

1 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
2 STATE OF NEVADA IN AND FOR THE COUNTY OF ESMERALDA

3 - - - c0c - - -

4 IN THE MATTER OF THE DETERMINATION OF)
5 THE RELATIVE RIGHTS IN AND TO THE WATERS) OF CHIATOVICH CREEK AND ITS TRIBUTARIES)
6 IN ESMERALDA COUNTY, STATE OF NEVADA.)

No. 4278
Date filed July 31st 1970
By [Signature]

7 FINDINGS OF FACT, CONCLUSIONS OF LAW

8 JUDGMENT AND DECREE

9 This matter came on regularly for hearing on the 2nd day
10 of March, 1970, before Honorable Kenneth L. Mann, District Judge
11 of the above-entitled court presiding, the entire stream system
12 being within Esmeralda County, State of Nevada, and he being the
13 Judge designated by NRS 533.165 to hear and having jurisdiction to
14 hear the above-entitled matter, upon the State Engineer's deter-
15 mination of the relative rights of the petitioner and claimant to
16 the use of the waters of the stream system of Chiatovich Creek and
17 its tributaries, which Order of Determination and all related
18 documentary evidence had been filed by the State Engineer. There
19 being no exceptions to the Order of Determination filed or other-
20 wise submitted to the Court at least 5 days prior to the date set
21 for hearing as provided for under NRS 533.170 by the claimant or
22 petitioner or any other person or persons, the matter was sub-
mitted to the Court for its decision.

24 William Paul, Esquire, Deputy Attorney General of the
25 State of Nevada, Starr Hill, Jr., Surface Water Engineer, and
26 L. Edward Parmenter, Adjudication Engineer, appeared in the hear-
27 ing and proceedings on behalf of the State of Nevada and the office
28 of the State Engineer. Robert W. Marshall, Esquire, appeared on
29 behalf of the claimant, Robert H. Wakeham.

30 The record disclosed that all claimants had received a

1 certified copy of the Court Order setting forth the Time and Place
2 for Hearing on the Order of Determination.

3 The Deputy Attorney General thereupon, at the hearing,
4 offered and there were received in evidence in support of the
5 rights of the claimant, as set forth in the Order of Determination,
6 verified affidavits, files and records of the State Engineer's
7 Office respecting the rights of the claimant in and to the above-
8 named stream system.

9 The Court, having duly considered the entire record, the
10 evidence introduced and received, directed that Findings of Fact,
11 Conclusions of Law, and Judgment and Decree be entered accordingly.

12 FINDINGS OF FACT

13 I.

14 That on February 23, 1962, Frank Seminario and Severina
15 Seminario, water users on Chiatovich Creek and its tributaries,
16 filed with the State Engineer of the State of Nevada, a petition
17 requesting the determination of the relative rights of the peti-
18 tioners and other claimants to the waters of Chiatovich Creek and
19 its tributaries, situate in Esmeralda County, State of Nevada.

20 That the State Engineer thereupon and in accordance with
21 the provisions of NRS 533.090, made an investigation of the facts
22 and conditions of and concerning the above-named stream system and
23 its tributaries for the purpose of disclosing whether the determi-
24 nation of such rights was justified, and filed his report thereon
25 in the Office of the State Engineer of the State of Nevada. The
26 report of the facts and conditions disclosed that a determination
27 of the relative rights was justified, and the State Engineer made
28 and entered his order on March 29, 1962, granting the petition for
29 the determination of such relative rights in and to the waters of
30 Chiatovich Creek and its tributaries.

1 That as a result of the State Engineer's investigation
2 report, it was found that the waters of Chiatovich Creek and its
3 tributaries are being placed to beneficial use for irrigation and
4 domestic purposes on the Arlemont Ranch, as affirmed by Proofs of
5 Appropriation 01307 and 01308, filed in the Office of the State
6 Engineer. Evidence contained in the title documents submitted by
7 the claimant, relative to the land, indicates the present claimant
8 and appropriator, Hubert H. Wakeham, is the successor in interest
9 to vested rights initiated by his predecessors in interest.

10 That on the 6th day of April, 1962, and once each week
11 for four succeeding weeks, the State Engineer did cause to be
12 published a Notice of Order and Proceedings to Determine Water
13 Rights in and to the waters of Chiatovich Creek and its tributaries
14 in Esmeralda County, State of Nevada, and that notice was duly giv-
15 en to all claimants as required by law. That on the 7th day of
16 May, 1962, there was filed in the Office of the State Engineer an
17 affidavit of the publisher of the Tonopah Times-Bonanza and
18 Goldfield News, exemplifying the Proof of Publication of Notice of
19 Order and Proceedings.

20 That the State Engineer did cause to be published on the
21 16th day of October, 1964, and once each week for four succeeding
22 weeks, a Notice of Order for Taking Proofs to Determine Water
23 Rights, in and to the waters of Chiatovich Creek and its tribu-
24 taries in Esmeralda County, State of Nevada, and that notice was
25 duly given to all claimants as required by law. That on the 10th
26 day of November, 1964, there was filed in the Office of the State
27 Engineer an affidavit of the publisher of the Tonopah Times-Bonanza
28 and Goldfield News, exemplifying the Proof of Publication of Notice
29 of Order for Taking Proofs.

 That the State Engineer, in accordance with NRS 533.140,

1 did enter and file in the records of his office, on the 29th day of
2 July, 1969, an Abstract of Claims, a Preliminary Order of
3 Determination and Notice and Order Fixing and Setting Time and
4 Place of Inspection, stating when and where the evidence taken or
5 filed with him and the proofs of claims were open to the inspection
6 of all interested persons; and that notice thereof was duly given
7 to all claimants as required by law.

8 That the State Engineer, in accordance with NRS 533.160,
9 entered in the records of his office, on the 22nd day of October,
10 1969, an Order of Determination defining the rights of the claimant
11 and appropriator to the waters of Chiatovich Creek and its tribu-
12 taries and that notice thereof was duly given to all claimants as
13 required by law.

14 That upon the filing of the certified copy of the Order
15 of Determination and original evidence with the Clerk of the Court
16 of Esmeralda County, State of Nevada, the Court, at the request of
17 the State Engineer, made and entered an Order on the 23rd day of
18 January, 1970, setting a time for the hearing of any exceptions to
19 the Order of Determination, on Monday, the 2nd day of March, 1970,
20 at 10:00 o'clock in the morning, at the County Court House at
21 Goldfield, Nevada; and that the clerk of said Court did furnish
22 the State Engineer with a certified copy thereof.

23 That the State Engineer, in accordance with NRS 533.165,
24 gave notice to the claimants, by service of a certified copy of the
25 Court Order Setting Time for Hearing.

26 That on the 30th day of January, 1970, and once each week
27 for four succeeding weeks, the State Engineer did cause to be
28 published, the Court Order Setting Time for Hearing, and that
29 thereafter on the 2nd day of March, 1970, there was filed in the
30 Office of the State Engineer an affidavit of the publisher of the

1 Tonopah Times-Bonanza and Goldfield News, exemplifying the Proof
2 of Publication of the Court Order Setting Time for Hearing.

3 The Court finds that all and singular, the Proceedings,
4 Orders and Notices required by Chapter 533 of NRS were duly had,
5 made and given as required by law, and that all and singular the
6 matters and things contained in the record were done, performed,
7 given and made in strict compliance with the statute, and that this
8 Court had and has jurisdiction to hear and determine this matter.

9 II.

10 The Court Further Finds: That Chiatovich Creek and its
11 tributaries are situated wholly within Esmeralda County, State of
12 Nevada.

13 III.

14 The Court Further Finds: That the name of the claimant
15 and appropriators, the source of the water supply, the period of
16 use, the duty of water, the diversion of water and method of use,
17 measurement of water, domestic use, change of place of use, and the
18 rights of appropriation of the water, all as set forth in the Order
19 of Determination are true, proper and correct, and all and singular
20 the same should be approved and confirmed.

21 I. PREFACE

22 On February 23, 1962, a petition was submitted by Frank
23 Seminario and Severina Seminario, water users on Chiatovich Creek
24 and its tributaries, requesting the determination of the relative
25 rights of various claimants to the waters of Chiatovich Creek,
26 situate in Esmeralda County, Nevada.

27 A field investigation was made of Chiatovich Creek on
28 June 15, 1960, by Thomas J. Smales, then Hydraulic Engineer and
29 Roland D. Westergard, then Junior Hydraulic Engineer, from the
30 Office of the State Engineer. They found that facts and conditions

1 justified the granting of the petition and that proper arrange-
2 ments should be initiated to proceed with such determination.

3 On March 29, 1962, the State Engineer entered an Order
4 granting the petition and made proper arrangements to proceed with
5 the determination of the relative rights of the water users in
6 accordance with NRS 533.090.

7 On October 8, 1964, the State Engineer entered a Notice
8 of Order for Taking Proofs to Determine Water Rights.

9 II. CLAIMANT

10 The investigation disclosed that the waters of Chiatovich
11 Creek and its tributaries are being placed to beneficial use for
12 irrigation and domestic purposes on the Arlemont Ranch, as
13 affirmed by Proofs of Appropriation 01307 and 01308, filed in the
14 Office of the State Engineer. Evidence contained in the title
15 documents, submitted by the claimant, indicates the present claim-
16 ant and appropriator, Hubert H. Wakeham, is the successor in
17 interest to vested rights initiated by his predecessors in inter-
18 est.

19 III. SOURCE

20 Chiatovich Creek is comprised of two main tributaries,
21 Davis Creek and Middle or North Chiatovich Creek. The tributaries
22 head on the eastern slope of the White Mountains and flow in an
23 easterly direction. Approximately one mile from the mouth of their
24 respective canyons they join and the stream is then called
25 Chiatovich Creek. From this point Chiatovich Creek flows over an
26 alluvial fan for approximately three miles onto the floor of Fish
27 Lake Valley where it is used for irrigation on the Arlemont Ranch,
28 presently owned by Hubert H. Wakeham. Typical of Nevada's
29 mountain streams, Chiatovich Creek has a high spring runoff due to
30 melting snows and then recedes to a minimum flow from springs for

1 the remainder of the year.

2 IV. PERIOD OF USE

3 The extent of the irrigation season under each proof
4 shall be as established under Article IX of this Decree.

5 V. DUTY OF WATER

6 The seasonal duty of water on lands irrigated from
7 Chiatovich Creek and its tributaries is herein fixed and shall not
8 exceed:

9 Class A - Harvest Crop - - - - - 5.0 a.f./ac./season

10 Class B - Meadow Pasture - - - - - 3.0 a.f./ac./season

11 VI. DIVERSION OF WATER AND METHOD OF USE

12 The claimant shall have the right to divert 2½ cubic feet
13 per second of water per 100 acres of land irrigated, but not to
14 exceed the seasonal duty as established herein.

15 The claimant or his successors in interest will not be
16 required to take or use the amount of water allotted to him in a
17 continuous flow, but may cumulate the same or any part thereof in
18 rotation or periodic turn within the seasonal limits, with the
19 approval of the water commissioner and subject to the control and
20 direction of the State Engineer.

21 VII. MEASUREMENT OF WATER

22 All measurements of amounts of water diverted are to be
23 made at the point where the main ditch enters or becomes adjacent
24 to the land to be irrigated or as near thereto as is practicable;
25 the location if not selected by the State Engineer, to be approved
26 by him. The water user shall install and maintain at his own
27 expense, substantial and easily operated regulating head gates and
28 measuring devises in his ditch or ditches or channel. Due allow-
29 ance for losses in ditches will be made by the State Engineer in
30 case it becomes necessary.

1 priorities are fixed by years and where the years are
2 the same, the priorities are equal.

3 VIII. DOMESTIC USE

4 The right to the diversion and use of the water for
5 domestic purposes shall be continued by the claimant at any time
6 during the year and diversions shall be according to the dates of
7 priority of the claimant. The amount of water diverted for
8 irrigation purposes shall not be increased by any amount to be used
9 for domestic purposes, but the quantity allowed and diverted for
10 irrigation during the irrigation season includes the water for
11 domestic purposes.

12 IX. CHANGE OF PLACE OF USE

13 All water allotted under this Order shall be appurtenant
14 to the place of use designated herein. Any water user desiring to
15 change the point of diversion, manner of use or place of use of the
16 waters allotted herein must make application to the State Engineer
17 for permission to make the change pursuant to NRS 533.345.

18 X. RIGHTS OF APPROPRIATION

19 From the Order of Determination and the evidence, both
20 oral and documentary, submitted in support thereof, the Court finds
21 that the name of the claimant and appropriator of the waters of
22 Chiatovich Creek and its tributaries, the source of the water
23 supply, the means of diversion, the points of diversion for bene-
24 ficial use, the year of priority, the cultural acreages, the place
25 of use, the legal subdivisions, sections, townships, ranges and the
26 duty of water, are as listed, stated and set forth.

27 CONCLUSIONS OF LAW

28 From the evidence presented and received in this matter,
29 and from the foregoing FINDINGS OF FACT, the Court makes the
following Conclusions of Law:

1 VIII.

2 That the right to the diversion and use of the water for
3 domestic purposes shall be continued by the claimant at any time
4 during the year. That the amount of water diverted for irrigation
5 purposes shall not be increased by any amount to be used for
6 domestic purposes but the quantity allowed and diverted for irriga-
7 tion during the irrigation season includes the water for domestic
8 purposes.

9 IX.

10 That all water allotted in this Decree shall be appurte-
11 nant to the place of use designated herein. That any water user
12 desiring to change the point of diversion, manner of use or place
13 of use of the water allotted herein must make application to the
14 State Engineer for permission to make the change pursuant to
15 NRS 533.345.

16 X.

17 That from the Order of Determination and the evidence,
18 both oral and documentary, submitted in support thereof, the Court
19 finds that the name of the claimant and appropriator of the waters
20 of Chiatovich Creek and its tributaries, the source of water supply,
21 the means of diversion, the points of diversion for beneficial use,
22 the year of priority, the cultural acreages and places of use, the
23 legal subdivisions, sections, townships, ranges and the duty of
24 water, are as listed, stated and set forth.

25 XI.

26 That the Order of Determination made, filed and caused
27 to be entered of record in this matter by the State Engineer,
28 should be affirmed.

29 JUDGMENT AND DECREE

THEREFORE, BY REASON OF THE FINDINGS OF FACT AND

1 CONCLUSIONS OF LAW HEREINBEFORE SET FORTH, IT IS ORDERED, ADJUDGED
2 AND DECREED BY THE COURT AS FOLLOWS:

3 I.

4 That the State Engineer made all necessary and proper
5 orders as required by law, and that each and every notice required
6 by law was duly given to the claimant and appropriator; that the
7 claimant, and appropriator, had full opportunity to appear and be
8 heard in objection to and file exceptions to the Order of
9 Determination; that the claimant and appropriator is the only
10 claimant and appropriator of the waters of Chiatovich Creek and its
11 tributaries and this Decree determines the limit and extent of all
12 vested water rights on the source.

13 That the Court has full and complete jurisdiction to hear,
14 try and determine this matter and to make and enter herein, this
15 Decree.

16 II.

17 That the flow of water from Chiatovich Creek and its
18 tributaries is being placed to beneficial use by Hubert H.
19 Wakeham, for irrigation and domestic purposes.

20 III.

21 That the extent of the irrigation season under each
22 proof shall be as established in Article X of this Decree.

23 IV.

24 That the seasonal duty of water on lands irrigated from
25 Chiatovich Creek and its tributaries is herein fixed as follows:

26 Class A - Harvest Crop - - - - - 5.0 ac.ft./ac./season

27 Class B - Meadow Pasture - - - - - 3.0 ac.ft./ac./season

28 V.

29 That the claimant shall have the right to divert 2½ cubic
30 feet per second of water per 100 acres of land irrigated, but not

1 to exceed the seasonal duty as established herein.

2 That the claimant or his successors in interest will not
3 be required to take or use the amount of water allotted to it in
4 continuous flow, but may cumulate the same or any part thereof in
5 rotation or periodic turn within the seasonal limits with the
6 approval of the water commissioner and subject to the control and
7 direction of the State Engineer.

8 VI.

9 That all measurements of amounts of water diverted are to
10 be made at a point where the main ditch enters or becomes adjacent
11 to the land to be irrigated or as near thereto as is practicable;
12 the location if not selected by the State Engineer, to be approved
13 by him. That the water user shall install and maintain at his own
14 expense, substantial and easily operated regulating head gates and
15 measuring devices in his ditch or ditches or channel. Due allow-
16 ance for losses in ditches will be made by the State Engineer in
17 case it becomes necessary.

18 That priorities are fixed by years and where the years
19 are the same, the priorities are equal.

20 VII.

21 That the right to the diversion and use of the water for
22 domestic purposes shall be continued by the claimant at any time
23 during the year and diversions shall be according to the dates of
24 priority of the claimant. That the amount of water diverted for
25 irrigation purposes shall not be increased by any amount to be used
26 for domestic purposes, but the quantity allowed and diverted for
27 irrigation during the irrigation season includes the water for
28 domestic purposes.

29 VIII.

30 That all water allotted in this Decree shall be

1 appurtenant to the place of use designated herein. Any water user
 2 desiring to change the point of diversion, manner of use or place
 3 of use of the waters allotted herein must make application to the
 4 State Engineer for permission to make the change pursuant to
 5 NRS 533.345.

6 IX.

7 That the name of the claimant and appropriator of the
 8 waters of Chiatovich Creek and its tributaries, the source of the
 9 water supply, the means of diversion, the points of diversion for
 10 beneficial use, the year of priority, the cultural acreages and
 11 places of use, the legal subdivisions, sections, townships, ranges
 12 and duty of water, are hereby adjudged as follows:

13
 14 PROOF NO.: 01307
 15 CLAIMANT: Hubert H. Wakeham
 16 SOURCE: Chiatovich Creek and Tributaries
 17 USE: Irrigation and Domestic
 18 MEANS OF DIVERSION: Dam and Ditch
 19 POINT OF DIVERSION: *NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 1 S., R. 35 E.,
 20 M.D.B.&M., or at a point from which the
 21 SW corner of said Section 28, bears S.
 19° 56' W., a distance of 2,740 feet.
 22 PERIOD OF USE: March 1st to October 15th of each year.

23	PRIOR--:CULTIVATED ACREAGE:		SUB-	LOCATION:				DUTY OF WATER	
	ITY	:HARVEST:		MEADOW	: DIVISION	:SEC-	:TWP:		:RGE:
24	:	: PASTURE	:	:TION:	S.:	E.:	:	:	
25	1860	23.47		NE $\frac{1}{4}$ SE $\frac{1}{4}$	27	1	35	0.586	117.35
26	1863	18.47		NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	1	35	0.461	92.36
27	1863	1.13		SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	1	35	0.027	5.65
28	1865	23.31		NW $\frac{1}{4}$ SE $\frac{1}{4}$	27	1	35	0.582	116.55
29	1867	4.46		NE $\frac{1}{4}$ SW $\frac{1}{4}$	27	1	35	0.112	22.30
30	1868	38.14		SE $\frac{1}{4}$ SE $\frac{1}{4}$	22	1	35	0.954	190.70

1	PRIOR-CULTIVATED ACREAGE:	SUB-	LOCATION:	DUTY OF WATER
2	ITY : HARVEST: MEADOW :	DIVISION :	SEC-;TWP:RGE:C.F.S.:	ACRE-FEET
	: : PASTURE :		TION: S.: E.:	
3	1868 0.15	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27 1 35 0.004	0.75
4	1868 4.79	NW $\frac{1}{4}$ SW $\frac{1}{4}$	27 1 35 0.120	23.95
5	1869 19.32	SW $\frac{1}{4}$ SW $\frac{1}{4}$	23 1 35 0.483	96.60
6	1870 30.63	SW $\frac{1}{4}$ SE $\frac{1}{4}$	22 1 35 0.766	153.15
7	1871 16.20	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27 1 35 0.405	81.00
8	1873 15.90	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27 1 35 0.398	79.50
9	1874 21.16	SE $\frac{1}{4}$ NE $\frac{1}{4}$	27 1 35 0.529	105.80
10	1875 40.00	SW $\frac{1}{4}$ NE $\frac{1}{4}$	27 1 35 1.000	200.00
11	1876 2.65	NE $\frac{1}{4}$ NW $\frac{1}{4}$	27 1 35 0.066	13.25
12	1876 33.55	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27 1 35 0.839	167.75
13	1880 38.26	NW $\frac{1}{4}$ NW $\frac{1}{4}$	27 1 35 0.957	191.30
14	1881 29.00	SW $\frac{1}{4}$ NW $\frac{1}{4}$	27 1 35 0.725	145.00
15	1885 18.80	NW $\frac{1}{4}$ SW $\frac{1}{4}$	26 1 35 0.470	56.40
16	1885 7.42	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26 1 35 0.186	22.26
17	1885 16.53	NE $\frac{1}{4}$ SE $\frac{1}{4}$	27 1 35 0.413	49.59
18	1885 3.18	SE $\frac{1}{4}$ SE $\frac{1}{4}$	27 1 35 0.080	9.54
19	1885 5.93	NW $\frac{1}{4}$ SE $\frac{1}{4}$	27 1 35 0.148	17.79
20	1895 32.73	NW $\frac{1}{4}$ SW $\frac{1}{4}$	25 1 35 0.818	98.18
21	1895 31.82	NE $\frac{1}{4}$ SE $\frac{1}{4}$	26 1 35 0.796	95.46
22	1895 20.29	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26 1 35 0.507	60.87
	1895 31.82	NW $\frac{1}{4}$ SE $\frac{1}{4}$	26 1 35 0.796	95.46
24	1895 17.72	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26 1 35 0.443	53.16
25	1895 32.10	NE $\frac{1}{4}$ SW $\frac{1}{4}$	26 1 35 0.803	96.30
26	1895 14.15	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26 1 35 0.354	42.45
27	1895 1.33	NE $\frac{1}{4}$ NE $\frac{1}{4}$	27 1 35 0.033	6.65
28	1895 3.33	NW $\frac{1}{4}$ NE $\frac{1}{4}$	27 1 35 0.083	16.65
29	365.25 232.49		14.944	2,523.72

*The point of diversion as described in Proof 01307,

1 submitted in 1914, no longer exists and the existing point of
 2 diversion has been described.

3 PROOF NO.: 01308

4 CLAIMANT: Hubert H. Wakeham

5 SOURCE: Chiatovich Creek and Tributaries

6 USE: Irrigation and Domestic

7 MEANS OF DIVERSION: Dam and Ditch

8 POINT OF DIVERSION: *NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T. 1 S., R. 35 E.,
 9 M.D.B. & M., or at a point from which the
 SW corner of said Section 28, bears S.
 19° 56' W., a distance of 2,740 feet.

10 PERIOD OF USE: October 15th to March 1st of the following
 11 year.

13	14	PRIOR--:CULTIVATED ACREAGE:	SUB-	LOCATION			DUTY OF WATER	
				ITY	:HARVEST:	MEADOW	: DIVISION	:SEC--:TWP:RGE:
		: :PASTURE	:	:TION:	S.:	E.:		
15	1890	5.80	NE $\frac{1}{4}$ NE $\frac{1}{4}$	34	1	35	0.144	17.40
16	1890	11.10	NW $\frac{1}{4}$ NW $\frac{1}{4}$	35	1	35	0.277	33.30
17	1890	16.74	NE $\frac{1}{4}$ NW $\frac{1}{4}$	35	1	35	0.418	50.22
18	1890	27.35	NW $\frac{1}{4}$ NE $\frac{1}{4}$	35	1	35	0.684	82.05
19	1890	37.61	NE $\frac{1}{4}$ NE $\frac{1}{4}$	35	1	35	0.940	112.83
20	1890	5.70	SE $\frac{1}{4}$ SE $\frac{1}{4}$	27	1	35	0.143	17.10
21	1890	12.80	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	1	35	0.320	38.40
22	1890	12.10	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26	1	35	0.303	36.30
23	1890	11.50	SW $\frac{1}{4}$ SE $\frac{1}{4}$	26	1	35	0.288	34.50
24	1890	<u>12.54</u>	SE $\frac{1}{4}$ SE $\frac{1}{4}$	26	1	35	<u>0.314</u>	<u>37.62</u>
25		153.24					3.831	459.72

26 *The point of diversion as described in Proof 01308,
 27 submitted in 1914, no longer exists and the existing point of
 28 diversion has been described.

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5
6

DONE IN OPEN COURT THIS 31st DAY OF July

A.D. 1970

KENNETH L. MANN
KENNETH L. MANN
DISTRICT JUDGE

Certificate of Clerk

State of Nevada, }
COUNTY OF ESMERALDA } ss.

I, XNIEA BAIRD, County Clerk of Esmeralda County, State of Nevada, and Ex-Officio Clerk of the District Court of the Fifth Judicial District of the State of Nevada, in and for the County of Esmeralda, do hereby certify the foregoing and annexed to be a true and

correct copy of FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT AND DECREE

IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE
WATERS OF CHIATOVICH CREEK AND ITS TRIBUTARIES IN ESMERALDA COUNTY,
STATE OF NEVADA

as the same appears on file and of record in my office at Goldfield, County and State aforesaid.

Attest my hand and seal of said Court, this 18th
day of AUGUST A. D., 19 70

XNIEA BAIRD Clerk
By _____, Deputy

GOLDFIELD PRINTING CO.

23
24
25
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