AMENDED

ASSIGNED

Serial No. 9862

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office MAY 27 1935
Returned to applicant for correction JUL 18 1935
Corrected application filed SEP 16 1935

The undersigned Leo F. Schmitt, Receiver
Name of applicant

of Reno, County of Washoe,

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.)

98

1. The source of the proposed appropriation is Chiatovich Creek and all of its tributaries
Name of stream, lake, or other source

2. The amount of water applied for is 20 second-feet.
One-second-foot equals 40 miners' inches

3. The water to be used for Irrigation 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 points in Secs. 28, 27 and 26, of T. 1 S. R. 35 E., M.D.B.&M., the principal point of diversion being in the SW¼ NE¼ Sec. 28, T. 1 S., R. 35 E., M.D.B.&M., at a point which bears N. 37° 01' W., 3510.10 feet from the SW Cor. of Sec. 27, T. 1 S., R. 35 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 1500 acres

(b) Description of land to be irrigated Parts of following subdivisions:
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.

N½ SE¼ Sec. 30: N½ S½ Sec. 29; N½ SW¼, SE¼ NW¼, SW¼ NE¼, NW¼ SE¼ and E½ E½ Sec. 28; SW¼ SW¼, NE¼ SW¼, NW¼, NW¼ NE¼, S½ NE¼ and N½ SE¼ Sec. 27; SE¼ SE¼ Sec. 21; S½ S½ Sec. 22; SE¼ SW¼ and SW¼ SE¼ Sec. 23; NE¼, NE¼ NW¼, SW¼ NW¼ and N½ S½ Sec. 26; NW¼ and NW¼ SW¼ Sec. 25; and N½ N½ Sec. 35, all in T. 1 S. R. 35 E., M.D.B.&M.

(c) Use will begin about Jan. 1 (Month) and end about Dec. 31 (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 _____
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 _____

(h) Use will begin about _____ (Month) and end about _____ (Month), of each year.

(i) Remarks Applicant holds vested rights to use of water and portions of this land, and such vested rights are not waived by the filing of this application. Much of the land is already cultivated, but some additional land may be reclaimed.

DESCRIPTION OF PROPOSED WORKS

Dams and ditches, many of which are already constructed.

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 $5000.00

6. Estimated time required to construct works two years.

7. Remarks

For use of applicant

Leo F. Schmitt, Receiver., Applicant.

By Harvey M. Payne

Compared HB-CT

This sheet inspected

, Engineer.

irrigation & dom

Certificate No. 4561 Issued 7/3/57, 15.0 cfs

Recorded 7/13/57 Bk 5-12 Page 301

Esmeralda County Records

Protested November 23, 1935 by Eugene D. Keefe.

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. A substantial weir must be installed and maintained to facilitate the measurement of water. 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 Fifteen (15) cubic feet per second.

Actual construction work shall begin on or before September 1, 1939

Proof of commencement of work shall be filed before October 1, 1939

Work must be prosecuted with reasonable diligence and be completed on or before September 1, 1944

Proof of completion of work shall be filed before October 1, 1944

Application of water to beneficial use shall be made on or before September 1, 1947. Proof of the application of water to beneficial use must be filed with State Engineer on or before October 1, 1947

WITNESS MY HAND AND SEAL this 21st day of March, 1939

Alfred Merritt Smith

State Engineer.

Map filed SEP 20 1935

Proof of commencement of work filed DEC 22 1941

Proof of Completion of work filed JUN 17 1953

PROOF OF BENEFICIAL USE FILED APR 25 1955

Cultural Map Filed MAR 14 1955

Certificate No. 4241 Issued DEC 1 1955

Recorded Dec 5, 1955 Bk 5-B Page 197

Compared RMG-CT County Records

See above amended cert. filing

Port.

Abrogated By 45520 1.027 cfs.