Nev. 782, 786, 603 P.2d 262, 264 (1979).Under Nevada law, a determination of whether there exists an intent to abandon requires a consideration of all the relevant circumstances. *See Revert,* 603 P.2d at 264; *see also In re Manse Spring*, 108 P.2d at 316 (stating that courts must determine the intent of the claimant to decide whether abandonment has taken place and in this determination may take non-use and other circumstances into consideration).[10] Non-use for a period of time may inferentially be some evidence of intent to abandon.[11] Although a prolonged period of non-use may raise an inference of intent to abandon, it does not create a rebuttable presumption.[12] At a minimum, proof of continuous use of the water right should be required to support a finding of lack of intent to abandon.[13]

IV. CLAIMS OF VESTED RIGHT

A. Irrigation

There are 14 different Owners of Record for 51 Proofs of Appropriation of the use of surface water for irrigation, including: the Bailey Family Trust; Bar D Land and Livestock, LLC; James E. and Vera L. Baumann; Beck Family Trust; the Bingham Revocable Living Trust, dated April 8, 1999; Mary Bell Fiorenzi and Pernicea Johnson; Gary and Melody Garaventa; Nathan and Pernicea Johnson; Kobeh Valley Ranch, LLC; Clement Maggini, Ira R. and Montira Renner; Sadler Ranch, LLC; Milton and Olive Thompson; and Daniel S. Venturacci. The original filing of these claims along with subsequent amendments is described in this section. A complete

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[10] *U.S. v. Alpine Land & Reservoir Company*, 340 F.3rd 903 (9th Cir. 2003).
[11] *Franktown Creek Irrigation Co., Inc. v. Marlette Lake Company and the State Engineer of the State of Nevada*, 77 Nev. 348, 354 (1961).
[12] *U.S. v. Orr Water Ditch Company*, 256 F.3d 935,945 (9th Cir. 2001).

Proof of Appropriation V-01316 was filed by Giulio Minoletti on June 20, 1914, claiming to have diverted approximately 0.25 cfs of water from Rock Spring (POD within the NW¼ SE¼ Section 25, T.21N., R.54E., M.D.B.&M.) via the natural channel to water 40 to 50 cattle with an average of 75 cattle for subsequent years, from April 1 through July 31 with a priority date of 1874. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-01319 was filed by Nels Toft on July 16, 1914, claiming to have diverted one miner's inch (0.025 cfs) of water from Peete Springs (POD within the SE¼ NW¼ Section 31, T.24N., R.55E., M.D.B.&M.) via a pipeline to water 20 cattle from May 1 through October 31 with a priority date of 1901. The current owner of record for this claim is Daniel S. Venturacci.

Proof of Appropriation V-01320 was filed by Jorgan P. Jacobsen on July 16, 1914, claiming to have diverted six miner's inches (0.15 cfs) of water from Crofut Spring (POD within the SW¼ NE¼ Section 36, T.25N., R.54E., M.D.B.&M.) via a small dam to water 50 to 100 cattle with 200 to 300 cattle and horses in subsequent years from April 1 through November 30 with a priority date of 1880. The current owner of record for this claim is Daniel S. Venturacci.

Proof of Appropriation V-01327 was filed by Isaac T. Handley on September 3, 1914, claiming to have diverted water from Munroe Spring (POD within the NE¼ SW¼ Section 13, T.22N., R.54E., M.D.B.&M.) via small dams and the natural channel to water 2,000 sheep from April 1 to October 1 with a priority date of 1899. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-01329 was filed by Giulio Minoletti on September 14, 1914, claiming to have diverted water from Little Willows Spring (POD within the SE¼ SW¼ Section 26, T.21N., R.54E., M.D.B.&M.) via the natural channel to water 50 cattle from April 1 through September 30 with a priority date of 1874. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-01423 was filed by A. C. Florio on September 14, 1915, claiming to have diverted water from Spanish Gulsh Springs (POD within the NE¼ NE¼ Section 29, T.19N., R.54E., M.D.B.&M.) via a pipeline to water 300 head of livestock from April 1 through November 30 with a priority date of 1890. An amended proof was filed by A.C. Florio on July 26, 1937, which further defined the POD as Spanish Gulch, defined the number of

utilize this source as a POD.

Proof of Appropriation V-02281 was filed by Edgar Sadler and Wallace Bailey on September 25, 1934, claiming to have diverted water from Trough Spring (POD within the NW¼ NE¼ Section 14, T.27N., R.53E., M.D.B.&M.) via pipeline and troughs to water 900 cattle from April 1 through October 31 with a priority date of 1887. An amended claim was filed by the Bailey Family Trust and Sadler Ranch, LLC on May 26, 2016, which changed the period of use to April 1 through November 30 and the priority date to 1863. The current owner of record for this claim is Bailey Family Trust and Edgar Sadler.

Proof of Appropriation V-02324 was filed by James Hunter on June 7, 1944, claiming to have diverted 0.05 cfs of water from Wood Trough Spring (POD within NE¼ NW¼ Section 14, T.19N., R.54E., M.D.B.&M.) via pipeline and troughs to water 100 cattle from March 1 through October 31 with a priority date of 1883. The current owner of record for this claim is James E. and Vera L. Baumann.

Proof of Appropriation V-02325 was filed by James Hunter on June 7, 1944, claiming to have diverted 0.05 cfs of water from Green Spring (POD within NE¼ SW¼ Section 14, T.19N., R.54E., M.D.B.&M.) via an unnamed ditch to a reservoir to water 100 cattle from March 1 through October 31 with a priority date of 1883. The current owner of record for this claim is James E. and Vera L. Baumann.

Proof of Appropriation V-02326 was filed by James Hunter on June 7, 1944, claiming to have diverted 0.05 cfs of water from Simpson Number 1 (POD within NE¼ SW¼ Section 23, T.19N., R.54E., M.D.B.&M.) via an unnamed ditch to a reservoir to water 100 cattle from March 1 through October 31 with a priority date of 1883. The current owner of record for this claim is James E. and Vera L. Baumann.

Proof of Appropriation V-02889 was filed by United Dressed Beef, Inc. on August 26, 1976, claiming to have diverted water from Bank Ranch Stock Water (POD within NW¼ SE¼ Section 28, T.20N., R.54E., M.D.B.&M.) via pools and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. There is not a map filed in the State Engineer's Office in support of this claim. The current owner of record for this claim is Beck Properties. Stockwater Claim V-10816 filed by Beck Properties also utilize this source as a POD.

channel to water 100 cattle from January 1 through December 31 with a priority date of 1866. The proof was amended by James E. and Vera L. Bauman in May 24, 2016, which refined the location of the POD. The current owner of record for this claim is James E. and Vera L. Bauman. Municipal water Claim V-04509 owned by Eureka County also utilize this source as a POD.

Proof of Appropriation V-09779 was filed by James E. and Vera L. Bauman on September 11, 2008, claiming to have diverted 0.05 cfs of water from Richmond Spring (POD within NW¼ SW¼ Section 19, T.19N., R.54E., M.D.B.&M.) via a small pond and the natural channel to water 100 cattle from January 1 through December 31 with a priority date of 1866. The proof was amended by James E. and Vera L. Bauman in May 24, 2016, which refined the location of the POD. The current owner of record for this claim is James E. and Vera L. Bauman. Municipal water Claim V-04510 owned by Eureka County also utilize this source as a POD.

Proof of Appropriation V-10809 was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Pastorino East Spring (POD within SW¼ SW¼ Section 2, T.19N., R.54E., M.D.B.&M.) via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties. PWR Claim V-04236 filed by the BLM also utilize this source as a POD.

Proof of Appropriation V-10810 was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Pastorino Middle Spring (POD within SW¼ SW¼ Section 2, T.19N., R.54E., M.D.B.&M.) via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10811 was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Lower Torre Spring (POD within SE¼ NW¼ Section 21, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100

cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

Proof of Appropriation V-10812 was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Palmer Ranch Spring (POD within NW¼ SE¼ Section 21, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

Proof of Appropriation V-10813 was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Middle Torre Spring (POD within NW¼ NW¼ Section 27, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

Proof of Appropriation V-10814 was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Upper Torre SW Spring (POD within NE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via collection system, pipelines to troughs and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

Proof of Appropriation V-10815 was filed by the Beck Family Trust dated 4-19-2005, on January 4, 2016, claiming to have diverted 0.03 cfs of water from Upper Torre SE Spring (POD within SE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886.

An amended proof was filed by the Beck Family Trust dated 4-19-2005, on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is the Beck Family Trust dated 4-19-2005.

Proof of Appropriation V-10816 was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Banks Ranch Spring (POD within NE¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties. Stockwater Claim V-02889 owned by Beck Properties also utilize this source as a POD.

Proof of Appropriation V-10817 was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Eunice Place Spring (POD within SW¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10818 was filed by Beck Properties on January 4, 2016, claiming to have diverted 0.03 cfs of water from Upper Torre NE Spring (POD within NW¼ NE¼ Section 25, T.20N., R.54E., M.D.B.&M.) via the natural channel and pipeline to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. An amended proof was filed by Beck Properties on April 27, 2016, which supplied additional evidence in support of the claim. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10828 was filed by the Bailey Family Trust, Merkley Ranches, Inc., and Little Paris Sheep Company, LLC, on February 4, 2016, claiming to have diverted 0.0128 cfs of water from Badger Spring (POD within NE¼ SE¼ Section 18, T.27N., R.54E., M.D.B.&M.) via a pipeline to troughs and the natural channel to water 250 cattle and 1,000 sheep from April 1 through October 31 with a priority date of 1895. The current owner of record for this claim is the Bailey Family Trust, Merkley Ranches, Inc., and the Little Paris Sheep Company, LLC.

Proof of Appropriation V-10845 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0065 cfs of water from Spring Number 1 (POD within Lot 4 (SE¼ NE¼ Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline to troughs and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

Proof of Appropriation V-10846 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 2 (POD within Lot 9 Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline to troughs and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

Proof of Appropriation V-10847 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 3 (POD within NE¼ SE¼ Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline into the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-10883 filed by Ira R. and Montira Renner also utilize this source as a POD.

Proof of Appropriation V-10848 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 4 (POD within Lot 9 Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline into the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

Proof of Appropriation V-10849 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.013 cfs of water from Spring Number 5 (POD within NE¼ SE¼ Section 31, T.26N., R.53E., M.D.B.&M.) via a pipeline into the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner.

Proof of Appropriation V-10850 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 6 (POD within SW¼ NE¼ Section 6, T.25N., R.53E., M.D.B.&M.) via a pipeline into troughs and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of

1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-10884 filed by Ira R. and Montira Renner also utilize this source as a POD.

Proof of Appropriation V-10851 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 7 (POD within SW¼ NW¼ Section 5, T.25N., R.53E., M.D.B.&M.) via a pond and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-10885 filed by Ira R. and Montira Renner also utilize this source as a POD.

Proof of Appropriation V-10852 was filed by Ira R. and Montira Renner on May 6, 2016, claiming to have diverted 0.0156 cfs of water from Spring Number 8 (POD within SE¼ SW¼ Section 5, T.25N., R.53E., M.D.B.&M.) via a pond and the natural channel to water 150 cattle and 90 horses from January 1 through December 31 with a priority date of 1873. The current owner of record for this claim is Ira R. and Montira Renner. Irrigation Claim V-02432 owned by Ira R. and Montira Renner and irrigation Claim V-10886 filed by Ira R. and Montira Renner also utilize this source as a POD.

Proof of Appropriation V-10856 was filed by Arc Dome Partners, LLC on May 9, 2016, claiming to have diverted water from Cottonwood Creek (POD within NW¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Arc Dome Partners, LLC.

Proof of Appropriation V-10857 was filed by Beck Properties on May 9, 2016, claiming to have diverted water from Cottonwood Creek (POD within SE¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch and the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10858 was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from North Pasture Spring (POD within SW¼ SE¼ Section 20 T.23N., R.55E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10859 was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from Silver Bell Mine Spring (POD within SE¼ NE¼ Section 36 T.22N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10860 was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from Water Canyon Spring (POD within NW¼ SE¼ Section 25 T.22N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10861 was filed by Beck Properties on May 9, 2016, claiming to have diverted 0.03 cfs of water from Monroe Canyon Spring (POD within SW¼ SE¼ Section 24 T.22N., R.54E., M.D.B.&M.) via the natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The current owner of record for this claim is Beck Properties.

Proof of Appropriation V-10869 was filed by James and Vera Baumann on May 27, 2016, claiming to have diverted 0.0044 cfs of water from F.G. Spring (POD within SE¼ SE¼ Section 9, T.19N., R.54E., M.D.B.&M.) via a dam and the natural channel to water 300 cattle from January 1 through December 31 with a priority date of 1866. The current owner of record for this claim is James and Vera Baumann.

Proof of Appropriation V-10870 was filed by James E. and Vera L. Baumann on May 27, 2016, claiming to have diverted 0.0066 cfs of water from Lani Spring (POD within SW¼ SW¼ Section 30, T.19N., R.54E., M.D.B.&M.) via a pipeline to a trough to water 300 cattle from January 1 through December 31 with a priority date of 1866. The current owner of record for this claim is James E. and Vera L. Baumann. Municipal water Claim V-04506 owned by Eureka County also utilize this source as a POD.

Proof of Appropriation V-10871 was filed by James E. and Vera L. Baumann on May 27, 2016, claiming to have diverted 0.0044 cfs of water from Hornitos Spring (POD within NW¼ NW¼ Section 29, T.19N., R.54E., M.D.B.&M.) via a dam and the natural channel to water 300 cattle from January 1 through December 31 with a priority date of 1866. The current

documents but probably mirrors the beneficial use of irrigation waters on the main Cox Ranch holdings. The tax records for the Willow Field area are generally incorporated into the other holdings of William Cox. This also lends support for the ranch and surrounding holdings having livestock in the range of approximately 125 - 150 horses and cattle prior to 1905 with fewer numbers in subsequent years thereafter. Other historical data includes those materials outlined in the prior discussion of V-02845.

Based on the field investigations (both historical and recent), historical aerial photography, historical maps and data presented in support of the filing, the State Engineer finds a basis for the diversion of 0.61 cfs of water from Judd Canyon, when it is available, to support the irrigation of 102.35 acres of meadow from April 1 through September 15 (168 days), for a total combined duty of 200 afs from all sources, with a priority date of 1885. The State Engineer also finds a basis for the diversion of water for domestic and stockwater use, when it is available, for the needs of 150 cattle and horses from January 1 through December 31 with a priority date of 1885.

B. Stockwater

There are sixteen different owners of record for the 230 proofs of appropriation claiming the use of surface water for stockwater prior to March 1, 1905. There are two filings for the pre-statutory use of underground water for stockwater in the basin. The sixteen claimants are: Arc Dome Partners, Inc; the Bailey Family Trust; James E. and Vera L. Baumann; the Beck Family Trust; Chad D. and Rosie J. Bliss; Bureau of Land Management; the Chloe Held Trust; Peter J. and Gladys P. Goicoechea; Kobeh Valley Ranch, LLC; Little Paris Sheep Company; Clement Maggini; Merkley Ranches Inc; Ira R. and Montira Renner; Sadler Ranch, LLC; United Dressed Beef, Inc; and Daniel S. Venturacci. The total stockwater duty for each ranch is quantified based on the number and type of animals that were present prior to statutory water law and historically used these water sources. It is not a measure of water actually available on a perennial basis at a given source. If more livestock animals were present on the range after 1905, the additional waters necessary for their support would have to have been obtained through the statutory process.

Arc Dome Partners, LLC.

Arc Dome Partners, LLC is an agricultural, domestic limited-liability company in Eureka, Nevada. Chain of title documentation filed in conjunction with the previously mentioned Beck Properties (V-02888 and V-09333) support a pre-statutory use of the surface water by Arc Dome Partners LLC's predecessors with a priority date of 1886. Documentation filed in conjunction with Permit 10824 (Certificate 3012) support a priority date of 1929 for underground waters.

Proof of Appropriation V-02959 was filed claiming to have diverted 0.25 cfs of water from Holly Well, an underground source, (POD within the NW¼ NE¼ Section 8, T.19N., R.53E., M.D.B.&M.) via pipeline and troughs to water 50 cattle and 250 sheep from January 1 through December 31 with a priority date of 1929. The Holly Well was drilled prior to 1929, based on the Proof of Completion (dated November 10, 1944) and filed in support of Permit 10824. This claim is located within the Arambel Grazing Allotment (NV10031). In this Preliminary Order of Determination, a vested right to divert 0.003 cfs of water from the Holly Well, when it is available, for the stockwatering of 50 cattle 250 sheep with a priority date of 1929 is determined to be valid.

Proof of Appropriation V-10856 was filed claiming to have diverted enough water for 100 cattle and 500 sheep or 0.06 cfs of water from Cottonwood Creek (POD within the NW¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch from the natural creek channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. The number of animals that would have utilized the source prior to 1905 is not supported by the Beck Family Trust and Beck Properties' supporting documentation. Tax records support animal numbers to be 50 cattle and horses prior to 1905. This claim is located on private property owned by the claimant. In this Preliminary Order of Determination, a vested right to divert 0.002 cfs of water from Cottonwood Creek, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1886 is determined to be valid.

1866. In this Preliminary Order of Determination, a vested right to divert water from Pinto Pass Spring, when it is available, for the stockwatering of 100 cattle with a priority date of 1866 is determined to be valid.

Proof of Appropriation V-10879 was filed claiming to have diverted 0.1114 cfs of water from Pedroli Spring (POD within the NW¼ SW¼ Section 33, T.20N., R.54E., M.D.B.&M.) via a trough, to water 300 cattle from January 1 through December 31 with a priority date of 1866. A field investigation conducted by the Office of the State Engineer personnel on April 6, 2017 confirmed the location and extent of this spring source as noted in the Office of the State Engineer "Spring and Surface Water Inventory Form."[276] In this Preliminary Order of Determination, a vested right to divert water from Pinto Pass Spring, when it is available, for the stockwatering of 100 cattle with a priority date of 1866 is determined to be valid.

Beck Family Trust

The holdings of the Beck Family Trust are located along Torre Creek on the east side of Diamond Valley. The Beck Family Trust have the lease for the Black Point Grazing Allotment (NV10032). The number of animals the Beck Family Trust predecessors possessed based on the supporting tax assessment documentation associated with the irrigation claims suggest that there were up to 50 cattle on the ranch prior to 1905. This would equate to a diversion rate for livestock being 0.002 cfs and total combined duty of 1.13 afa from all sources.

Proof of Appropriation V-01316 was filed claiming to have diverted 0.25 cfs of water from Rock Springs (POD within the NE¼ SE¼ Section 25, T.21N., R.54E., M.D.B.&M.) via natural spring to water 75 cattle from April 1 through July 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Rock Springs, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-01327 was filed claiming to have diverted 1.0 cfs of water from Munroe Spring (POD within the NE¼ SW¼ Section 13, T.22N., R.54E., M.D.B.&M.) via 8 small dams to water 2000 sheep from April 1 through October 1 with a priority date of 1899. A field investigation conducted by the Office of the State Engineer personnel on July 26, 2017

confirmed the location and extent of this spring source as noted on the Office of the State Engineer "Spring and Surface Water Inventory Form."[277] In this Preliminary Order of Determination, a vested right to divert water from Munroe Springs, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1899 is determined to be valid.

Proof of Appropriation V-01329 was filed claiming to have diverted enough water for 50 cattle or 0.002 cfs of water from Little Willows Spring (POD within the SE¼ SW¼ Section 26, T.21N., R.54E., M.D.B.&M.) via a small ditch dam to water 50 cattle from April 1 through September 30 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Water Canyon Spring, when it is available, for the stockwatering of 50 cattle and horses with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-02889 was filed claiming to have diverted enough water for 100 cattle and 500 sheep or 0.006 cfs of water from Bank Ranch Stock Water (POD within the NW¼ SE¼ Section 28, T.20N., R.54E., M.D.B.&M.) via pools and natural channels from April 1 through November 30 with a priority date of 1886. Banks Ranch Stock Water is located close to the 1/16 line that divides the NW¼ SE¼ of this proof and the NE¼ SW¼ of proof V-10816. The State Engineer believes that Banks Ranch Stock Water is the same springs as the Banks Ranch Spring filed under V-10816. The State Engineer determines that this claim is a duplicate filing of V-10816 and is therefore rejected.

Proof of Appropriation V-10809 was filed claiming to have diverted 0.03 cfs of water from Pastorino East Spring (POD within the SW¼ SW¼ Section 02, T.19N., R.54E., M.D.B.&M.) via a collection system, pipeline, and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Reserved claim R-04236 is filed on this same source. In this Preliminary Order of Determination, a vested right to divert water from Pastorino East Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10810 was filed claiming to have diverted 0.03 cfs of water from Pastorino Middle Spring (POD within the SW¼ SW¼ Section 02, T.19N., R.54E., M.D.B.&M.) via a collection system, pipeline, and natural channel to water 100 cattle and 500

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[276] File V-10879, official records in the Office of the State Engineer.
[277] File V-01327, official records in the Office of the State Engineer.

sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Pastorino Middle Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10811 was filed claiming to have diverted 0.03 cfs of water from Lower Torre Spring (POD within the SE¼ NW¼ Section 21, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Lower Torre Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10812 was filed claiming to have diverted 0.03 cfs of water from Palmer Ranch Spring (POD within the NW¼ SE¼ Section 21, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Palmer Ranch Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid

Proof of Appropriation V-10813 was filed claiming to have diverted 0.03 cfs of water from Middle Torre Spring (POD within the NW¼ NW¼ Section 27, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Middle Torre Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10814 was filed claiming to have diverted 0.03 cfs of water from Upper Torre SW Spring (POD within the NE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via a collection system, pipeline, and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Upper Torre SW Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10815 was filed claiming to have diverted 0.03 cfs of water from Upper Torre SE Spring (POD within the SE¼ SW¼ Section 25, T.20N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1

through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Upper Torre SE Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10816 was filed claiming to have diverted 0.03 cfs of water from Banks Ranch Spring (POD within the NE¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via natural springs and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. Proof V-02889 is also filed on Banks Ranch Spring. In this Preliminary Order of Determination, a vested right to divert water from Banks Ranch Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10817 was filed claiming to have diverted 0.03 cfs of water from Eunice Place Spring (POD within the SW¼ SW¼ Section 28, T.20N., R.54E., M.D.B.&M.) via natural springs and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Eunice Place Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10818 was filed claiming to have diverted 0.03 cfs of water from Upper Torre NE Spring (POD within the NW¼ NE¼ Section 25, T.20N., R.54E., M.D.B.&M.) via collection system, pipeline and natural channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Upper Torre NE Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10857 was filed claiming to have diverted enough water for 100 cattle and 500 sheep or 0.06 cfs of water from Cottonwood Creek (POD within the SE¼ SW¼ Section 5, T.20N., R.54E., M.D.B.&M.) via a ditch from the natural creek channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Cottonwood Creek, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10858 was filed claiming to have diverted 0.03 cfs of water from North Pasture Spring (POD within the SW¼ SE¼ Section 20, T.23N., R.55E., M.D.B.&M.) via ditch from the natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from North Pasture Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10859 was filed claiming to have diverted 0.03 cfs of water from Silver Bell Mine Spring (POD within the SE¼ NE¼ Section 36, T.22N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Silver Bell Mine Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10860 was filed claiming to have diverted 0.03 cfs of water from Water Canyon Spring (POD within the NW¼ SE¼ Section 25, T.22N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. A field investigation conducted by the Office of the State Engineer personnel on July 26, 2017, confirmed the location and extent of this spring source as noted in the Office of the State Engineer "Spring and Surface Water Inventory Form."[278] Reserved claim R-04262 is filed on this same source. In this Preliminary Order of Determination, a vested right to divert water from Water Canyon Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

Proof of Appropriation V-10861 was filed claiming to have diverted 0.03 cfs of water from Monroe Canyon Spring (POD within the SW¼ SE¼ Section 24, T.22N., R.54E., M.D.B.&M.) via natural spring and channel to water 100 cattle and 500 sheep from January 1 through December 31 with a priority date of 1886. In this Preliminary Order of Determination, a vested right to divert water from Monroe Canyon Spring, when it is available, for the stockwatering of 50 cattle with a priority date of 1886 is determined to be valid.

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[278] File V-10860, official records in the Office of the State Engineer.

93

ORIGINAL.

Assessment Book of the Property of Eureka,

Assessed to all Owners when Known,

1896

TAXPAYER'S NAME.	Real Property.	Personal Property.	DESCRIPTION OF PROPERTY. Name, Situation and Extent [City and Town Lots—Designation of Section, and Name of Addition; City and Town Lots] Improvements, Personal Property.	Mt. Diablo Base & Mer. Section.	Mt. Diablo Base & Mer. Town.	Mt. Diablo Base & Mer. Range.	City and Town Lots or Tracts. Fractions.	Lot.	Block.	Division.	Number of Acres of Real Estate.	Assessed Value. Real Estate.	Value of Real Estate or Improvements.
269 Mellon, Edward			Personal Property, Furniture and Piano $125; Possessory interest, viz and to Lots Nos 11 and Block No 57, of the Town of Eureka, Eureka County, State of Nevada, Improvements, Frame House					11	57				25
270 Mullins, George Jr.			Personal Property, Furniture $50 & Buggy $25; Possessory interest, viz and to Lots Nos 3 and 4 in Block No 19 of the Town of Eureka, Eureka County, State of Nevada, Improvements, Frame House; Possessory interest, viz and to the North 1/2 of Lot No 4 in Block No. 83 of the Town of Eureka, Eureka County, State of Nevada				North 1/2 of 4	3	83				25 10
271 Murphy, J. H. Mrs.			Personal Property, 4 Horses $40, 5 Cows $50, 15 Stock Cattle $75; Possessory interest, viz and to a tract of farming land situate on Beaver Creek, in Eureka County, State of Nevada, and described as follows to wit: Being the SW¼ of Sec. 17 Township 23 N. R. 54 E. containing 160 acres, Improvements, House and Walls on Beaver Creek in Eureka County, State of Nevada	17	23	54					80	80.	220
272 Merritt, Jeanette Mrs.			Personal Property, 4 Jacks $1000, 5 Jennies, 4 Just Colts $200, 20 Head Horses $1500, 300 Beeves $1800, 6 Cows $120, Two Pens and Farming Tools $400, 6 Mares $240, 1 Stallion $25, 1 Mule $125, 21 Head Cattle $350, 20 Head Horses $400, Indebtedness $700, 100 Cords $100, 30 Head Cattle $300,										
			Possessory interest, viz and to a tract of farming land situate about 27 Miles Westerly from the Town of Eureka, in Eureka County, State of Nevada, known as the "Fresno Spring Ranch" and described as follows to wit: Commencing at a stake 1½ Chains Southerly from the Fresno Spring, at which point a Stone Monument bears South 60 feet, and a Stone Monument bears West 2 feet from the Fresno Spring, and running thence North 1° E. 10 chains to a corner, thence North 18° E. 19.50 chains to a stake, thence North 63½° E. 6.50 chains to a stake, thence South 61° E. 11.00 chains to a stake, thence South 34½° E. 8.50 chains to the place of beginning containing 154.76 Acres								154.76	154.76	150
			Possessory interest, viz and to a tract of land situate on Roberts Canyon about 30 Miles North West from the Town of Eureka, in Eureka County, State of Nevada, and described as follows to wit: Commencing at South East Corner of Corral and running thence West 1/4 of a Mile, to a stake, thence North 1/2 of a Mile to a stake, thence East 1/4 of a Mile to a stake, thence South 1/2 of a Mile to a stake, thence West 1/4 of a Mile to the place of beginning containing 160 Acres, Improvements, House, Corral and Corral								160	160.	120
			Possessory interest, viz and to a tract of farming land situate about 26 Miles North West from the Town of Eureka, in Eureka County, State of Nevada on "Roberts Creek" and lying on both the North and South side of the Roadland road and known as Mr. Ford and Company's Ranch and described as follows to wit: Being the										

1896

370	Possessory interest in and to a tract of farming land situate near Beowawe, in Eureka County, State of Nevada and described as follows to wit: Being the W½ of N.W¼ of Sec. 27 Township 32 N. R. 47 E. Containing forty improvements Frame House and Stable at Beowawe Eureka County, State of Nevada	37	32	47
372 Merritt Jeanette Etna.	Personal Property 4 Yachts $1000. 5 Jennies, 4 Jack Colts $300. 200 Head Horses $1500. 900 Beeves $1800. 6 Cows $120. Prod Pens and Farming Tools $400. 6 Negroes $200. 1 Stallion $25. 17000 Sheep $21250. 20 Head Burro Horses $400. Solvent Debts secured $800. 150 Bulls $1200. 20 Head of Work Cattle $200.			
	Possessory interest in and to a tract of farming land situate about 27 Miles Westerly from the town of Eureka in Eureka County, State of Nevada, known as the "Three Springs Ranch" and described as follows to wit: Commencing at a stake 1½ Miles from the Three Springs Station and 60 feet South Westerly from the main Springs, and running thence North 1° E. 10 chains to a mound. Thence North 18° W. 32 L.			

Book Properties Exhibit 6 - Page 2

41 ORIGINAL.

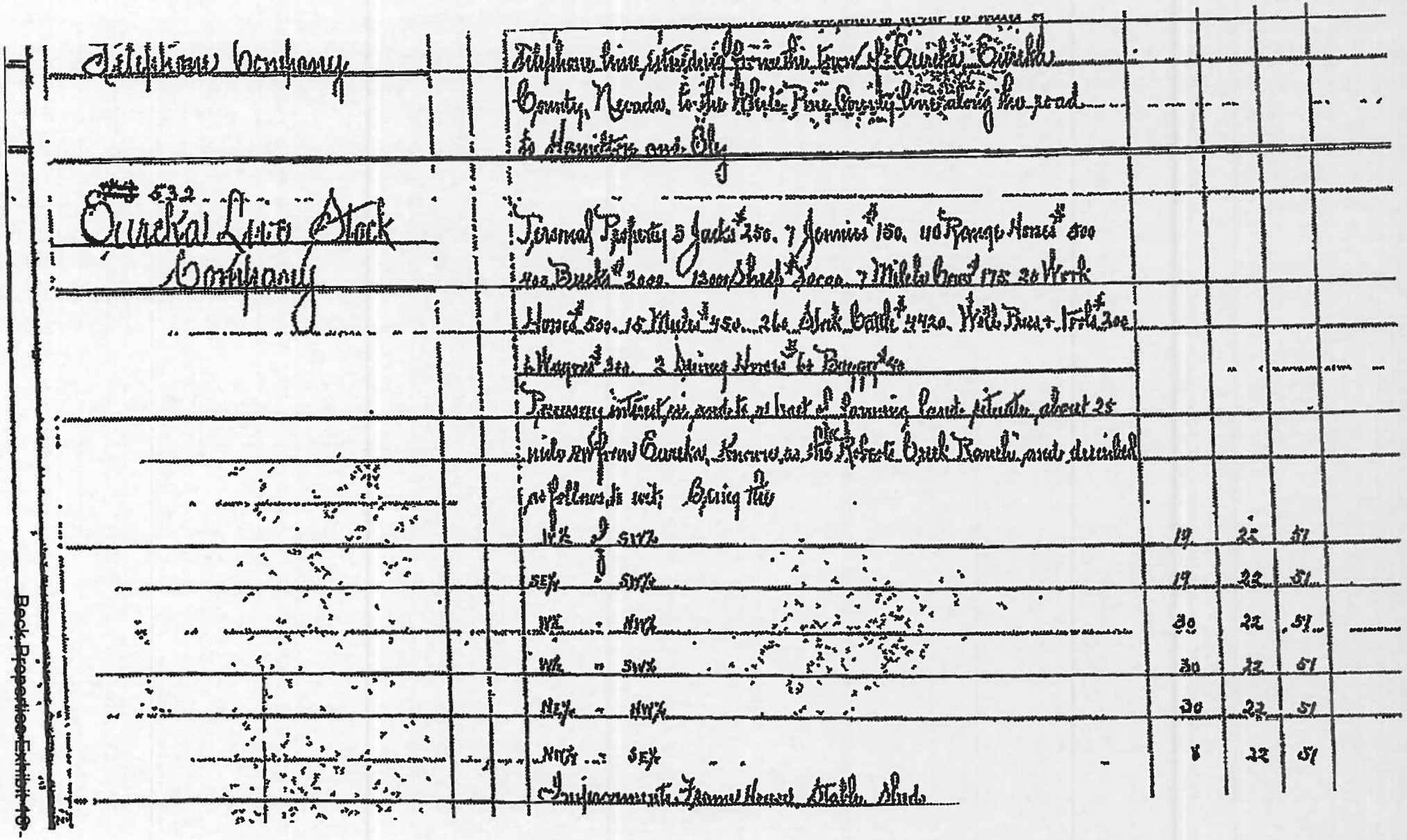
Assessment Book of the Property of Eureka

ASSESSED TO ALL OWNERS, WHEN KNOWN.

1902

TAXPAYER'S NAME.	Real Estate.	Improvements.	DESCRIPTION OF PROPERTY. Real Estate outside the City and Town Lots; Structures or Buildings, and Mines or Mineral City and Town Lots; Improvements; Personal Property.	Mt. Diablo Base & Mer. Section.	Township North.	Range East.	City or Town Lots in Eureka. Number.	Lot.	Block.	Addition.	Number of Acres of Real Estate.	Assessed Value. Acres.	Value of Real Estate or Assessed Value.
26 Eathers, Harry			Personal Property Home $25										
			Improvements Frame House situated on S. Ruby Hill, in Eureka County, State of Nevada.										
530 Eccles, Thomas			Personal Property, Saddle Horse $15 & Work Horse $150, 1 Work Cattle $75, 2 Milch Cows $60, Wagon $5										
			Improvements Frame House situated on North Ruby Hill Eureka County, State of Nevada.										
531 England Bros. M. & Co			Personal Property, Blacksmith Tools $100, Mdse $50										
			Property situate in and to Lots 1-2-3-4-5-6-7-11 Block 24 of the town of Eureka, Eureka County, State of Nevada.				24	1-2-3-4-5-6-7-11	20				60
			Improvements Frame House and Blacksmith Shop										
532 Erickson, Mrs John			Property situate in and to Lots 2-4-5-6-7 of Block 120 of the town of Eureka, Eureka County, State of Nevada.					2-4-5-6-7	120				80
			Improvements Frame House and Stable										
			Personal Property, Horses $25 Wagon $25										
30 Eathorne, H. J.			Personal Property, Horse $25										
			Improvements Frame House situated on South Ruby Hill in Eureka County, State of Nevada.										
Eurekan Tribune			Property situate in and to Lot 7 in Block 22 of the town of Eureka, Eureka County, State of Nevada				7	22					600
			Improvements Frame Building										
532 City of Eureka Telephone Company			Improvements Property situate in and to about 10 miles of Telephone Line, extending from the town of Eureka, Eureka County, Nevada, to the White Pine County line, and connecting the said town of Eureka with Hamilton and Ely.										
532 Eureka Live Stock Company			Personal Property 8 Jacks $200, 7 Jennies $100, 10 Range Mares $200, 200 Breeding Ewes, 1 Ram $100, 2 Mares, 1 Mule $150, 16 Work Horses $1600, 16 Mules $1200, 24 Black Cattle $1200, Well Rope $10, 2 Wagons $50, 2 Spring Wheels $40, 2 Harness $20										
			Property situate in and to at least 2 Farming Lands situate about 22 miles northwest from Eureka, known as the Robert Orval Ranch, and described as follows, to wit: Beginning at the										
			NE ¼ Sec 19	19	22	51					78.40	78.40	400
			SW ¼ Sec 17	17	22	51					40	40	200
			W½ of NW ¼	20	22	51					78.25	78.25	750
			NW ¼ of SW ¼	20	22	51					77.96	77.96	150
			W½ of NW ¼	29	22	51					78	78	200
			NW ¼ of SW ¼	5	22	51					40	40	200
			Improvements Frame House, Stable, Shade									359.61	1100
			12 Miles Wire Fencing										
			Property situate in and to at least 2 Farming Lands situate in Robert Orval Valley, about 22 miles Northwest from Eureka, in Eureka County, Nevada, known as the Lower Mountain Ranch, and described as follows, to wit: Beginning										

1902



Beck Properties Exhibit 10 - Page 4

46 ORIGINAL

Assessment Book of the Property of Eureka

ASSESSED TO ALL OWNERS, WHEN KNOWN.

1903

TAXPAYER'S NAME	Real Property	Personal Property	DESCRIPTION OF PROPERTY. REAL ESTATE OTHER THAN CITY AND TOWN LOTS; Subdivisions of Sections, or Metes and Bounds; City and Town Lots; Improvements Assessed Separately	Sec.	Twp. North	Range East	City or Town Lots or Blocks: Portion	Lot	Block	Addition	Number of Acres of Real Estate	Assessed Value Acres	Assessed Value of Improvements Other Than Mines	
Eureka Live Stock Company			Ranch. Deputy 3 Jacks 3 200. 10 Jennits 3 200. 10a Range Horses 3 750. 1 Pet Stallion 1 200. 1 Thoroughbred Stallion 1 200. 7 Milch Cows 3 350. 20 Work Oxen 3 850. 6 Mules 3 240. 16 Yoke Mules 3 200. 320 Stock Cattle 3 6400. 10 Cattle 3 225. 2 Horses 3 80. Farm Implements 3 200. Wagons 3 200. Buggy 3 40.											
			Pertinent interest in and to the Elliott Creek Ranch situated in Eureka Township Humboldt County and described as follows to wit: Being Pa.											
			W½ of SW¼	19	22	51					78 4	78 4	200	
			SE¼ of SW¼	19	22	51					40	40	200	
			W½ of NW¼	30	22	51					78 32	78 32	160	
			W½ of SW¼	30	22	51					77 52	77 52	160	
			NE¼ of NW¼	36	22	51					40	40	200	
			NW¼ of SE¼	36	22	51					40	40	200	
			Improvements Frame House, stable, shed & Fencing									36 5	1150	
			" 12 mile Wire Fencing											
			Deer Mountain Ranch description											
			SE¼ of NE¼	35	21	50					40	40	20	
			NE¼ of SE¼	26	21	50					40	40	20	
			SW¼ of NW¼	31	21	50					40	40	20	
			NW¼ of SW¼	36	21	52					40	40	20	
			Antelope Valley Ranch description											
			W½ of NE¼	12	17	57					80	80	40	
			W½ of SE¼	12	17	57					80	80	40	
			SW¼	13	17	57					160	160	80	
			NW¼ of SE¼	19	17	57					40	40	20	
			NE¼ of NW¼	19	17	57					40	40	20	
			E½ of NW¼	18	17	57					89 35	44 35	400	
			Improvements Farm House, Antelope Valley											
			NE¼ of NE¼	30	17	59					40	40	20	
			NW¼ of NE¼	30	17	59					40	32/40	32/40	
			Klahn Farm Springs, Antelope Valley											
			SW¼ of NE¼	31	17	59					40	40	20	
			NW¼ of SE¼	25	17	59					40	40	20	
			Improvements Farm House, Barn & Fencing Truck											
			Fields Creek Ranch											
			NE¼ of	5	16	53					160	160	400	
			NE¼ of SE¼	8	16	53					40	40	100	
			NW¼ of NW¼	9	16	53					40	40	100	
			SE¼ of NW¼	4	16	53					80	80	200	
			NE¼ of SW¼	9	16	53					80	80	200	
			SE¼ of	9	16	53					160	160	400	
			SE¼ of NW¼	9	16	53					80	80	200	
			NE¼ of NE¼	9	16	53					40	40	100	
			NW¼	10	16	53					326	326	815	
			SE¼ of NW¼	11	16	53					80	80	40	
			NE¼ of NW¼	11	16	53					81	81	40	
			SE¼ of NE¼	11	16	53					81	80	40	
			W½	12	16	53					320	320	320	
			SE¼ of SW¼	1	16	54					80	80	80	
			NW¼ of NW¼	7	16	53					80	80	80	

46 ORIGINAL

Assessment Book of the Property of Eureka

ASSESSED TO ALL OWNERS, WHEN KNOWN.

1903

TAXPAYER'S NAME. Pg 411	Road District.	School District.	DESCRIPTION OF PROPERTY. REAL ESTATE OTHER THAN CITY AND TOWN LOTS; Subdivisions of Sections, or Metes and Bounds; City and Town Lots; Improvements; Personal Property.	Mt. Diablo Base and Mer. Section.	Township North.	Range East.	City or Town Lots or Eureka. Fraction.	Lot.	Block.	Division.	Number of Acres of Real Estate.	Assessed Value Acres.
Eureka Live Stock Company.			Personal Property 3 Yoke Oxen $260. 10 Yearlings $200. 150 Range Horses $750. 100 Stacks Hay $2400. 1200 Bushels Wheat $2000. 7 Milch Cows $175. 20 Work Horses $560. 6 Mules $240. 16 Wild Mules $200. 225 Stock Cattle $6525. 10 Bulls $425. 2 Horses $80. Farm Implements $200. Wagons $300. Buggy $40.									
			Possessory interest in and to the Peterts Creek Ranch situated in Eureka County, Nevada and described as follows, to-wit: Being a									
			W½ of SW¼	19	22	51					78 4	78 4
			SE¼ of SW¼	19	22	51					40	40
			W½ of NW¼	30	22	51					78 25	78 25
			W½ of SW¼	30	22	51					77 75	77 75
			NE¼ of NW¼	36	22	51					40	40
			NW¼ of SE¼	8	22	51					40	40
			Improvements Frame House, Stable, sheds & Fencing									365
			" 12 miles Wire Fencing									
			" [illegible]									

Beck Properties Exhibit 16 - Page 6

48 ORIGINAL

Assessment Book of the Property of Eureka

ASSESSED TO ALL OWNERS, WHEN KNOWN

1904

TAXPAYERS NAME	Real Property Assessed	Personal Property Assessed	DESCRIPTION OF PROPERTY — REAL ESTATE, OTHER THAN CITY AND TOWN LOTS; Subdivisions of Sections, or Metes and Bounds; City and Town Lots; Improvements; Personal Property.	No. Differ Base and Mer. — Section	Township North	Range East	City or Town Lots or Blocks — Fraction	Lot	Block	Division	Number of Acres of Real Estate	Improved Value Acres	Value of Real Estate or Improved Value
No 393													
Eureka Coal Mining Co.			Mineral Property Lode Mg of Conveying Appurtenances $100										
			House $50 Wagons $100 Machinery $500										
			Tenancy in fee of Block 115 Nb of the Town of						115 Nb				100
			Eureka, Eureka County, State of Nevada										
			Improvements Frame Building over Furnaces & Boilers										
			" Carpenter Shop										
			" Store, Office Building										
			Tenancy in fee of Block 114 of the Town of										
			Eureka, Eureka County, State of Nevada						114				50
			Improvements Frame & Stone Houses										
			" Stables										
			Tenancy in fee of Lots 11 & 12 Block 17 of the Town of						12	17			25
			Eureka, Eureka County, State of Nevada										
			All rights of ownership of Springs & water on Lot 11 Block 17										225
			Improvements Frame House over Ratchet Shaft, Ruby Hill										
			" " Fine Foundations of Brace Shaft										
			" Small office										
Eureka Live Stock Co.			Personal Property 2 Jacks $200. 10 Jennies $200. 100 Young Mules $2000										
			20 Work Horses $750. 10 Saddle Horses $250. $50 Buck Sheep $100.										
			12 Cows Sheep $2000. 7 Milch Cows $175. 400 Stock Cattle $6000. 10 Bulls $										
			6 Work Bulls $300. 8 Mill Mules $300 Wagons $200 Driving Horses $										
			Buggies $ Farming Implements $200. Mortgage $ 200										
			Patent Book Ranch described as follows, to wit: Being the										
			NW¼ of SW¼	19	22	57					77.47	77.47	400
			SE¼ " SW¼	19	22	57					40	40	200
			NW¼ " NW¼	30	22	57					76.25	28.25	150
			W½ " SW¼	30	22	57					77.25	77.25	150
			NE¼ " NW¼	30	22	57					40	40	200
			NW¼ " SE¼	6	22	57					40	40 / 31.56	40 / 156
			Improvements Frame House, Stable, Sheds & Fencing										
			Lone Mountain Ranch described as follows, to wit: Being the										
			SE¼ of NE¼	25	21	50					40	40	80
			NE¼ " SE¼	35	21	50					40	40	80
			SW¼ " NW¼	36	21	50					40	40	80
			NW¼ " SW¼	36	21	50					40	40	80
			Antelope Valley Ranch described as follows, to wit: Being the										
			W½ of NE¼	12	18	51					80	80	
			W½ " SE¼	12	18	51					80	80	
			NW¼ "	13	18	51					160	160	
			NW¼ " SW¼	13	18	51					40	40	
			NE¼ " NW¼	12	18	51					40	40	
			SE¼ " NW¼	12	18	51					80	80 / 34	80 / 160
			Faulkner Place, Antelope Valley described as follows, to wit: Being the										
			NE¼ of NE¼	25	18	49					40	40	80
			NW¼ " NE¼	30	18	50					40	40	80
			Globe Hotel & Springs, Antelope Valley described as follows, to wit: Being										
			SW¼ of NE¼	25	18	50					40	40	80
			NW¼ " SE¼	25	18	50					40	40	80
			Improvements Frame House, Sheds & Dipping Tank										

1904

Eureka, Eureka County, State of Nevada

All rights of ownership of springs of water on Lots 11 & 12 Block 17

Improvements Frame House over Laughlin Shaft, Ruby Hill.

" " " Stone foundations of Boiler Shaft "

" " Small office

Eureka Live Stock Co.

Personal Property 4 Jacks $300. 10 Jennies $200. 100 Range Horses $00.
25 Work Horses $75. 15 Saddle Horses $26. 300 Buck Sheep $520.
1200 Buck Sheep. 7 Milch Cows $175. 400 Stock Cattle $680. 10 Bulls
$ Work Yoke $32.00 5 Wild Mules $ Wagons $00 Driving Horses $0
Buggy $40 Farm Implements $00. Mortgage $00

Robert Buck Ranch described as follows, to wit: Being the

15/16 of SW/4	19	22	51
SE/4 of SW/4	19	22	51
W/2 of NW/4	30	22	51
W/2 of SW/4	30	22	51
NE/4 of NW/4	30	22	51
NW/4 of SE/4	8	22	51

Buck Properties Exhibit 46 - Page 8

43 ORIGINAL

Assessment Book of the Property of Eureka

ASSESSED TO ITS OWNERS, WHEN KNOWN

1905

TAXPAYER'S NAME	Real Estate	Other Taxable	DESCRIPTION OF PROPERTY — REAL ESTATE, OTHER THAN CITY AND TOWN LOTS; Subdivisions of Sections, or Blocks and Records; City and Town Lots; Improvements; Personal Property	Mt. Diablo Base and Mer. — Section	Township	Range	City or Town Lots or Parcel — Portion	Lot	Block	Addition	Number of Acres of Real Estate	Assessed Value of Acres	Value of Real Estate or Improvements Other
Eureka Lyceum Assn	X		Personal Property										
			Improvements										
			Improvements										
			Improvements

43

ORIGINAL

Assessment Book of the Property of Eureka

ASSESSED TO ALL OWNERS, WHEN KNOWN

1905

TAXPAYER'S NAME	Road District	School District	DESCRIPTION OF PROPERTY — REAL ESTATE, OTHER THAN CITY AND TOWN LOTS; Subdivisions of Sections, or Metes and Bounds; City and Town Lots; Improvements Personal Property.	Mt. Diablo Base and Mer. — Section	Township North	Range East	City or Town Lots in Eureka — Fraction	Lot	Block	Addition	Number of Acres of Real Estate	Tuesday Clerks Acres	Value of Real Estate at Tuesday Clerks
1905													
Emerald Lyn Stock Co.	X		Personal Property: 25 Work Horses 750.00										
			10 Saddle Horses 300.00 2 Spring Horses 80.00										
			100 Range Horses 3000.00 4 Jacks 300.00 Stallion 150.00										
			10 Cows 200.00 2 Work Mules 320.00 2 Range Mules										
			8.00.00 : 600 Stock Cattle 9000.00 10 Bulls 300.00										
			12000 Sheep 30000.00 300 Goats 1500.00 7 Milch Cows										
			Wagons Buggy 345.00 Farm Tools 200.00										
			Possessory Rt. in & to					4 & 5	55				75
			Supts. House Stable & Coal										
			Redwood Creek Ranch claimed exempt										
			to 1906 Assessment										
			30 acres of S.50	19	22	51					78.40	78.40	400.
			SE¼ S.30	19	22	51					40	40	200
			30 acres N.30	30	22	51					78.25	78.25	150
			30 acres S.30	30	22	51					77.95	77.95	150
			N.E¼ N.30	30	22	51					40	40	200
			N.30 NE¼	6	22	51					40	40	40
			Supts. House Barn, Stable & Fencing, Corrals										
			Land Homestead Ranch claimed Personal Property										

Beck Properties Exhibit 16 - Page 10

No. 5160

Indexed under	
Name of applicant	Report No.
Map	
Stream	
Field book	
Township 22 N., R 54E.	

ASSIGNED

10-153
DIAMOND VALLEY

NE¼ SE¼ Sec 12

Application filed July 18, 1918.

Applicant Clement Maggini ASSIGNED to Marcos Legarra

Source of water Sheep Canon Springs.

Returned for correction July 29, 1918

Corrected application received Sep. 20, 1918

Sent for publication Sep 20, 1918 Eureka Sentinel

Proof of publication filed Nov. 25, 1918

Investigated on ground by Ira MacFarland Oct. 5, 1919 (Report inside)

Protested

Form Affidavit 70A filed Nov. 26, 1918

Approved Oct 28, 1919 for 0.025 c.f.s. Stock

Denied

Withdrawn by applicant

Canceled

Proof of labor filed June 25, 1920

Map filed 7-20-20 under 5159

Proof of completion of work filed Nov. 12, 1921

Proof of beneficial use filed Feb. 16, 1924

Certificate No. 1012 issued May 31, 1924 for .0125 c.f.s. of water
Recorded Apr 7, 1939, Bk 2, Page 172 Eureka Co. Records

REMARKS

ASSIGNED by Clement Maggini, Nov. 3, 1920 to Marcos Legarra. Filed Dec. 29, 1922

August 20, 1925

August 18, 1925

a. 5250, 5251, 5159 and 5160

V

Mr. Edgar Mather
Attorney at Law
Elko, Nevada

Dear Sir:

Our records show that application No. 5159 was filed by Clement Maggini on July 18, 1918 for water from Monroe Canyon Springs. The point of diversion described in the application is in the SE¼ SW¼ Sec. 13, T. 22 N., R. 54 E. The application was denied on October 28, 1919 on the ground that the water of the source is already covered by prior rights, Mr. I. Handley claiming a vested right from the source under proof of appropriation No. 01327. The records also show application No. 5250 filed by Mr. Maggini on September 20, 1918 for water from Monroe Spring No. 2, the point of diversion of which is described as in the NE¼ NW¼ Sec. 24, T. 22 N., R. 54 E. A permit was granted under this application, and subsequently it was assigned to Marcos Laguerra. Same was however cancelled on October 28, 1922 for failure to comply with the provisions of the permit.

In addition to the above, the records show ~~of~~ application No. 5251 made by Clement Maggini for water from Maggini Spring No. 2, the point of diversion being in the SE¼ SW¼ Sec. 12, T. 22 N., R. 54 E. This permit was also assigned to Laguerra and has since been cancelled.

Certificate No. 1012 was issued to Marcos Laguerra on March 31, 1924 under permit No. 5160 for 0.0125 c.f.s. of water from Sheep Canyon Spring for stockwatering purposes. The point of diversion described therein is NE¼ SW¼ Sec. 12, T. 22 N., R. 54 E. The application under which this certificate is issued was originally filed by Mr. Maggini.

Yours very truly,

Robert A. Allen.
State Engineer

By

Office Engineer

HP A.

SSIGNED

Application No. 5160 Certificate Record No. 1012 Book 5 Page 1012

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Marcos Legarra has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Sheep Canyon Spring through Sheep Canyon Ditch for Stockwatering purposes. The point of diversion of water from the source is as follows: NE¼ SE¼ Sec. 12, T.22 N., R. 54 E., M.D.B.& M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Marcos Legarra

Postoffice address Eureka, Nevada.

Amount of appropriation .0125 cubic foot per second

Period of use, from April 1 to November 1 of each year

Date of priority of appropriation July 18, 1918

Description of works of diversion, manner and place of use:-

A reservoir approximately 10 feet in diameter stores the water near the spring. Water is transported through 12 feet of 2 inch pipe to 9 troughs each 14 feet in length. Water is conserved in this manner for 2000 head of sheep.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, Robert A. Allen, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 31st day of March, A. D. 1924

Robert A. Allen

State Engineer.

Compared J.V.M.M.

Recorded April 7, 1924 Ex. Re. Page 172 192

Eureka County Records

Under Permit No. 5160

FILED
FEB 11 1924
STATE ENGINEER'S OFFICE

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 12 inclusive must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See Sec. 69, Chapter 140, Statutes 1913.)

Question 1. What is your name, occupation, and postoffice address?

Answer: Marcos Legarra, Eureka, Nevada

Question 2. Are you acting in behalf of a corporation? If so, state its name, place of business, and your authority for acting in its behalf.

Answer: No.

Question 3. What is the number of the permit under which this proof is made? Answer: 5160

Question 4. From what source do you obtain your water supply?

Answer: Sheep Canyon Spring

Question 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer: Sheep Canyon Ditch.

Question 6. Are you the person to whom the permit was issued? If not, state how you obtained it, giving the succession of title.

Answer: Acquired by purchase from Clement Maggini, who was the applicant.

(If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.)

Question 7. For what purpose are you using the water for which you are now making proof?

Answer: Stockwatering.

Question 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 40 miners' inches equals 1 cubic foot per second. 1 miners' inch equals 11.21 gallons per minute. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer: Full flow of spring as shown by application.

Question 9. State the period during the year when water has been beneficially used.

Answer: April to November of each and every years.

Question 10. Do you divert and use more water at periods than granted in the permit for which proof is made? If so, make proper explanation.

Answer: No.

Question 11. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of person who made the measurements.

Answer: No measurements made, volume approximated.

Question 12. State, if you know, the normal number of cubic feet per second flowing in the source at your point of diversion.

Answer: Not measured.

IF WATER IS USED FOR **IRRIGATION** ANSWER THE FOLLOWING:

Question 13. Upon how many acres have you beneficially used water?

Answer: NONE.

Question 14. Give the number of acres in each legal subdivision.

Answer: .....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

(Enumerate only the land upon which water has been actually used.)

Question 15. Have you installed a headgate and weir at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate.

Answer: .....

Question 16. Do you use the rotation system for irrigating?

Answer: .....

Question 17. What is the character of the soil irrigated?

Answer: .....

IF WATER IS USED FOR **STOCK WATERING** OR **DOMESTIC** PURPOSES ANSWER THE FOLLOWING:

Question 18. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Answer: Dam approximately ten feet in diameter near the spring which dam is connected with troughs by means of 12 feet of 2 inch pipe. Troughs are constructed of lumber, and are nie in number; fourteen feet in length, each.

Question 19. Give approximate number and kind of animals watered.

Answer: 2000 head of sheep.

IF WATER IS USED FOR **POWER** OR **MINING AND MILLING** PURPOSES ANSWER THE FOLLOWING:

Question 20. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer: Not so used.

Question 21. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer: .....

.....

Question 22. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer: .....

.....

Question 23. Give any information concerning diversion and use of water for power or mining not covered above.

Answer: .....

.....

IF WATER IS USED FOR **ANY PURPOSE NOT HERETOFORE NAMED**
DESCRIBE FULLY UNDER REMARKS:

Remarks:

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(Give all information relative to the method of use of water and any other matters you deem important.)

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed: Marcos Legarza

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Eureka, County of Eureka, State of Nevada, on this 8th day of February, A. D. 192 4

Notary Public.

One Dollar filing fee must accompany affidavit.

ASSIGNED

AMENDED

APPLICATION FOR PERMIT Serial No. 5160

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 18 1918
Returned to applicant for correction JUL 29 1918
Corrected application filed SEP 20 1918

The undersigned Clement Maggini, (Name of applicant.) of Eureka, County of Eureka, State of Nevada, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation give date and place of incorporation.)

1. The source of the proposed appropriation is Unnamed Spring, (Name of stream, lake, or other source.) (Maggini No.1), unsurveyed ground, which when surveyed will be included in NE¼ of SE¼ of Section 12, Township 22, N.R.54, E.
2. The amount of water applied for is .3 second-feet. (One second-foot equals 40 miners' inches.)
3. The water to be used for Watering stock (Irrigation, power, mining, manufacturing, domestic, or other use.)
4. The water is to be diverted from its source at the following point: Near the spring in NE¼ of SE¼ of Section 12, Township 22, N.R.54.E (Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land it should be so stated.)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated (Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Irrigation will begin about (Month.) and end about (Month.), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, TRANSPORTATION, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located Approximately NE¼ of SE¼, Sec.12, T.22N., R.54E. (Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.) M.D.B.& M., Water Collected and thence though pipe into Troughs and are now in use

(f) Point of return of water to stream Not returned to stream. (Describe in same manner as point of diversion.)

(g) Remarks Approximately 1500 to 2000 head of sheep will be watered and 200 head of cattle.

DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

Excavating so as to develop water, collecting and conducting the same through pipes to a trough or troughs near the spring where it will be used for watering stock.

5. Estimated cost of works $75.00

6. Estimated time required to construct works One year

7. Remarks

For use of applicant.

Clement Maggini, Applicant.

By William P.Wright, Agent.

Compared P.P.Jones

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all prior rights on the source. The State reserves the right to regulate the use of the water herein granted at any and all times. It is distinctly understood that applicant agrees to the terms herein contained.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.025 cubic feet per second. (One fortieth)

Actual construction work shall begin on or before May 28, 1920.

Proof of commencement of work shall be filed before June 28, 1920.

Work must be prosecuted with reasonable diligence and be completed on or before May 28, 1921.

Proof of completion of work shall be filed before June 28, 1921.

Application of water to beneficial use shall be made on or before October 28, 1921. Proof of the application of water to beneficial use must be filed with State Engineer on or before November 28, 1921.

JUN 25 1920

7/20/20

WITNESS MY HAND AND SEAL this 28th day of October, 1919.

Proof of completion of work filed NOV 12

Proof of beneficial use filed FEB 11 1924

Certificate No. 1014 issued March 31st 1924 for .025 c.f.s.

Appl. 7 1924BK Pg. 172

State Engineer.

Beck Properties Exhibit 17 - Page 8

No. 7548

Indexed under

Name of applicant | Report No.

Map

Stream

Field Book

10-153
DIAMOND VALLEY

Township T. 22 n R 54 E
NE¼ NW¼ Sec. 2 of → See affidavit re Explanation of Error in Point of Diversion Filed Nov. 17, 1927 in

Application filed Oct. 19 1925

Applicant Marcos Lecgara

Source of Water Monroe Spring No-2

Returned for correction

Corrected application received

Sent for publication Oct. 23 1925 to the Eureka Sentinel

Proof of publication filed Feb. 27, 1926.

Investigated on ground by

Protested

Ready for action December 28, 1925.

Approved June 16, 1926 for 0.025 c.f.s. stock

Denied

Withdrawn by applicant

Canceled

		Due
Proof of labor filed	July 16, 1926	Sept. 16, 1926
Map filed	October 15, 1927	Sept. 16, 1927
Proof of completion of work filed	July 16, 1926	Sept. 16, 1927
Proof of beneficial use filed	July 16, 1926	Sept 16, 1928

Certificate No. 1471 issued December 21, 1928 - 0.025 - stk.
Recorded 1-14-29 - Book B Page 6 - Eureka Co. Rkds (#720 contains duties)

REMARKS

See "Affidavit re Explanation of Error in 'Point of Diversion'" Filed November 17 1927.
Entered 7/21/08

Application No. 7548 Certificate Record No. 1471 Book 6 Page 1471

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS Marcos Legarra has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Monroe Spring No. 2, through reservoir, pipeline and trough for Stockwatering purposes. The point of diversion of water from the source is as follows: NE¼SE¼ Sec. 13, T. 22 N., R. 54 E., M.D.B.& M., or S. 35°48'E., 17744 feet from SE corner Sec. 34, T. 23 N., R. 54 E., M.D.B.& M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Marcos Legarra

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.025 C.F.S. or sufficient to water 4000 head of sheep

Period of use, from April 1 to November 30 of each year

Date of priority of appropriation October 19, 1925

Description of works of diversion, manner and place of use:

An earthen reservoir 15 feet long, 8 feet wide, and 4 feet deep was constructed at the spring located in the NE¼SE¼ Sec. 13, T. 22 N., R. 54 E., M.D.B.& M., from where 15 feet of 2 inch pipe conveys water to 40 feet of galvanized iron stock watering troughs 22 inches wide, where it is used for the watering of 4000 head of sheep.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, Geo. W. Malone, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 21st day of Decmeber, A. D. 1928

Recorded 1-4-29 Book 6 Page 6 Eureka County Records

Geo. W. Malone
State Engineer.

By [signature]
Assistant State Engineer

Under Permit No. 7548

FILED
JUL 18 1928
WATER ENGINEER'S OFFICE

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 12 inclusive must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See Sec. 69, Chapter 140, Statutes 1913.)

Question 1. What is your name, occupation, and postoffice address?

Answer: Marcos Legarra, Eureka, Nevada.

Question 2. Are you acting in behalf of a corporation? If so, state its name, place of business, and your authority for acting in its behalf.

Answer: No.

Question 3. What is the number of the permit under which this proof is made? Answer: 7548

Question 4. From what source do you obtain your water supply?

Answer: Monroe Spring No.2

Question 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer: Monroe Spring No.2

Question 6. Are you the person to whom the permit was issued? If not, state how you obtained it, giving the succession of title.

Answer: Yes

(If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.)

Question 7. For what purpose are you using the water for which you are now making proof?

Answer: Stockwatering

Question 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 40 miners' inches equals 1 cubic foot per second. 1 miners' inch equals 11.21 gallons per minute. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer: One-tenth secondfeet

Question 9. State the period during the year when water has been beneficially used.

Answer: April 1st to November 30th of each year.

Question 10. Do you divert and use more water at periods than granted in the permit for which proof is made? If so, make proper explanation.

Answer: No.

Question 11. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of person who made the measurements.

Answer: No measurement made.

Question 12. State, if you know, the normal number of cubic feet per second flowing in the source at your point of diversion.

Answer: Do not know.

IF WATER IS USED FOR IRRIGATION ANSWER THE FOLLOWING:

Question 13. Upon how many acres have you beneficially used water?

Answer: .....

Question 14. Give the number of acres in each legal subdivision.

Answer: .....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

(Enumerate only the land upon which water has been actually used.)

Question 15. Have you installed a headgate and weir at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate.

Answer: .....

Question 16. Do you use the rotation system for irrigating?

Answer: .....

Question 17. What is the character of the soil irrigated?

Answer: .....

IF WATER IS USED FOR STOCK-WATERING OR DOMESTIC PURPOSES ANSWER THE FOLLOWING

Question 18. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Answer: One Trough 40 feet in length and 22 inches wide; One Reservoir 20 feet long and 8 feet wide and 20 feet of pipe line. (two inch pipe)

See map for complete description Fld

Question 19. Give approximate number and kind of animals watered.

Answer: 4000 head of sheep and lambs.

IF WATER IS USED FOR POWER OR MINING AND MILLING PURPOSES ANSWER THE FOLLOWING:

Question 20. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer: .....

Question 21. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer: .....

.....

Question 22. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer: .....

.....

Question 23. Give any information concerning diversion and use of water for power or mining not covered above.

Answer: .....

.....

IF WATER IS USED FOR ANY PURPOSE NOT HERETOFORE NAMED
DESCRIBE FULLY UNDER REMARKS:

Remarks:

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(Give all information relative to the method of use of water and any other matters you deem important.)

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed: Marcos Legarra

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Eureka, County of Eureka, State of Nevada, on this 14 day of July, A. D. 192 6.

Edson Eastman

Notary Public

APPLICATION FOR PERMIT Serial No. 7548

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office OCT 19 1925
Returned to applicant for correction
Corrected application filed

The undersigned Marcos Legarra
Name of applicant.
of Eureka, County of Eureka,
State of Nevada, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation give date and place of incorporation.)

1. The source of the proposed appropriation is Monroe Spring No.2
Name of stream, lake, or other source.

2. The amount of water applied for is one-tenth second-feet.
One second-foot equals 40 miners' inches.

3. The water to be used for Stockwatering
Irrigation, power, mining, manufacturing, domestic, or other use.

4. The water is to be diverted from its source at the following point: NE¼ of the NW¼ of Section 24 Twp.22 N.R.54 E.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

Use of Water
(c) ~~Irrigation~~ will begin about April 1st and end about November 30th, of each year.
Month. Month.

IF WATER IS TO BE USED FOR POWER, MINING, TRANSPORTATION, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located NE¼ of the NW¼ of Sec.24 Twp.22 N.R.54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.

(f) Point of return of water to stream Not to be returned.
Describe in same manner as point of diversion.

(g) Remarks Map will be filed later.
Approximately 4000 head of sheep to be watered.

DESCRIPTION OF PROPOSED WORKS

One trough 40 feet long, 22 inches wide has already been installed,

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

and one reservoir 20 feet long and 8 feet wide will be built, a pipe line 20 feet in lenght will be laid.

5. Estimated cost of works $500.00

6. Estimated time required to construct works Two years.

7. Remarks

For use of applicant.

Marcos Lagarza, Applicant.

By

Compared

This sheet inspected

, Engineer.

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before Proof of the application of water to beneficial use must be filed with State Engineer on or before

WITNESS MY HAND AND SEAL this day of

State Engineer.

No. 7549

Indexed under

Name of applicant — Report No.

Map — 10-153

Stream — DIAMOND VALLEY

Field Book

Township 22, N.R. 54 E. → See "affidavit" Filed 11-17-27. "Explanation of Error in Point of Diversion"

SE 1/4 SW 1/4 Sec.

Application filed Oct. 19, 1925 ASSIGNED

Applicant Marcos Leguna

Source of Water Maggini Spring No. 2 ASSIGNED

Returned for correction

Corrected application received

Sent for publication Oct. 23, 1925 to Eureka Sentinel.

Proof of publication filed Feb. 27, 1926.

Investigated on ground by

Protested

Ready for action December 28, 1926.

Approved June 16, 1926 for 0.025 c.f.s. - stock

Denied

Withdrawn by applicant

Canceled

		Due
Proof of labor filed	July 16, 1926	Sept. 16, 1926
Map filed	October 15, 1927	Sept. 16, 1927
Proof of completion of work filed	July 16, 1936	Sept. 16, 1927
Proof of beneficial use filed	July 16, 1936	Sept. 16, 1928

Certificate No. 1472 issued December 31, 1928 — 0.025 — Ark.

Recorded - 1-4-29 - Book B Page 5 - Eureka Co. Deeds. (See #2210 for Affdvt)

REMARKS

See "Affidavit in Explanation of Error in Point of Diversion" Filed November 17, 1937.

ASSIGNED = To = Clement Maggini = Eureka County - Nevada

Filed 7-7-29 = By = Marcos Legarra = Eureka = Nevada. = 7-5-29.

Send copy of all correspondence & notices
to: Roy E. Hubbard P.O. Box 241
Eureka, Nevada 89316
Letter filed in # 7549 6/17/68

Application No. 7549 Certificate Record No. 1472 Book 6 Page 1472

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Marcos Legarra has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Maggini Spring No. 2, through reservoir, pipeline and troughs for Stockwatering purposes. The point of diversion of water from the source is as follows: NW¼SW¼ Sec. 12, T. 22 N., R. 54 E., M.D.B.& M., at S.39°15'E., 10265 feet from the SE corner Sec. 34, T. 23 N., R. 54 E., M.D.B.& M. situated in Eureka County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913 has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Marcos Legarra

Post-office address Eureka, Eureka County, Nevada

Amount of appropriation 0.025 C.F.S. or sufficient to water 4000 head of sheep.

Period of use, from April 1 to November 30 of each year

Date of priority of appropriation October 12, 1925.

Description of works of diversion, manner and place of use:

An earthen reservoir 15 feet square, and 3 feet deep was constructed at the spring located in the NW¼SW¼ Sec. 12, T. 22 N., R. 54 E., M.D.B.& M., from where water is conveyed by 20 feet of 2 inch pipe to 40 feet of 12 inch iron troughs where it is used for the watering of 4000 head of sheep.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which acquired.

IN TESTIMONY WHEREOF, I, Geo. W. Malone, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 21st day of December, A. D. 1928

Recorded 1-4-29 Bk B Page 5 Eureka County Records

Geo. W. Malone
State Engineer.

By [signature]
Assistant State Engineer

FILED
JUL 16 1926
STATE ENGINEER'S OFFICE

Under Permit No. 7549

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 12 inclusive must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See Sec. 69, Chapter 140, Statutes 1913.)

Question 1. What is your name, occupation, and postoffice address?

Answer: Marcos Legarra, Eureka, Nevada.

Question 2. Are you acting in behalf of a corporation? If so, state its name, place of business, and your authority for acting in its behalf.

Answer: No.

Question 3. What is the number of the permit under which this proof is made? Answer: 7549

Question 4. From what source do you obtain your water supply?

Answer: Maggini Spring No.2

Question 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer: Maggini Spring No.2

Question 6. Are you the person to whom the permit was issued? If not, state how you obtained it, giving the succession of title.

Answer: Yes.

(If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.)

Question 7. For what purpose are you using the water for which you are now making proof?

Answer: Stockwatering

Question 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 40 miners' inches equals 1 cubic foot per second. 1 miners' inch equals 11.21 gallons per minute. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer: One-tenth second feet.

Question 9. State the period during the year when water has been beneficially used.

Answer: April 1st to November 30th of each year.

Question 10. Do you divert and use more water at periods than granted in the permit for which proof is made? If so, make proper explanation.

Answer: No.

Question 11. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of person who made the measurements.

Answer: No measurement taken.

Question 12. State, if you know, the normal number of cubic feet per second flowing in the source at your point of diversion.

Answer: .....

IF WATER IS USED FOR IRRIGATION ANSWER THE FOLLOWING:

Question 13. Upon how many acres have you beneficially used water?

Answer: .....

Question 14. Give the number of acres in each legal subdivision.

Answer: .....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

.....acres in the.....of Sec....., T....., R.....E.

(Enumerate only the land upon which water has been actually used.)

Question 15. Have you installed a headgate and weir at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate.

Answer: .....

Question 16. Do you use the rotation system for irrigating?

Answer: .....

Question 17. What is the character of the soil irrigated?

Answer: .....

IF WATER IS USED FOR STOCK-WATERING OR DOMESTIC PURPOSES ANSWER THE FOLLOWING

Question 18. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Answer: Twenty feet of two inch pipe 20 feet in length; Two Iron troughs 40 feet long and One reservoir 15 feet square.

See map for this description

Question 19. Give approximate number and kind of animals watered.

Answer: 400 head of Sheep and Lambs.

IF WATER IS USED FOR POWER OR MINING AND MILLING PURPOSES ANSWER THE FOLLOWING:

Question 20. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer: .....

Question 21. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer: .....

.....

Question 22. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer: .....

.....

Question 23. Give any information concerning diversion and use of water for power or mining not covered above.

Answer: .....

.....

IF WATER IS USED FOR ANY PURPOSE NOT HERETOFORE NAMED
DESCRIBE FULLY UNDER REMARKS:

Remarks:

.....

.....

.....

.....

.....

.....

.....

.....

.....

(Give all information relative to the method of use of water and any other matters you deem important.)

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed: Marcos Legrama

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Eureka, County of Eureka, State of Nevada, on this 14 day of July, A. D. 192 6

Notary Public

APPLICATION FOR PERMIT Serial No. 7549

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office OCT 19 1925
Returned to applicant for correction
Corrected application filed

The undersigned Marcos Legarra
Name of applicant.
of Eureka, County of Eureka,
State of Nevada, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation give date and place of incorporation.)

1. The source of the proposed appropriation is Maggini Spring No.2
Name of stream, lake, or other source.

2. The amount of water applied for is One-tenth second-feet.
One second-foot equals 40 miners' inches.

3. The water to be used for Stockwatering
Irrigation, power, mining, manufacturing, domestic, or other use.

4. The water is to be diverted from its source at the following point: SE¼ of the SW¼ of Section 12 TWP.22 N.R.54 E.M.D.B.& M.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated
Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

(c) Use of Water ~~Irrigation~~ will begin about April 1st and end about November 30th, of each year.
Month. Month.

IF WATER IS TO BE USED FOR POWER, MINING, TRANSPORTATION, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located SE¼ of the SW¼ of Sec.12 Twp.22 N.R.54 E.
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.

(f) Point of return of water to stream Not to be returned.
Describe in same manner as point of diversion.

(g) Remarks Map will be filed later on.
Approximately 4000 head of sheep will be watered.

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE $1.9995

FOR THE YEAR 1920

NAME	STATEMENT NUMBER	DESCRIPTION OF PROPERTY	SEC. OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR PERSONAL OR CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
D, FRANK		Patented mines, Eagle Pass					$	$	$ 500	$	$	
		Auto. Dodge 1917							543			
		Poll tax. receipt issued								1043	3	
J. C.		Frame houses at Beowawe, Eureka County						150		150		
AIRD		Patented mines, Rambler							500	500		
MINING CO.		Buildings						1000				
		Patented mines, Champion 500										
		Curtis & Keller 500										
		Mill Site 50							1050	2050		
O SIX MNG. CO.		Personal Property, Wagon 50										
		Harness 30										
		4 Work horses 320										
		Machinery 800										
		Hoist 200										
		Cars 50										
		Tools 50										
		Auto, Ford (old) 150										
		Furniture 50							1700	1700		
UARRY TRANSIT CO.		Public Utility, Eureka County's portion							79	79		
I, JOHN		Land on Kelly Creek				160						
		Land on Willow Creek				160						
		320 Acres Grs.4th @ 5					1600			1600		
AIR? JOHN		Frame house on Ruby Hill						75.		75		
ra, Marcon & Co.		Possessory interest in and to a tract of land in Diamond Valley about 1 mile south from Maggini Ranch consisting of 80 acres 80 A cres Gran. 4th @ 5. & 400					400			400		
										7597		

Marco Legarra

NO. ___

ASSESSMENT ROLL OF ... GENERAL ... DISTRICT, EUREKA COUNTY, NEVADA

RATE, $1.86 ...

FOR THE YEAR 1921

NAME	ASSESSMENT REMARKS	DESCRIPTION OF PROPERTY	LOT OR SURVEY	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR FORMER CUT CLASS	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
O SIX M. CO		Buildings					$	$ 1400	$	$	$	
		Patented mine, Big Six No 3							500			
		Wagon 30										
		Harness 30										
		3 Work Horses 240										
		Machinery 2000							2300			
										4200		
, WM. M.		NW¼ of SW¼	15	27	52	40						
		SW¼ " SE¼	32	25	50	40						
		80 Acres Gras. @ 4					320					
										320		
MNG. CO.		Buildings						1000				
		Patented mines, Champion 500										
		Curtis & Keller 500										
		Mill Site 50							1050			
										2050		
MRS. A.		Patented mine, Rambler 500							500			
		Widows Exemption $ 1000.								500		
, FRANK		Patented mine, Eagle Pass 500							500			
		Auto. Dodge 1917 417							417			
		Poll Tax, receipt issued								917	3	
J. C.		Frame houses at Beowawe						150				
										150		
?OER, W.P.		House and fencing						100				
		W½ of NW¼	28	34	51	80						
		80 Cres @ 5					400					
										500		
'AER, JOHN		Frame house on Ruby Hill						75				
		Poll Tax, receipt issued								75	3	
LEGARRA & CO.		Possessory interest in and to a tract of land situated in Diamond Valley, about one mile south from Maggini Ranch.										
		Containing				80						
		80 Acres Gras. @ 5					400			400		
										961		

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE, 5-1.84

FOR THE YEAR 1922

NAME	SECTION NOT SURVEYED	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR POSSESSORY CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
A. KARGOS & CO Marco Legarra		Possessory interest in and to a tract of land situated in Diamond Valley, about one mile S. from the Clement Maggini Ranch 80 Acres Gran. 2nd, @ 5 400				80	$ 400	$	$	$ 400	$	
										400		

PAGE No._____

ASSESSMENT ROLL OF General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ 2.24 FOR THE YEAR 1923

NAME	Resident Owner	DESCRIPTION OF PROPERTY	Lot No.	Block or Tunnel Group	Range	Acres	Value of Real Estate or Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Poll Tax
							$	$	$	$	$
LINCOLN MNG. CO.		Buildings & Machinery.						1000.			
		Patented mines, Champion 500									
		Curtis & Keller 500									
		Mill site 50							1059		
										2059	
LAIRD, MRS ABRAM		Patented mine, Rambler							500		
		Auto, Ford old							175		
										150	
		Widows exemption $ 525.								525	
LEGARRA, MARCOS		Possessory interest in and tract of land situated in Diamond Valley				80					
		80 Acres Gras. 2nd. @ 5 400					400				
										400	
LEVY, MRS. M.S.		Patented mine, Red Bird 500							500		
										500	
LATTA, J. C.		Houses at Beowawe						150			
										150	
LYNN BIG-SIX MNG. CO.		Mill Building 800									
		Bunk House 200									
		Boarding house 200						1200			
		Patented mine, Big Six # 3 500							500		
		Furniture 100									
		Wagons 90									
		2 Work horses 180									
		Machinery 2000									
		Tools 200							2570		
										4270	
LIEBERHER, W. F.		House and fencing						100			
		W½ of NW¼	28	34	51	80					
		80 Acres Gras. 2nd, @ 5 400					400				
										500	
LITTLEWAIR, JOHN		Frame house on Ruby Hill						75			
										75	
LEONARD, FRANK		Patented mines, Eagle Face							500		
		Dodge 1917							300		
		Poll tax receipt issued								800	3
							800	2525	6095	9420	
										9173	

PAGE No.____

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE, 8.2.24 FOR THE YEAR 1924

NAME	Assessment Number	DESCRIPTION OF PROPERTY	Lot or Section	Block or Township	Range	Acres	Value of Real Estate or Patented Mining Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Poll Tax
							$	$	$	$	$
Lynn Big Six Mng. Co.		Mill Building 800									
		Bunk House 200									
		Boarding House 200						1200			
		Patented Mine							500		
		Furniture 50									
		Wagon 75									
		3 Work horses 225									
		Machinery 2000									
		Mine Cars 150							2425		
										4225	
Leonard, Frank		Patented Mine, Eagle Pass 500							500		
		Auto. Old Dodge 200							200		
		Poll tax, receipt issued								700	3
Lineberger, W.F.		Improvements						100			
		W½ of NW¼	28	34	51	80					
		80 Acres Cras. 2nd. @ 5 .400					400				
										500	
Mitchell, John		Frame house on Ruby Hill						75			
										75	
Metz, J.O.		Houses at Browns						150			
										150	
Mtg. Mrs. M.E.		Patented Mine, Red Bird							500		
210.84 Suffer											
										500	
Navarro, Marcos		Possessory interest in and to a tract of land situated in Diamond Valley about one mile South from the Clement Maggini Ranch				80	80				
		80 Acres Cras. 2nd. @ 5					400				
										400	
Lincoln Mng. Co.		Buildings & Mch'y						500			
		Patented Mines, Champion 500									
		Curtis & Keller 500									
		Mill Site 50									
									1050	1550	
Laird, Mrs. Abram		Patented Mine, Rambler							500		
		Widows exemption 500								500	
										8,100	

PAGE No._____

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ 2.26 FOR THE YEAR 1925

NAME	STATEMENT NUMBER	DESCRIPTION OF PROPERTY	SEC. OR SUBDIV.	TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR POSSESSORY CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX
							$	$	$	$	$
LIMBERGER, W. P.		House and fencing						100			
		W½ of NW¼	28	34	51	80					
		80 Acres Gras.2nd,@ 5					400				
										500	
LEGARRA, MARCOS		Possessory interest in and to a tract of land situated in Diamond Valley about one mile S. from the Clement Maggini Ranch.				80					
		80 Acres Gras. 2nd,@ 5					400				
										400	
LYNN BIG SIX MNG.CO.		Mill Building 800 Bunk House 2@ 200 Boarding House 200						1200			
		Patented Mines, Big Six #1 500 July Lode 500 Great Divide Lode 500 Bald Eagle Lode 500							2000		
		Wagon 75 2 Work horses 160 Machinery & Tools 2000							2235		
										5435	
LEONARD, FRANK		Patented Mine, Eagle Pass							500		
		Old Dodge							100		
		Poll tax, receipt issued								600	3
LAIRD, MRS.M.J.		Patented Mine, Rambler							500		
		Widows exemption 500								[illegible]	
LINCOLN MNG. CO.		Buildings & Machinery						500			
		Patented Mines, Champion 500 Curtis & Keller 500 Mill site 50							1050		
										1550	
LATTA, J.C.		Houses at Beowawe						150			
										150	
LITTLEFAIR, JOHN		House at Ruby Hill						75			
										75	
LEVY, MRS.M.S.		Patented Mines, Central Hill 500 4/5 Golden Rule 500 4/5 Blue Bird 400 4/5 Clipper 400 Sentinel 500 Water Jacket 500 Red Bird 500 Golden Rule M.S. 50							3250	3250	
										11960	

PAGE No. _____

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE, $2.20 80¢ _____ FOR THE YEAR 1926

NAME	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	SIZE	ACRES	VALUE OF REAL ESTATE OR POSSESSORY CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	FULL TAX
LEONARD? FRANK	Patented Mine,					$	$	$	$	$
	Eagles Nest							500		
	Dodge Tour. 1917							100		
	Poll tax receipt issued								600	3
LEGARRA, MARCOS.	Possessory interest in and to a tract of land situated in Diamond Valley about 1 mile from the Clement Maggini Ranch				80					
	80 Grss. 2nd, @ 5					400				
	Buick Sedan 1926							1495		
									1895	
LYNN BIG SIX MIN. CO.	Mill Building							500		
	Bunk House							200		
	Boarding House						900			
	Wagon							50		
	Machinery and tools							2000		
	Patented Mines,									
	Big Six #3							500		
	July Lode							500		
	Great Divide Lode							500		
	Bald Eagle Lode							500		
								2000		
									5950	
LITTLEFAIR, JOHN	House at Ruby Hill						75			
	Ford Road 1922							75		
									150	
LEVY, MRS ANNIE	Patented Mines,									
	Central Hill							500		
	4/5 Golden Rule							400		
	4/5 Blue Bird							400		
	4/5 Clipper							400		
	Sentinel							500		
	Water Jacket							500		
	Red Bird							500		
	Golden Rule M.S.							50		
								3250		
									3250	
LATTA, J. C.	Houses at Beowawe						150			
									150	
LINCOLN MIN. CO.	Buildings and Machinery						500			
	Patented Mines,									
	Chevalon							500		
	Curtis & Keller							500		
	Mill Site							1050		
									1550	
LAIRD, MRS. MARY	Patented Mine, Rambler							500		
									65	
	Widows exemption									
									12,545	

PAGE No._____

ASSESSMENT ROLL OF: General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $2.16

FOR THE YEAR 1927

NAME	TAXING DISTRICT	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OTHER THAN IMPROVEMENTS	VALUE OF IMPROVEMENTS TO REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
LEGARRA MARCOS		Possessory interest in and to a tract of land situated in Diamond Valley about one mile S. from the Clement Maggini ranch				80						
		80 Acres Cras.Pod,C 5					400			400		
LYNN BIG SIX MNG. CO.		Mill Building							400			
		Bunk House							150			
		Boarding House							150			
		Patented Mines							700			
		Big Six #3										
		Ruby Lode										
		Great Divide Lode										
		Bald Eagle Lode										
									2000			
		Machinery and Tools							1500			
										4200		
LITTLEFAIR JOHN		House on Ruby Hill						75				
		Yard							50			
										125		
LEVY MRS ANNIE		Patented Mines										
		Central Hill 500										
		4/5 Golden Rule 400										
		4/5 Blue Bird 400										
		4/5 Clipper 400										
		Sentinel 500										
		Water Asket 500										
		Red Bird 500										
		Golden Rule M.S. 50										
									3250	3250		
LINCOLN MNG. CO.		Building and Machinery						500				
		Patented Mines										
		Champion 500										
		Curtis & Keller 500										
		Willetto 50							1050			
										1550		
LYND MRS MARY		Patented Mine										
		Rambler							500			
		Hudson & Kimpton Log.								500		
LIEBERROER W. F.		House and Fencing						100				
		W½ of NW¼	28	34	52	80						
		80 Acres Cras.Ind.C.R					400					
										500		
LEONARD FRANK		Patented Mine,										
		Eagle Fuse 500							500			
		Old Dodge Four 50							50			
		Poll tax receipt issued								550	3	
										10 575		

FOE No.

ASSESSMENT ROLL OF General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $3.28 FOR THE YEAR 1928

NAME	TOWN OR DISTRICT	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF LAND EXCLUSIVE OF IMPROVEMENTS	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
Navarro, Marcos		Possessory interest in and to a tract of land situated in Diamond Valley, about 1 mile N. from the Diamond Mountain Ranch, in Eureka County, Nevada.				80						
		80 Acres Cras.2nd,@ 5					400					
										400		
Littlefair, John		House on Ruby Hill						75				
		Ford Truck							50			
										125		
Maynard, Frank		House at Beowawe						100				
		Dodge Touring old							80			
		Patented Mine, Eagle Pass							500			
										680		
Linsberger, W.F.		Improvements						100				
		Wt of Rd	28	34	51	80						
		80 Acres Cras.2nd,@ 5					400					
										500		
Lowy, Mrs Anna		Patented Mines,										
		Central Hill 500										
		4/8 Golden Rule 400										
		4/8 Blue Bird 400										
		4/8 Clipper 400										
		Sentinal 500										
		Water Jacket 500										
		Red Bird 500										
		Golden Rule M.S. 50							5850			
										5250		
Lincoln Mng. Co.		Buildings						100				
		Patented Mines,										
		Champion 500										
		Curtis & Keller 500										
		Mill Site 50							1050			
										1150		
Laird, Mrs M. E.		Patented Mine, Rambler							500			
		Widows Exemption $1000								00 3608		
Lynn Big Six Mng. Co.		Buildings						1000				
Beaver Consol Coal Mining Co 522 Templeton Bld Salt Lake City		Patented Mines,										
		Big Six No.8 500										
		Jule Lode 500										
		Great Divide Lode 500										
		Bald Eagle Lode 500							2000			
										5000		
Linn, S. H.		House, Stable, Corral						400				
		Wagon 100										
		1 Saddle Horse 50										
		8 Stock Cattle 800										
		Furniture 50							400			
		Soldiers Exemption $1000								00 1000		
										4015		

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ORIGINAL

ASSESSMENT BOOK OF THE PROPERTY OF EUREKA

ASSESSED TO ALL OWNERS, WHEN KNOWN

FOR THE YEAR 1913

TAXPAYER'S NAME	Road District	School District	DESCRIPTION OF PROPERTY — REAL ESTATE, OTHER THAN CITY AND TOWN LOTS	Mt. Diablo Base and Mer. — Section	Mt. Diablo Base and Mer. — Twp. North	Mt. Diablo Base and Mer. — Range West	City or Town Lots in Eureka — Position	City or Town Lots in Eureka — Lot	City or Town Lots in Eureka — Block	City or Town Lots in Eureka — Addition	Number Acres of Real Estate	Symbol Tax	Value of Real Estate or Improvements
1160 455												$	$
Litterlay Head	1		Personal Prop: 4 Work Horses 200										
			2 Saddle " 25										
			10 Range " 75										
			2 Mil. Cows 70										
			2 Stock Cattle 150										
			10 00 Sheep 300										
			1 Boar 20										
			Wagon 50										
			The single & premises in the following Lands.										
			22 N W ¼	5	21	2W					40		200
			S ½ NE ¼	9							80		400
			SE ¼ NW ¼	9							40		200
			NE ¼ SW ¼	9							40		200
			N ½ SE ¼	17							80		200
			Subj: Water Right Deed										
			Also interest in Ditch & Flume Co										
			in E. side of Brannan Valley Cr.										
			1½ mile Northerly from Eureka										
			Also one undivided ½ in										
			the one "The Winchester" Water ditch								.60	Shed	200
			Subj: to Deed, Note & Mortgage										
Hall, Chas.	1		Personal Prop: 4 Work Horses 200										
			2 Saddle " 25										
			7 Mil. Cows 140										
			170 Stock Cattle 3400										
			Wagon & Gear 150										
			The single & following pieces Lands.										
			22 N W ¼	5	2N	2W					160		800
			N ½ SE ¼	9							80		400
			SW ¼	10							160		800
			NE ¼ NW ¼	16							40		200
			N ½	17							320		1600
			SE ¼	17							160		800
			SW ¼ NW ¼	17							40		200
			NW ¼ NW ¼	20							40		200
			NW ¼	21							160		800
			SW ¼ NW ¼	21							40		200
			SE ¼ NW ¼	21							40		200
			NE ¼ SW ¼	22							40		200
			Deeds:										
			Money, Notes, Cancels & Journals Etc. Etc. Etc.										
											2484.16		5516

Beck Properties Exhibit 21 - Page 1

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE { GENERAL DISTRICT . . . 11.75
EUREKA DISTRICT . . . 11.75

FOR THE YEAR 1914

NAME	Statement Number	DESCRIPTION OF PROPERTY	Lot or Section	Block or Township North	Range East	Acres	Value of Real Estate or Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation by Assessor	Poll Tax
C. K.	169	Fee Simple to Patented Lands;									
Pallands,		W ½ of	8	28	52	320					
		S ½ SE¼	8			80					
		W ½	16			320					
		SW¼ SE¼	16			40					
		N ½	17			320					
		SE¼	17			160					
		NE¼ SW¼	17			40					
		NE¼ NE¼	20			40					
		NW¼	21			160					
		W ½ NE¼	21			80					
		SE¼ NE¼	21			40					
		N ½ SE¼	21			80					
		N ½ SW¼	22			80	13440				
		560 Acres Meadow					5600				
		1200 Acres Grazing					1500				
		House, stables, corrals & Tel. Line						500			
		Wagons & Tools							100		
		22 Work horses 800									
		7 Saddle horses 150									
		1 Stallion 150.									
		22 Mules 1000.									
		300 Stock cattle 6000.							8100		
										15800	
Hy Bros.,	170	Fee Simple & Pres. Int. in and to Patented,									
Eureka,		State Contract and Pres. Lands;									
Handley Bros.		W ½ of SW¼	5	20	54	80					
		S ½ NE¼	9			80					
		SE¼ NW¼	9			40					
		NE¼ SW¼	9			40					
		S ½ NW¼	10			84.16					
		"The Windmill" Approximately in	3	21	53	160	1700				
		40 Acres Alfalfa					1200				
		10 Acres Meadow					240 100				
		434.16 Acres Grazing					1758 1100				
		House, stables, corrals, Home Ranch 300.									
		House, stables, corrals Windmill 100.						400			
		Wagon 50.									
		Automobile 250.							100		
		3 Work horses 150.									
		3 Saddle horses 50.									
		15 Stock horses 50.									
		39 Stock cattle 780.									
		3 Milch cows 60.									
		2325 Sheep 4650.							6000		
		52 Bucks 260.									
										9100	3.
							9500	901	14100	24501	

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE $ ..... FOR THE YEAR 1915

NAME	State-ment Number	DESCRIPTION OF PROPERTY	Lot or Section	Block or Town-ship	Range	Acres	Value of Real Estate on Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Poll Tax
id, Chris.	57	Fee Simple & Poss. int. to Patented and State Contract Lands;									
		W ½ of SW¼	15	20	54	80					
		E ½ SE¼	16			80					
		NW¼ NW¼	22			40					
		SE¼ NW¼	22			40					
		S ½ NE¼	22			80					
		SW¼ NE¼	23			40					
		NW¼ SW¼	24			40					
		30 Acres Cult. @ 20.					600				
		70 Pasture 10					700				
		300 Grazing 3					900				
		House, stables, corrals						100			
		Wagons & Tools							100		
		4 Work horses 145.									
		1 Saddle horse 25.									
		2 Range horses 15							185		
		32 Stock cattle 960.									
		7 Beef cattle 210.									
		1 Bull 30.									
		5 Milch cows 150.							1350		
		3 Pigs							15		
		Poll Tax, receipt issued,								1950	3
Iron. Handley Bros.	G-101	Fee Simple & Poss. int to Patented & State Contract Lands;									
		W ½ of SW¼	5	20	54	80					
		S ½ NE¼	9			80					
		SE¼ NW¼	9			40					
		NE¼ SW¼	9			40					
		S ½ NW¼	10			84.16					
		Poss. int. to "Windmill", approximetely in	3	21	53	160.					
		40 Acres Cult. @ 25.					1000				
		64 Pasture 10					640				
		380 Grazing 5					1900				
		Houses, stables, corrals						400			
		Fur. wagons & Tools 150. Ford '14 Auto 250.							400		
		4 Work horses 140.									
		3 Saddle horses 75									
		4 Range horses 40.									
		1 Stallion 100, Mule 25. 125.							380		
		60 Stock cattle 1800.									
		2 Bulls 60.									
		1 Milch cows 90.							1950		
		3200 Sheep 11200.									
		900 Lambs 900.							12100		
		6 Pigs 30. 2 Burros 20.							50		
		7 Poll Taxes, receipts issued,								18820	21
						884.16	5340	500	16520	22776	

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATES. FOR THE YEAR 1916

NAME	Statement Number	DESCRIPTION OF PROPERTY	Lot or Section	Block or Township	Range	Acres	Value of Real Estate or Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Poll Tax
nd, Chris.	126	Patented & State Contract Lands:									
		W ½ of SW¼	15	20	54	80					
		E ½ SE¼	16			80					
		NW¼ NW¼	22			40					
		SW¼ NW¼	22			40					
		S ½ NE¼	22			80					
		SW¼ NE¼	23			40					
		NW¼ SW¼	24			40					
		4 Acres Cult, 1, @ 50. 200.									
		26 " 3, 30 780									
		70 Past, 2 10 700.									
		300 Gras 2, 3. 900.					2580				
		House, stables, corrals						120			
		Piano 100.									
		Wagons & Tools 150.							250		
		40 Cattle 1320.									
		2 Work horses 160.									
		3 Saddle horses 120.									
		1 Stock mule 30.									
		2 Hogs 16.							1646		0
		Poll tax, receipt issued								4596	3
Bros.	127	Patented, State Contract & Possessory Lands									
dley Bros.		W ½ of SW¼	5	20	54	80					
		S ½ NE¼	9			80					
		SE¼ NW¼	9			40					
		NE¼ SW¼	9			40					
		S ½ NW¼	10			84.16					
		"The Windmill"				160.					
		Randley Spring & Hog Back Spring									
		44 Acres Cult, 3, @ 30. 1320.									
		60 Past, 1 15 900.									
		280.14 Gras, 1, 5 1900.					4120				
		Springs					200				
		House, stables, corrals						500			
		Furniture & Piano 150.									
		Wagons & Tools 150									
		Auto, Ford ' 14 250.							550		
		1510 Sheep (2-1-16)							10440		8
		38 Cattle 1254.									
		4 Work horses 320.									
		2 Saddle horses 80.									
		2 Burros 20.									
		4 Hogs 12.							1706		C
		5 Poll taxes, receipts issued.								17516	15
						5541.16	6900	620	11592	23112	65

PAGE NO.

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE $ 1.6935 FOR THE YEAR 1917

NAME	Statement Number	DESCRIPTION OF PROPERTY	Lot or Section	Block or Township	Range	Acres	Value of Real Estate or Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Full Tax
Humboldt Land &	103	All	19	32	49	632.58					
Cattle Co., Reowave		All	20			640					
		W ½	21			320					
		W ½ of E ½	21			160					
		W ½	28			320					
		N ½ of NE¼	28			80					
		All	29			640					
		All	30			632.70					
		W ½	31			326.64					
		E ½ of SE¼	31			80					
		N ½	32			320					
		SW¼	32			160					
		NE¼ of SE¼	32			40					
		W ½ of SE¼	32			80					
		W ½ of NW¼	33			80					
		NE¼ of NW¼	33			40					
		SW¼ of NW¼	7	31	50	39.87					
		NE¼ of SW¼	7			40					
		N ½ of SE¼	7			80					
		N ½ of SW¼	8			80					
		NW¼ of NE¼	10			40					
		N ½ of NW¼	18	33	50	76.13					
		S ½ of NE¼	18			80					
		SW¼ of SW¼	6	31	52	40.30					
		Total Acres				15194.56					
		Less R.R. R/W, Est.				355.23					
		Total assessed				14839.33					
		4 Ac. Alfalfa 1st. @ 50				200					
		360 Ac. " 3rd. @ 30				10800					
		636 Ac. Wild H. 2nd. @ 20				12720					
		1000" Past. 1st. @ 15				15000					
		6000" Irrigable @ 10				60000					
		6839.33 Grss. 1st. @ 5				34195					
		Furniture				300					
		Piano				100					
		Wagons				1000					
		4 Work Horses				320					
		Houses, Stables, Corrals							1720		
								8500			
Handley Brothers	104	W ½ of SW¼	5	20	54	80					
		S ½ of NW¼	9	20	54	80					
		SE¼ of NW¼	9	20	54	40					
		NE¼ of SW¼	9	20	54	40					
		S ½ of NW¼	10	20	54	84.16					
		Windmill	3	21	53	160					
		Handley Spring Diamond Range about 5 miles									
		E. of Maggini Ranch									
		Hog Back Spring Black Point									
		House, Stables, Corrals (Home Ranch)						200			
		House, Stables, Corrals (Windmill)							500		

PAGE NO. _____

ASSESSMENT ROLL OF ORIENTAL DISTRICT, EUREKA COUNTY, NEVADA

RATE $ 1.6935 FOR THE YEAR 1917

NAME	Statement Number	DESCRIPTION OF PROPERTY	Lot or Section	Block or Township	Range	Acres	Value of Real Estate or Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Poll Tax
Handley Brothers---	104	44 Ac. Alfalfa 3rd. @ 30							$ 1320		
...Continued		60 Ac. Past. 1st. @ 15							720 / 900		
		380 Ac. Graz. 1st. @ 5					4120		1900 / 1520		
		Auto. Dodge 1917							628		
		38 Cattle							1178 / 1330		
		2 Work Horses							160		
		2 Saddle Horses							80 / 160		
		2 Burros							20 / 16	2218	
		Poll Tax, Receipt issued (2)									6
		2650 Sheep							713.00	7038	
Hinckley, Grayson W.	105	W½ of NE¼	6	34	51	80.67					
Beowawe		NE¼ " NE¼	12	31	49	40					
		SW¼ " NW¼	34	33	50	40					
		NW¼ " SW¼	34	33	50	40					
		SE¼ "	28	32	49	160					
		S½ " NE¼	28	32	49	80					
		100 Ac. Past. 2nd. @ 10							$ 1000 / 1250		
		100 Ac. " 1st. @ 15							1500 / 1250		
		100 Ac. Graz. 1st. @ 5							500 / 700		
		240.67 " 2nd. @ 3					3723		721 / 563		
		Auto. Ford. 1916							274		
		144 Cattle							5040 / 5112		
		3 Saddle Horses							120 / 150	C 578.4	
		15 Stock Horses							180 / 450		
										5584	
										9307	
Hildebrand, Chris.	106	W½ of SW¼	15	20	54	80					
		E½ " SE¼	16	20	54	80					
		NW¼ " NW¼	22	20	54	40					
		SE¼ " NW¼	22	20	54	40					
		S½ " NE¼	22	20	54	80					
		SW¼ " NE¼	23	20	54	40					
		NW¼ " SW¼	24	20	54	40					
		4 Ac. Vegetable @ 50							$ 200 / 330		
		26 Ac. Alfalfa 3rd. @ 30							780 / 676		
		70 Ac. Past. 2nd. @ 10							700 / 910		
		300 Ac. Graz. 2nd. @ 3					2580		900 / 780		
		House, Stables, Corrals						120			
		Piano							100		
		Vehicles							150		
		10 Cattle							560 / 289		
		3 Work Horses							240 / 210		
		2 Saddle Horses							80 / 100		
		Poll Tax, Receipt issued								920	
											3
										3620	
										19465 / 21727	

ASSESSMENT ROLL OF CENTRAL DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ 1.6905 ... FOR THE YEAR 1919

NAME	STATEMENT NUMBER	DESCRIPTION OF PROPERTY		LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR PUBLIC DOMAIN CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX
								$	$	$	$	$
Cattle Co.		8 Saddle Horses	$ 320									
		16 Stock Horses	480									
		725 Stock Cattle	27500									
		20 Bulls	1000									
		4 Hogs	48									
		Autos. Reo 1917	542									
		Ford	75							31245		
											33688	
Cracker)		Improvements Frame House							50			
		Poll Tax, Receipt issued									50	3
H. "Estate of"		Patented Mines										
		¼ Sunset	$ 250									
		¼ Dead Broke	250									
		¼ New Year	250									
		¼ Volk & Pinnions	250					1000			1000	
: Pine		Patented Mines										
		~~Horizontal~~	$ ~~500~~									
		~~Herculean~~	~~500~~									
		~~Minerva~~	~~500~~									
		~~Protection~~	~~500~~									
		~~Silver Lick & Bobby Burns~~	~~500~~									
		~~Vera Cruz & California~~	~~500~~					3000				
											1000	
Will		Frame House							150			
		Auto. Ford 1915	$ 98							98		
											248	
rothers Handley Bros.		House, Stables, Corrals at Home Ranch										
		House, Stables, Corrals at Windmill							500			
		Houses, Stables, Corrals at Mineletti										
		Place							1500			
		W½ of SW¼		5	20	54	80.					
		S½ " NE¼		9			80					
		SE¼ " NW¼		9			40					
		NE¼ " SW¼		9			40					
		S½ " NW¼		10			84.15					
		Windmill		1	21	53	160					
		Handley Spring										
		Hog back "										
		SW¼ of NW¼		3	20	54	49.54					
		S½ " NE¼		4			80					
		S½ " NE¼		34	21	54	80.					
											3461 3	

ASSESSMENT ROLL OF ...CENTRAL... DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ 1.6905.. FOR THE YEAR 1919

NAME	STATEMENT NUMBER	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR POSSESSORY CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX
Brothers							$	$	$	$	$
Handley Bros.		S½ of SW¼	35	21	54	80					
Continued		N½ " SE¼	35			80					
		SW¼ " NW¼	36			40					
		NW¼ " SW¼	36			40					
		Furniture $ 50									
		Wagons 100									
		3 Work Horses 240									
		3 Saddle Horses 120									
		2 Stock Mules 60									
		25 Stock Cattle 850									
		1 Bull 50									
		2500 Sheep and Lambs 22500									
		6 Hogs 72									
		2 Burros 20									
		Auto. Dodge 1917 459							24521		
		71 Acres W. Hay 1st @ 30 $ 2130									
		160 " " " 2nd @ 18 2880									
		550 " Gras. 3d @ 5 2750									
		150 " " 5th @ 2 300					8060				
		3 Poll Taxes, Receipts issued.					1227			14581	9
and, Chris		House, Stable, Corrals						120			
		W½ of SW¼	15	20	54	80					
		E½ " SE¼	16			80					
		NW¼ " NW¼	22			40					
		SE¼ " NW¼	22			40					
		S½ " NE¼	22			80					
		SW¼ " NE¼	23			40					
		NW¼ " SW¼	24			40					
		4 Acres Cultivated 3d @ 50 $ 200									
		20 " " 4th @ 35 700									
		76 " Past. 3d @ 12 836									
		300 " Graz. 4th @ 3 900					2636				
		Piano 100					402				
		Wagons 150									
		2 Work Horses 160									
		1 Saddle Horse 40									
		12 Stock Cattle 456									
		Auto. Ford 1917 180							1086		
		Poll Tax. Receipts issued								3843	3
Land & Cattle		Houses, Stables, Corrals						8500			
		S½ of SE¼	8	31	48	80					
		NW¼ "	17			160					
		E½ " NE¼	18			80					
		E½ " NE¼	1	32	48	80.11					
		SE¼ "	1			160					
		E½ " E½	12			160					
		E½ " NE¼	13			80					
		SW¼ " NE¼	13			40					
		SW¼ "	13			160					
										54795	

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE $1.9995 FOR THE YEAR 1920

NAME	STATEMENT NUMBER	DESCRIPTION OF PROPERTY	LOT OR PARCEL	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR PREDECESSOR CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX
							$	$	$	$	$
(BROTHERS		House, Stables, Corrals (Home ranch)									
Handley Bros.		" " " (Windmill)									
		" " " (Minoletti)					2892	2000			
		W½ of SW¼	5	20	54	80					
		S½ " NE¼	9			80					
		SE¼ " NW¼	9			40					
		NE¼ " SW¼	9			40					
		S½ " NW¼	10			80					
		Windmill	3	21	53	160					
		SW¼ " NW¼	3	20	54	47.54					
		S½ " NE¼	4			80					
		S½ " SE¼	34	21	54	80					
		S½ " NE¼	35			80					
		N½ " SE¼	35			80					
		SW¼ NW¼	36			40					
		NW¼ " SW¼	36			40					
		Handley Spring									
		Hog back Spring									
		231 Acres Wild hay 2nd @ 24 5544									
		700 " Gras. 4th @ 4 2800					8344				
		Furniture 50									
		Wagons 100									
		4 Work horses 360 ✓									
		4 Saddle " 220 ✓									
		6 Fuestails 60 ✓									
		4 Stock mules 120 ✓									
		35 " Cattle 1295 ✓									
		3000 Sheep 24000 -									
		3 Pigs 15 ✓									
		1 Burros 30 ✓									
		Dodge. 1919 873							27123		
		Machinery 250							250		
		6 Poll taxes, receipt issued								37717	18
J.W.		SE¼ of NE¼	20	29	52	40					
		40 Acres Gras 4th @ 5 200					200				
										200	
FREDERICK M.		N½ of SE¼	22	20	52	80					
		W½ " SW¼	23			80					
		160 Acres Gras. 4th @ 5					800				
										800	
OTON & DIAMOND		SW¼ of SW¼	10	27	52	40					
& LAND CO.		SE¼ " SW¼	10			40					
		NW¼ " NW¼	11			40					
		NW¼ " NE¼	15			40					
		SW¼ " NW¼	15			40					
		NE¼ " SW¼	15			40					
		120 Acres Gras. 4th @ 5					600				
		120 " " 5th @ 3					360			960	
										29677	

NO. ...

ASSESSMENT ROLL OF GENERAL ... DISTRICT, EUREKA COUNTY, NEVADA

RATE, $1.1,86 ... FOR THE YEAR 1921

NAME	DESCRIPTION OF PROPERTY	Lot or Section	Twp.	Range	Acres	Value of Real Estate or Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Poll Tax
BROTHERS	Improvements at the Home Ranch, Windmill,					$	$	$	$	$
Handley Bros.	Minolatti Place, and Pedriola Place						2350			
	W½ of SW¼	5	20	54	80					
	S½ " NE¼	9			80					
	SE¼ " NW¼	9			40					
	NE¼ " SW¼	9			40					
	S½ " NW¼	10			84.35					
	Windmill Place	3	21	53	160					
	SW¼ " NW¼	3	20	54	47.54					
	S½ " NE¼	4			80					
	S½ " SE¼	34	21	54	80					
	S½ " SW¼	34			80					
	E½ " SE¼	35			80					
	SW¼ " NW¼	36			40					
	NW¼ " SW¼	36			40					
	N½ " S½	23			160					
	Handley Spring					50				
	Hogback "					50				
	231 Acres Wild Hay 2nd @ 24 5544									
	20 Past. 2nd @ 18 360									
	140 Graz @ 5 700									
	700 " @ 4 2800					9404				
	Wagons 100									
	4 Work Horses 320									
	3 Saddle " 165									
	12 Furstails 120									
	4 Pack Mules 120									
	34 Stock Cattle 1088									
	1 Bull 100	1773								
	2500 Sheep 15000									
	65 Bucks 780									
	2 Burros 20	15,719								
	2 Pigs 10									
	Machinery 250									
	Dodge 1919 868	8	Poll taxes, receipt issued					18941	30735	24
. MNO. CO.	Patented mine, Maud G 500								500	
ROBERT	Frame House on Ruby Hill						75		75	
MRS. ANNIE	Frame house on Ruby Hill						75		75	
									31445	

PAGE No. ____

ASSESSMENT ROLL OF General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ ____ FOR THE YEAR 1924

NAME	Poll or Real Estate	DESCRIPTION OF PROPERTY	Sec. or Lot	Twp. or Block	Range	Acres	Value of Real Estate or Possessory Claim	Value of Improvements on Real Estate	Value of Personal Property	Total Valuation	Poll Tax	
Handley Brothers		House, stables, corrals (Home ranch)						500				
		" " " (Windmill)						250				
		" " " (Mineletti)						1500				
		" " " (Pedricks)						100				
		W½ of SW¼	5	20	54	80						
		SE¼ " NE¼	9			80						
		SW¼ " SW¼	9			40						
		SE¼ " SW¼	9			40						
		SE¼ " NE¼	10			84.15						
		Windmill NW¼ " NW¼	1	21	53	160.88						
		SW¼ " NW¼	34	20	54	42.54						
		SE¼ " NW¼	4	21	54	80						
		SW¼ " NE¼	34	21	54	80						
		SE¼ " NE¼	14			80						
		W½ " SW¼	5			80						
		NW¼ " SW¼	16			40						
		NE¼ " SW¼	16			40						
		E½ " SE¼	23	21	54	160						
		Handley Spring					50					
		Hogback "					50					
		251 Acres W.Hay 2nd.@ 25 6275										
		140 " " Grass 2nd.@ 5 700										
		700 " " 3rd.@ 4 2800					9775					
		Wagons 100										
		4 Work-horses 320										
		3 Saddle " 150										
		12 Furniture 120										
		4 Black Mules 200										
		40 Stock cattle 920										
		1 Bull 90										
		3000 Sheep 18000										
		60 Bucks 480										
		2 Hogs 20										
		2 Burros 20										
		Machinery 300										
		Dodge 1922 704							21424	38649	12	4 Poll tax
										33649		

PAGE No.____

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ 2.26 FOR THE YEAR 1925

NAME	STATE-MENT NUMBER	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR POSSESSORY CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
							$	$	$	$	$	
HUSTER, JAMES		House, stables, corral						400				
		SW¼ of SW¼	5	19	54	40						
		W½ " NW¼	8			80						
		SE¼ " NW¼	8			40						
		SW¼ " NW¼	8			40						
		W½ " NE¼	8			80						
		W½ " SW¼	16			80						
		W½ " SW¼	16			80						
		Lots 2, 3, of	31	20	54	75.20						
		1 Acres Cult. 2nd, @ 60 180										
		80 " W½Hay 1st, @ 40 1600										
		157 " Past 3rd, @ 15 2355										
		355 @ " Gras. 2nd, @ 5 1775					5910					
		Wagons 150										
		4 Work horses 320 ✓										
		2 Saddle " 100 ✓										
		5 Pusstails 60 ✓										
		65 Stock cattle 1300 ✓										
		2 Bulls 160 ✓										
		2 Hogs 20 ✓							2110			
		Poll tax, receipt issued								8420	3	
HANDLEY BROTHERS		House, stable, corral (Home ranch)										
		" " " (Windmill)										
		" " " (Mineletti)										
		" " " (Pedriola)						2350				
		W½ of SW¼	5	20	54	80						
		E½ " NW¼	9			80						
		SE¼ " SW¼	9			40						
		NE¼ " SW¼	9			40						
		S½ " NW¼	10			84.15						
		Windmill	3	21	53	160						
		SW¼ of NW¼	3	20	54	47.54						
		E½ " NE¼	4			80						
		E½ " SE¼	34	21	54	80						
		E½ " SW¼	34			80						
		W½ " SE¼	35			80						
		NE¼ " NE¼	36			40						
		NW¼ " SE¼	36			40						
		W½ " E½	23			100						
		Handley Spring 850										
		Hog Back " 50							100			
		251 Acres W½Hay 2nd, @ 25 6275										
		140 " Gras. 2nd, @ 5 700										
		700 " " 3rd, @ 3 2800					9775					
		Machinery 300										
		Wagons 100										
		4 Work Horses 320 ✓										
		3 Saddle " 150 ✓										
		12 Pusstails 120 ✓										
		50 Stock cattle 1000 ✓										
		1 Bulls 80 ✓										
		3000 Sheep 18000										
		60 Bucks 480										
		2 Hogs 20 ✓										
		2 Burros 20 ✓										
		4 Stock Mules 200 ✓										
		Usage Year 1924 178							21268	33473	12	4Poll taxes
HOLLAND, JOHN P.		SW¼ of SW¼	10	27	52	40						
		SE¼ " SW¼	10			40						
		W½ " NW¼	11			40						
		NW¼ " NE¼	15			40						
		SW¼ " NW¼	15			40						
		NE¼ " SW¼	15			40						
		120 Acres Gras. 2nd, @ 5 600										
		120 " " 3rd, @ 3 360					960			960		
HOUGH, M. J.		House at Mill Canyon						100				
										100		
										42973		

PAGE No.____

ASSESSMENT ROLL OF GENERAL DISTRICT, EUREKA COUNTY, NEVADA

RATE, $2.20 FOR THE YEAR 1926

NAME	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR POSSESSORY CLAIM	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
HOPE CON. MNG. CO	Patented Mines,					$	$	$	$	$	
	Maud C 500										
	½ Hope 250							750			
									750		
HANKINS, NAT	Lot in Palisade					50					
Palisade Dist.	Frame house						100				
	Piano							100			
									250		
HODGE, THOS. J.	House, stable, corral						100				
	Land situated in	27	18	49							
		28			79						
	20 Acres W. Hay 1st, @ 40 800										
	30 " " 2nd, @ 25 750										
	29 " Gras. 3rd. @ 3 87					1637					
	Wagon 75										
	2 Work horses 150										
	1 Saddle " 150										
	5 Fuzetails 50										
	1 Stock Mule 50										
	50 Stock cattle 1000										
	1 Bull 80 1480										
	Old Ford 50							1685			
	Poll tax receipt issued								3342	3	
HOUGH, M. J.	House at Mill Canyon						100				
	Maxwell Spt. Tour.							205			
									305		
HANDLEY BROTHERS	House, stables, corrals (Home ranch)										
	" " " (Windmill)										
	" " " (Mineletti)										
	" " " (Pedriola)						2350				
	W½ of SW¼	5	20	54	80						
	S½ " NW¼	6			80						
	E½ " NW¼	7			40						
	NE¼ " SW¼	9			40						
	S½ " NW¼	10			80						
	Windmill	3	21	53	160						
	SW¼ of NW¼	3	20	54	47.5						
	S½ " NE¼	4			80						
	S½ " SE¼	24	21	54	80						
	S½ " SW¼	14			80						
	W½ " SE¼	15			80						
	NW¼ " NW¼	16			40						
	NW¼ " SW¼	36			40						
	W½ " S½	23			160						
	Handley Spring					50					
	Hogback "					50					
	251 W. Hay 2nd, @ 25 6275										
	140 Gras. 2nd, @ 5 700										
	700 " 3rd. @ 4 2800					9775					
	Wagons 100										
	4 Work Horses 320										
	1 Saddle " 150										
	13 Fuzzys 130										
	4 Stock mules 200										
	50 Stock cattle 1000										
	1 Bull 80										
	3000 Sheep 24000										
	60 Bucks 600										
	2 Hogs 20										
	2 Burros 20										
	Machinery 100										
	Dodge Truck 375, Buick Sedan 1495-1870							28780	44005	12	4 poll taxe
HIGH, H. A.	Improvements						100				
	NW¼ of NW¼	33	24	48	40						
	E½ " NW¼	32			80						
	120 Acres Gras. 2nd. @ 5					600					
	Wagon 25										
	1 Saddle horse 50										
	6 Stock cattle 120							195			
									895		
									46547		

PAGE No._____

ASSESSMENT ROLL OF General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ 2.16 FOR THE YEAR 1927

NAME	STATE-HWY COUNTY	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWN.	RANGE	ACRES	VALUE OF REAL ESTATE EXCLUSIVE OF TAXABLE IMPROVEMENTS	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	MILL TAX
HODGE THOMAS J.		House, stable, corral	27					100			
		Land situated in	28	18	49	79					
		20 Acres W.Hay Lot,@ 40	800								
		30 " " Hnd,@ 25	750								
		29 " Graz. 3rd,@ 3	87				1637				
		Wagons	75								
		2 Work horses	150								
		3 Saddle "	150								
		5 Pack tails	50								
		1 Stock Mule	50								
		50 " Cattle	1000								
		1 Bull	50								
		Machinery	50								
		Ford Conver.	50						1635		
		Poll tax receipt issued								3392	3
HOOPER W. J.		Patented Mines									
		½ Harlem & Eureka Belle	250								
		½ Patsoon & C.Delivery	250								
		½ Star of the West	250								
		½ Pride of the West	250								
		½ Jefferson	125								
		South Wales	500								
		Asphalt	500						2825	2825	
		Cobalt	500								
HARRIS LEE		Patented Mines									
		Black Cat	500								
		Green Ambassador	500								
		" "	50								
		Santa Maria	500								
		½ Hope Con paid by Hope	250						1800		
		Poll tax receipt issued								1800	3
HAWKINS. NAT.		Lot in Palisade				22	50				
		House in Palisade						150			
		Piano							100		
										300	
HAWKINS. WILL		Lot in Palisade					50				
		Frame house						150			
		Furniture 50									
		Piano 100									
		Ford Touring 1926 183							333	533	
HERRARD A.		Lot	7	11			100				
		Frame hotel Building at Beowawe						1200			
		Merchandise 200									
		Studebaker 1926 800									
		Ford Truck 175							975		
		Poll tax receipt issued								2175	3
HAWLEY BROTHERS		Houses, Stables, corrals at Home Ranch,									
		Windmill place, Minoletti, & Pedriola						2380			
		E½ of SW¼	2	20	54	80					
		S½ " SE¼	2			80					
		SE¼ " SW¼	3			40					
		NE¼ " SW¼	9			40					
		SE¼ " NW¼	10			80					
		Windmill	3	21	55	160					
		SE¼ of SW¼	4	20	54	80					
		S½ " NE¼	4			80					
		SE¼ " SE¼	34	21	54	80					
		S½ " SW¼	34			80					
		S½ " SE¼	35			80					
		SE¼ " SW¼	35			40					
		NW¼ " SW¼	36			40					
		S½ " S½	23			160					
		Hawley Spring					50				
		Hogback "					50				
		251 W.Hay 2nd,@ 25 6275									
		140 Graz. 2nd,@ 5 700									
		700 " 3rd,@ 4 2800					9775				
		Wagons 100, 4 W.Horses 320, 2 Saddle Horses									
		150, 2 Pack Mules 100, 70 Stock cattle 1400									
		2 Bulls 160, 2000 Sheep 16000, 45 Bucks									
		450, 2 Burros 80; 2 Pigs 8, Machinery 300,									
		Dodge truck 1924 250.							19260	31485	
		Four Poll tax receipts issued								33435	18
										42150	

PAGE No _____

ASSESSMENT ROLL OF General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $ 2.28 FOR THE YEAR 1928

NAME	DIST. SCHOOL DISTRICT	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE OR TAXABLE IMP. LAND	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	TAX	
Handley Brothers		House, Stable, Corral (Home Place)										
		" " " (Windmill)										
		" " " (Windmill)										
		" " " (Pedriola)						2350				
		W½ of SW¼	5	20	54	80						
		S½ " NW¼	9			80						
		SE¼ " NW¼	9			40						
		NE¼ " SW¼	9			40						
		S½ " SE¼	10			80.16						
		Windmill	3	21	53	160						
		SW¼ of NW¼	3	20	54	47.04						
		S½ " NE¼	4			80						
		S½ " SE¼	34	21	54	80						
		S½ " SW¼	34			80						
		N½ " SE¼	35			80						
		SW¼ " NW¼	36			40						
		SW¼ " SW¼	36			40						
		N½ " S½	25			160						
		Handley Spring										
		Hogback "										
		251 Acres W.Hay Land @ 25 6275										
		140 " Grss.2nd @ 5 700										
		700 " " 3rd @ 4 2800					9775					
		Wagons 100										
		4 Work Horses 300										
		3 Saddle " 150										
		2 Mules 100										
		70 Stock Cattle 1750										
		2 Bulls 140 246										
		2000 Sheep 16000										
		10 Bucks 700										
		2 Burros 20										
		Machinery 200										
		Dodge Truck 150							19330			
										31455	72 ¢	Poll taxes
										31455		

PAGE No. _____

ASSESSMENT ROLL OF General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $_____ FOR THE YEAR 1929

NAME	WASTE LAND ENTRY	DESCRIPTION OF PROPERTY	LOT OR SECTION	BLOCK OR TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE EXCLUSIVE OF IMPROVEMENTS	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	POLL TAX	
							$	$	$	$	$	
Handley Brothers		House, Stables, Corral (Home) " " " (Windmill) " " " (Minoletti) " " " (Pedriola) W½ of SW¼	5	20	54	80		2350				
		SE¼ " NE¼	9			80						
		SW¼ " NW¼	9			40						
		NE¼ " SW¼	9			40						
		S½ " NW¼	10			80.15						
		Windmill	3	21	53	160						
		SW¼ of NW¼	3	20	54	47.54						
		E½ " NE¼	4			80						
		S½ " SE¼	34	21	54	80						
		SE¼ " SW¼	34			80						
		N½ " SE¼	35			80						
		SW¼ " NW¼	36			40						
		NW¼ " SW¼	36			40						
		W½ " S½	32			160						
		Handley Spring										
		Hogback "										
		251 Acres W.Hay 2nd,@ 25 6275										
		140 " Graz. 2nd,@ 5 700										
		700 " Graz. 3rd @ 4 2800					9775					
		Dodge Truck 1927 140										
		Wagons 100										
		4 Work Horses 300										
		3 Saddle " 150										
		2 Stock Mules 100										
		75 Stock Cattle 2100										
		2 Bulls 160 2710										
		1800 Sheep 14400										
		10 Bucks 300, 2 Burros 20, Hay 300, [illegible]							18070	30195	4	Poll taxes
Walt Mathews		Lot at Palisade					$a	50				
		Frame House							150			
		Furniture 50										
		Piano 100										
		Ford Four 50							200			
										400		
Nat Hawkins		Lot at Palisade					$a	50				
		Frame House							150			
		Piano 100										
		Ford Truck. 50							150			
										350		
Thomas J. Hodge		House, Stable, Corral							100			
		Land situated in Sections 27 &	28	18	49	79						
		20 Acres W.Hay 1st, @ 40 800										
		30 " " 2nd, @ 25 750										
		29 " Graz. 3rd, @ 3 87					1637					
		Wagons 75										
		3 Work Horses 150										
		2 Saddle " 100										
		45 Stock Cattle 1260										
		1 Bull 80 1590										
		Machinery 50										
		Chev Road 50							1765			
		Poll tax receipt issued								1592	1	
Hope Con Mng. Co.		Patented Mines,										
		Maud C 500										
		½ Hope 250							750			
										750		
Lee Harris		Patented Mine,										
		½ Hope Con							250			
										250		
										85947		

PAGE No. ____

ASSESSMENT ROLL OF General DISTRICT, EUREKA COUNTY, NEVADA

RATE, $2.18 FOR THE YEAR 1930

NAME	STATE AND PATENT	DESCRIPTION OF PROPERTY	LOT OR SECTION	TOWNSHIP	RANGE	ACRES	VALUE OF REAL ESTATE EXCLUSIVE OF IMPROVEMENTS	VALUE OF IMPROVEMENTS ON REAL ESTATE	VALUE OF PERSONAL PROPERTY	TOTAL VALUATION	TAX
Hope Con. Eng. Co.		Patented Mines.									
		Maud C 500									
		† Hope 250							750		
										750	
Lee Harris		Patented Mine.									
		† Hope Con.							250		
										250	
W. J. Hooper		Patented Mines.									
		† Harlem & Eureka Belle 250									
		† Patrona & U.Delivery 250									
		† Bridsof the West 250									
		† Star of the West 250									
		† Jefferson 125									
		South Wales 500									
		Adelphi 500									
		Connell 500							2625		
		paid on South Wales								2625	
Will Hawkins		Lot in Palisade					50				
		Frame House						150			
		Furniture 50									
		Piano 100									
		Ford Touring 60							210		
										410	
Mat Hawkins		Lot at Palisade					50				
		Lot at Palisade					50				
		House						150			
		Piano 100									
		Ford Truck 50							150		
										400	
Handley Bros.		House, Stables, Corrals (Home									
		" " " (Minoletti									
		" " " (Fedriola							2150		
		W½ of SW¼	5	20	54	80					
		S½ " NW¼	9			80					
		SE¼ " NE¼	9			40					
		NE¼ " SW¼	9			40					
		S½ " NW¼	10			80.15					
		SW¼ " NW¼	1	20	54	47.54					
		S½ " NE¼	4			80					
		S½ " SE¼	34	21	54	80					
		E½ " SE¼	35			80					
		Handley Spring									
		Hogback									
		S½ of NE¼	35	21	54	80					
		E½ " SW¼	23			80					
		W½ " SE¼	25			80					
		150 Ac. W. Hay 2nd @ 25 3750									
		150 " Peat 3rd @ 10 1500									
		350 " Grass 2nd @ 5 750									
		397 " " 3rd @ 3 1191					7191				
		6 Wagons 100									
		4 S. Horses 300									
		3 S. " 150									
		2 Mules 100									
		75 Stk Cattle 2100									
		2 Bulls 160									
		2000 Sheep 16000									
		30 Bucks 300									
		2 Burros 200									
		Machinery 300									
		Chevrolet Inter--1929 370							2065	2065	
		Dodge Other 1927 150								2965	12 Poll Tax
										34,026	



Assessor Home | Personal Property | Sales Data | Secured Tax Inquiry | Recorder Search

Parcel Detail for Parcel # 007-350-02

Location

Property Location T20N,R54E SEC. 5 W2SW4
Town
District 4.0 - Eureka County General District
Subdivision Lot Block
Property Name

Add'l Addresses
Legal Description

Ownership

Assessed Owner Name ARC DOME PARTNERS, LLC
Mailing Address 289 LA COSTA AVE DAYTON, NV 89403
Legal Owner Name ARC DOME PARTNERS, LLC
Vesting Doc #, Date 226521 12/26/2013 / 561 / 82 Year / Book / Page 13
Map Document #s

Ownership History
Document History

Description

Total Acres 80.000 Square Feet 0
Ag Acres 80.000 W/R Acres .000

Improvements

Single-family Detached 0	Non-dwelling Units 0	Bedrooms / Baths	0 / .00
Single-family Attached 0	Mobile Home Hookups 0	Stories	.0
Multiple-family Units 0	Wells 0	Garage Square Ft...	0
Mobile Homes 0	Septic Tanks 0	Attached / Detached	
Total Dwelling Units 0	Buildings Sq Ft 0		
	Residence Sq Ft 0		
Improvement List	Basement Sq Ft 0	Basement	
	Finished Basement SF 0	Bedrooms / Baths	0 / .00

Appraisal Classifications

Current Land Use Code 600 Code Table
Zoning Code(s)
Re-appraisal Group 3 Re-appraisal Year 2013
Original Construction Year Weighted Year

Assessed Valuation

Assessed Values	2018-19	2017-18	2016-17
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	288	304	291
Exemptions	0	0	0
Net Assessed Value	288	304	291
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2018-19	2017-18	2016-17
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	823	869	831
Exemptions	0	0	0
Net Taxable Value	823	869	831
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Back to Search List

Legal Description for Parcel # 007-350-02

Legal Description	Sect/ Lot	Town/ Block	Range	Acres
W2SW4	5	20	54	80.000

The assessor's legal descriptions are for information purposes only and are insufficient for transferring title.
Please refer to your last recorded deed or map.

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Banner Page Go

DATE PRINTED: 10/26/2015

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALLOTMENT MASTER REPORT
NV10032 BLACK POINT

Office:	LLNVB01000	MOUNT LEWIS FO
Allotment Number & Name:	10032	BLACK POINT
Allotment Group:		
Management Plan Type:	A	AMP IMPLEMENTED
Management Plan Implemented Date:	01/07/2000	
Management Status Code:	I	IMPROVE CATEGORY
Ephemoral Ecosystem:		
Grazing Availability:	Y	YES
Decision:		

Land Information

Ownership	Acres	AUMS
Public Land:	59,430	4,312
Other Federal:	0	0
State:	0	0
Private:	0	0
Total:	59,430	4,312

Internal Office Use

Field 1:	AREA 4	Field 5:	
Field 2:		Field 6:	
Field 3:		Field 7:	NV0809
Field 4:		Field 8:	
Distribution:	OKAY		

Pastures

1	COTTONWOOD	2	MINOLETTI	3	DEER
4	POISON	5	DRY	6	SEEDINGS
7	NORTH	8	WEST	9	MINOLETTI/DEER

Type Land Summary

Code	Description	Level	Acre %	AUMS %	Fund Symbol	Exec Order	Office Acres %	State Acres %	County Acres %
01	PL 03		100	100	145032	0			
NV088	MOUNT LEWIS FO	Office					100		
NV	NEVADA	State						100	
NV011	EUREKA	County							100

Authorization Cross Reference

Authorization Office	Authorization Number	Operator Name	Active AUMS	Suspended AUMS	Permitted Use
LLNVB01000	2704073	HIGH COUNTRY RANCHES, LLC	4,312	2,307	6,619
			4,312	2,307	6,619

Allotment Terms and Conditions

The terms and conditions displayed below are printed on selected documents for permittees or lessees authorized grazing use of this allotment. Mandatory and other terms and conditions are also included on grazing authorizations for this allotment. The documents on which these terms and conditions may be printed include permits, leases, exchange-of-use agreements, applications and bills.

Terms and Conditions

END OF REPORT

Form 4130-1
(February 2012)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING SCHEDULE
GRAZING APPLICATION

FORM APPROVED
OMB NO. 1004-0041
Expires: August 31, 2014

FOR BLM USE ONLY

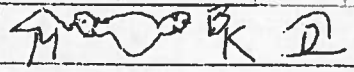
State NV
Office LLNVB01000
Authorization No
Schedule No
Billing Code
Special Bill Code

Name *(last, first, middle initial)*
HIGH COUNTRY RANCHES, LLC.

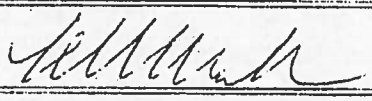
Address *(include street, city, State, and zip code)*
289 LA COSTA AVE.
DAYTON, NV 89403

I hereby apply for the following grazing use on the public lands and/or other lands administered by the Bureau of Land Management (BLM).

(1) ALLOTMENT		(2) PASTURE	(3) LIVESTOCK		(4) PERIOD		(5) % PL USE	(6) TYPE USE	(7) AUMS
NAME	NO.	NO.	NUMBER	KIND	BEGIN	END			
BLACK POINT	10032	1-7	1751	SHP	05/01/2017	10/31/2017	99	ACT	2,097
WEST-NORTH	10032	6-8	318	CTL	05/01/2017	05/312017	99	ACT	321
MINOLETTI	10032	2	318	CTL	06/01/2015	08/15/2017	99	ACT	787
DEER-POISON	10032	3-4	318	CTL	08/16/2017	10/31/2017	99	ACT	797
MINOLETTI/BUCK/COTTON	10032	2-3	318	CTL	11/01/2017	11/30/2017	99	ACT	476

Show your recorded brands, earmarks, and wattles 

Show reason for nonuse, if requested: ☐ conservation and protection of the public lands; ☐ annual fluctuation of livestock operations; ☐ financial or other reasons beyond control of the operator; or ☐ livestock disease or quarantine.

Signature 

Date **04/10/2017**

Reason for nonuse. ☐ Approved ☐ Disapproved *(Decision Required)*

Signature of BLM

Date

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(See terms and conditions on page 2)

Form 4130-5
(June 2015)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0041
Expires: October 31, 2017

ACTUAL GRAZING USE REPORT

Dear Grazing Operator: HIGH COUNTRY RANCHES, LLC

In accordance with the terms and conditions of the permit or lease with authorizes your grazing use, please complete this form and return to the MLFO Field Office within 15 days after completing your authorized grazing use (43 CFR 4130.3-2(d)). This information, along with other studies data, is needed to evaluate the effectiveness of present management. Use a separate line for every day that you either turn livestock in or take livestock out of an allotment or pasture. Your cooperation in providing accurate information will be appreciated.

Allotment (Name and Number)
BLACK POINT NV 10032

FOR BUREAU OF LAND MANAGEMENT (BLM) USE ONLY

ACTUAL GRAZING USE				CALCULATION OF AUM'S GRAZING USE				
PASTURE	DATE mm/dd/yyyy	NUMBER AND KIND OR CLASS OF LIVESTOCK		NO. AND KIND OF LIVE-STOCK	GRAZING PERIOD		% PL USE	AUM'S
		TURNED IN	TAKEN OUT		BEGIN	END		
BLACK POINT	5/01/2017	1751 SHEEP						
	10/31/2017		1751 SHEEP					
WEST-NORTH	5/01/2017	318 CATTLE						
	05/31/2017		318 CATTLE					
MINOLETTI	6/01/2017	318 CATTLE						
	08/15/2017		318 CATTLE					
DEER-POISON	8/16/2017	318 CATTLE						
	10/31/2017		318 CATTLE					
MINOLETTI/BUCK/COTT	11/01/2017	318 CATTLE						
	11/30/2017		318 CATTLE					

I CERTIFY That this is a complete and accurate report of my grazing use.

Signature of Permittee/Lessee	Printed Name of Permittee/Lessee	Date
	Robert Beck	02/05/2018

Title U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statement or presentations as to any matter within its jurisdiction.

(Continued on page 2)