

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF NEVADA, IN AND FOR THE COUNTY OF ESMERALDA**

STATE OF NEVADA, }
COUNTY OF ESMERALDA } ss.

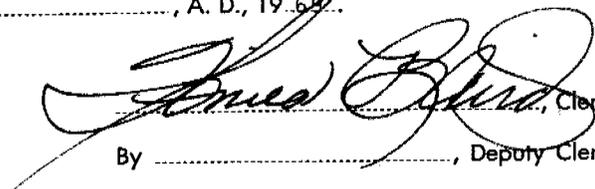
I, Xniea Baird, County Clerk and Ex-Officio Clerk of the Fifth Judicial District Court of the State of Nevada, in and for Esmeralda County, said Court being a Court of Record having a common law jurisdiction, and a Clerk and Seal, do hereby certify that the attached is a true copy of the Original FINDINGS OF FACT, CONCLUSIONS OF LAW

JUDGMENT AND DECREE

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

which now remains on file in my office in Goldfield, Nevada, in said County, the same having been filed on the 2nd day of May, A. D., 1969.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this the 5th day of May, A. D., 1969.


Clerk.
By _____, Deputy Clerk.

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

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4 IN THE MATTER OF THE DETERMINATION OF) No. 4268
5 THE RELATIVE RIGHTS IN AND TO THE WATERS) Date filed May 2 1968
6 OF PINCHOT CREEK AND ITS TRIBUTARIES)
7 IN ESERALDA COUNTY, STATE OF NEVADA) By Lina [Signature]

8 FINDINGS OF FACT, CONCLUSIONS OF LAW

9 JUDGMENT AND DECREE

10 This matter came on regularly for hearing on the 23rd day
11 of December, 1968, before Honorable Kenneth L. Mann, District
12 Judge of the above-entitled court presiding, the entire stream
13 system being within Esmeralda County, State of Nevada, and he
14 being the Judge designated by NRS 533.165 to hear and having
15 jurisdiction to hear the above-entitled matter, upon the State
16 Engineer's determination of the relative rights of the petitioner
17 and claimant to the use of the waters of the stream system of
18 Pinchot Creek and its tributaries, which Order of Determination and
19 all related documentary evidence had been filed by the State
20 Engineer. There being no exceptions to the Order of Determination
21 filed or otherwise submitted to the Court at least 5 days prior
22 to the date set for hearing as provided for under NRS 533.170 by
23 the claimant or petitioner or any other person or persons, the
24 matter was submitted to the Court for its decision.

25 Roland D. Westergard, Nevada State Engineer and
26 Starr Hill, Jr., Surface Water Engineer, appeared in the hearing
27 and proceedings on behalf of the State of Nevada and the Office of
28 the State Engineer. Edward C. Reed, Esq., appeared on behalf of
29 the claimant, Frank Seminario, Inc.

30 The record disclosed that all claimants had received a
certified copy of the Court Order Setting forth the Time and Place

1 for Hearing on the Order of Determination.

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

8 The Court, having duly considered the entire record, the
9 evidence introduced and received, directed that Findings of Fact,
10 Conclusions of Law, and Judgement and Decree be entered accord-
11 ingly.

12 FINDINGS OF FACT

13 I.

14 That on December 8, 1964, Frank Seminario, Inc., a water
15 user on Pinchot Creek and its tributaries, filed with the State
16 Engineer of the State of Nevada, a petition requesting the deter-
17 mination of the relative rights of petitioner and other claimants
18 to the waters of Pinchot Creek and its tributaries, thereto,
19 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
23 and its tributaries for the purpose of disclosing whether the
24 determination of such rights were justified, and filed his report
25 thereon in the Office of the State Engineer of the State of
26 Nevada. The report of the facts and conditions disclosed that a
27 determination of the relative rights was justified, and the State
28 Engineer made and entered his order on August 29, 1966, granting
29 the petition for the determination of such relative rights in and
30 to the waters of Pinchot Creek and its tributaries.

1 That as a result of the State Engineer's investigation
2 report, it was found that the waters of Pinchot Creek and its
3 tributaries had been placed to beneficial use for domestic,
4 industrial and commercial purposes in Basalt, Dicalite and Coaldale
5 and for stock watering purposes on range land, as affirmed by
6 Proof of Appropriation 02620, filed in the Office of the State
7 Engineer. Evidence contained in the title documents submitted by
8 the claimant relative to ownership of the Candelaria pipeline,
9 and use of waters from Pinchot Creek, indicates the present
10 claimant and appropriator, Frank Seminario, Inc., is the successor
11 in interest to vested rights initiated by its predecessors in
12 interest.

13 That on the 9th day of September, 1966, and once each week
14 for four succeeding weeks, the State Engineer did cause to be
15 published a Notice of Order and Proceedings to Determine Water
16 Rights in and to the waters of Pinchot Creek and its tributaries
17 in Esmeralda County, State of Nevada, and that notice was duly
18 given to all claimants as required by law. That on the 10th day
19 of October, 1966, there was filed in the Office of the State
20 Engineer an affidavit of the publisher of the Tonopah Times-
21 Bonanza and Goldfield News, exemplifying the Proof of Publication
22 of Notice of Order and Proceedings.

23 That the State Engineer did cause to be published on the
24 25th day of November, 1966, and once each week for four succeeding
25 weeks, a Notice of Order for Taking Proofs to Determine Water
26 Rights, in and to the waters of Pinchot Creek and its tributaries
27 in Esmeralda County, State of Nevada, and that notice was duly
28 given to all claimants as required by law. That on the 27th day
29 of December, 1966, there was filed in the Office of the State
30 Engineer an affidavit of the publisher of the Tonopah Times-

1 Bonanza and Goldfield News, exemplifying the Proof of Publication
2 of Notice of Order for Taking Proofs.

3 That the State Engineer, in accordance with NRS 533.140,
4 did enter and file in the records of his office, on the 26th day
5 of July, 1968, an Abstract of Claims, a Preliminary Order of De-
6 termination and Notice and Order Fixing and Setting Time and Place
7 of Inspection, stating when and where the evidence taken by or
8 filed with him and the proofs of claims shall be open to the
9 inspection of all interested persons; and that notice thereof was
10 duly given to all claimants as required by law.

11 That the State Engineer, in accordance with NRS 533.160,
12 entered in the records of his office, on the 23rd day of October,
13 1968, an Order of Determination defining the rights of the
14 claimant and appropriator to the waters of Pinchot Creek and its
15 tributaries and that notice thereof was duly given to all claimants
16 as required by law.

17 That upon the filing of the certified copy of the Order
18 of Determination and original evidence with the Clerk of the Court
19 of Esmeralda County, State of Nevada, the Court, at the request of
20 the State Engineer, made and entered an Order on the 6th day of
21 November, 1968, setting a time for the hearing of any exceptions
22 to the Order of Determination, on Monday, the 23rd day of
23 December, 1968, at 10:00 o'clock in the morning, at the county
24 Court House at Goldfield, Nevada; and that the Clerk of said Court
25 did furnish the State Engineer with a certified copy thereof.

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

29 That on the 22nd day of November, 1968, and once each week
30 for four succeeding weeks, the State Engineer did cause to be

1 published, the Court Order Setting Time for Hearing, and that
2 thereafter on the 23rd day of December, 1968, there was filed with
3 the State Engineer an affidavit of the publisher of the Tonopah
4 Times-Bonanza and Goldfield News, exemplifying the Proof of
5 Publication of the Court Order Setting Time for Hearing.

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

13 II.

14 The Court Further Finds: That Pinchot Creek and its
15 tributaries are situated wholly within Esmeralda County, State of
16 Nevada.

17 III.

18 The Court Further Finds: That the name of the claimant
19 and appropriator, the period of use, the diversion of water and
20 method of use, measurement of water, stock watering and domestic
21 use, change of place of use, and the rights of appropriation of
22 the water, all as set forth in the Order of Determination, are
23 true, proper and correct, and all and singular the same should be
24 approved and confirmed.

25 I. PREFACE

26 That on December 8, 1964, Frank Seminario, Inc., a water
27 user on Pinchot Creek and its tributaries, filed with the State
28 Engineer of the State of Nevada a petition requesting the
29 determination of the relative rights of petitioner and other
30 claimants to the waters of Pinchot Creek and its tributaries

1 before reaching Columbus Marsh. It is fed by snow melt from the
 2 lofty White Mountains as well as several springs in the watershed,
 3 the largest source being the Pinchot Springs area in Section 27,
 4 T. 1 N., R. 33 E., M.D.B.&M., where numerous springs form a marsh
 5 area that is tributary to the creek. Pinchot Creek has a snow melt
 6 flow in the early spring which diminishes until the creek becomes
 7 dry later in the season.

8 IV. PERIOD OF USE

9 The use of the water for domestic, industrial, commercial
 10 and stock watering purposes is for a year around use.

11 V. DIVERSION OF WATER AND METHOD OF USE

12 Pinchot Springs are a series of interconnecting springs
 13 located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T. 1 N., R. 33 E., M.D.B.&M.
 14 There is field evidence that at least six springs were developed
 15 and conveyed to a common five inch pipeline that transported the
 16 waters to the Candelaria Pipeline. A cloudburst in the early
 17 1950's destroyed the spring development and pipelines, and they
 18 have not been repaired so Pinchot Springs do not contribute to the
 19 water supply of the Candelaria Pipeline at this time.

20 The first point of diversion from the Candelaria Pipeline
 21 is at stock water trough No. 1 in Section 1, T. 1 N., R. 33 E.,
 22 where a two inch diameter pipe and valve divert the water from the
 23 main line into a semi-cylindrical water trough ten feet long and
 24 four feet in diameter. The flow into the trough is regulated by
 25 a float valve.

26 The second point of diversion is at stock water trough No.
 27 2 in Section 36, T. 2 N., R. 33 E., where a two inch diameter pipe
 28 diverts the water from the main line to a circular trough, six
 29 feet in diameter and three feet high. There is no valve in the
 30 main line and water is made to flow into the trough by shutting

1 the valve at the Dicalite diversion further down the main line and
2 the back pressure thus created forces the water into the trough.

3 The third point of diversion is at stock water trough No.
4 3 in Section 25, T. 2 N., R. 33 E. A 2 inch diameter pipe and
5 valve divert the water from the main line into a semi-cylindrical
6 water trough 10 feet long and 3 feet in diameter. The flow into
7 the trough is regulated by a float valve.

8 The fourth point of diversion from the pipeline is at the
9 Basalt junction box in Section 25, T. 2 N., R. 33 E. A valve
10 diverts the water into a 3 inch diameter pipeline that transports
11 it to the town of Basalt, where it supplies water for six to
12 twenty house trailers and a picnic and rest area with six water
13 hydrants. Two houses are supplied by the Basalt pipeline. Also
14 on this line is a valve with a takeoff to fill a storage tank,
15 the water being used by Dicalite to supply the sprinkler truck
16 that wets down the haulage roads.

17 The fifth point of diversion from the pipeline is at the
18 Dicalite junction box in Section 25, T. 2 N., R. 33 E. A control
19 valve here allows water to be diverted to Dicalite by means of a
20 2 inch diameter pipeline. This line supplies a 50,000 gallon
21 storage tank, a settling pond reservoir and the domestic needs of
22 forty employees and their families living at Dicalite.

23 Coaldale secures its drinking water supply from Dicalite
24 and has done so since 1930. It is transported by a water truck
25 to Coaldale where it is the only drinking water for twelve motel
26 units, fifteen trailers, one bar, one cafe and one service station.

27 The main line is stubbed off immediately beyond the
28 Dicalite junction box and water no longer continues in the pipe-
29 line to the Candelaria reservoir and points beyond. The portion
30 of the pipeline from Dicalite to Candelaria was dismantled during

1 World War II.

2 The pipeline to the mining camp of Candelaria which con-
3 veyed water from Dyke Spring and Pinchot Springs was constructed
4 in 1881-1882. Water was stored in a concrete reservoir above
5 Candelaria and piped to the townsite and used by the inhabitants
6 for domestic use and milling, as it was the only source of water
7 in the area. It was also piped seven miles beyond Candelaria to
8 Redlich where it supplied the Tonopah and Goldfield Railroad until
9 the removal of the railroad in 1940.

10 Prior to the existence of Basalt, water was piped from
11 the Candelaria pipeline to the Carson and Colorado Railroad near
12 the present site of Basalt. The railroad was constructed in
13 1880-1883 and abandoned during the 1930's.

14 VI. MEASUREMENT OF WATER

15 All measurements of amounts of water diverted are to be
16 made at a point in the pipeline immediately below the confluence
17 of all sources of spring water at Pinchot Springs.

18 VII. CHANGE OF PLACE OF USE

19 All water allotted under this order shall be appurtenant
20 to the place of use designated herein. Any water user desiring to
21 change the point of diversion, manner of use or place of use of
22 the waters allotted herein must make application to the State
23 Engineer for permission to make the change pursuant to NRS 533.345.

24 VIII. RIGHTS OF APPROPRIATION

25 From the Order of Determination and the evidence, both
26 oral and documentary, submitted in support thereof, the Court finds
27 that the name of the claimant and appropriator of the waters of
28 Pinchot Creek and its tributaries, the source of the water supply,
29 the means of diversion, the points of diversion for beneficial
30 use, the year of priority, the places of use, the legal

1 subdivisions, sections, townships and ranges are as listed, stated
2 and set forth.

3 CONCLUSIONS OF LAW

4 From the evidence presented and received in this matter,
5 and from the foregoing FINDINGS OF FACT, the Court makes the
6 following Conclusions of Law.

7 I.

8 That the State Engineer had the right, authority and
9 jurisdiction pursuant to Chapter 533 of NRS to make the investiga-
10 tions made by him, conduct the hearings had by him, receive the
11 proofs and maps, hear the evidence presented to him, and prepare,
12 make, enter and file in his office the original Order of Determina-
13 tion and file a certified copy thereof in this Court, and to
14 determine the relative rights of claimants and appropriators in
15 and to the waters of Pinchot Creek and its tributaries in
16 Esmeralda County, State of Nevada; that the State Engineer duly
17 made all orders necessary and proper in connection therewith and
18 entered the same in his office as required by Chapter 533 of
19 NRS, that each and every notice required by law to be given the
20 claimants and appropriators was duly served by the State Engineer
21 in the manner and within the time required by statute, and that
22 the notices contained all of the statements required by law, and
23 that the claimants and appropriators of the waters of the above-
24 named stream system and its tributaries duly received the
25 information and notices, as required by law.

26 II.

27 That the Fifth Judicial Court of the State of Nevada, in
28 and for the County of Esmeralda, had and has jurisdiction to hear
29 and try this matter, and has jurisdiction to find, make and enter
30 the foregoing Findings of Fact and these Conclusions of Law, and

1 enter its Decree herein.

2 III.

3 That Frank Seminario, Inc. is the only claimant who was
4 and is now an appropriator and user of the waters of Pinchot Creek
5 and its tributaries on the date the Order of Determination was
6 filed with the Clerk of this Court, and on the date of the trial
7 and hearing of this matter.

8 IV.

9 That the use of the water for domestic, industrial,
10 commercial and stock watering purposes is for a year around use.

11 V.

12 That the claimant shall have the right to divert from the
13 following points of diversion and for the following uses:

14 Pinchot Springs are a series of interconnecting springs
15 located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T. 1 N., R. 33 E.,
16 M.D.B.&M. There is field evidence that at least six springs were
17 developed and conveyed to a common five inch pipeline that trans-
18 ported the waters to the Candelaria Pipeline. A cloudburst in
19 the early 1950's destroyed the spring development and pipelines,
20 and they have not been repaired so Pinchot Springs do not con-
21 tribute to the water supply of the Candelaria Pipeline at this
22 time.

23 The first point of diversion from the Candelaria Pipeline
24 is at stock water trough No. 1 in Section 1, T. 1 N., R. 33 E.,
25 where a two inch diameter pipe and valve divert the water from the
26 main line into a semi-cylindrical water trough ten feet long and
27 four feet in diameter. The flow into the trough is regulated by a
28 float valve.

29 The second point of diversion is at stock water trough
30 No. 2 in Section 36, T. 2 N., R. 33 E., where a 2 inch diameter

1 pipe diverts the water from the main line to a circular trough,
2 6 feet in diameter and 3 feet high. There is no valve in the
3 main line and water is made to flow into the trough by shutting
4 the valve at the Dicalite diversion further down the main line
5 and the back pressure thus created forces the water into the
6 trough.

7 The third point of diversion is at stock water trough
8 No. 3 in Section 25, T. 2 N., R. 33 E. A 2 inch diameter pipe
9 and valve divert the water from the main line into a semi-
10 cylindrical water trough 10 feet long and 3 feet in diameter.
11 The flow into the trough is regulated by a float valve.

12 The fourth point of diversion from the pipeline is at
13 the Basalt junction box in Section 25, T. 2 N., R. 33 E. A valve
14 diverts the water into a 3 inch diameter pipeline that transports
15 it to the town of Basalt, where it supplies water for six to
16 twenty house trailers and a picnic and rest area with six water
17 hydrants. Two houses are supplied by the Basalt pipeline. Also
18 on this line is a valve with a takeoff to fill a storage tank,
19 the water being used by Dicalite to supply the sprinkler truck
20 that wets down the haulage roads.

21 The fifth point of diversion from the pipeline is at the
22 Dicalite junction box in Section 25, T. 2 N., R. 33 E. A control
23 valve here allows water to be diverted to Dicalite by means of a
24 2 inch diameter pipeline. This line supplies a 50,000 gallon
25 storage tank, a settling pond reservoir and the domestic needs of
26 forty employees and their families living at Dicalite.

27 Coaldale secures its drinking water supply from Dicalite
28 and has done so since 1930. It is transported by a water truck
29 to Coaldale where it is the only drinking water for twelve motel
30 units, fifteen trailers, one bar, one cafe and one service station.

1 The main line is stubbed off immediately beyond the
2 Dicalite junction box and water no longer continues in the pipeline
3 to the Candelaria reservoir and points beyond. The portion of the
4 pipeline from Dicalite to Candelaria was dismantled during World
5 War II.

6 The pipeline to the mining camp of Candelaria which con-
7 veyed water from Dyke Spring and Pinchot Springs was constructed
8 in 1881-1882. Water was stored in a concrete reservoir above
9 Candelaria and piped to the townsite and used by the inhabitants
10 for domestic use and milling, as it was the only source of water
11 in the area. It was also piped seven miles beyond Candelaria to
12 Redlich where it supplied the Tonopah and Goldfield Railroad until
13 the removal of the railroad in 1940.

14 Prior to the existence of Basalt, water was piped from the
15 Candelaria Pipeline to the Carson and Colorado Railroad near the
16 present site of Basalt. The railroad was constructed in 1880-1883
17 and abandoned during the 1930's.

18 VI.

19 That all measurements of amounts of water diverted are to
20 be made at a point in the pipeline immediately below the con-
21 fluence of all sources of spring water at Pinchot Springs.

22 VII.

23 That all water allotted in the Decree shall be appurtenant
24 to the places of use designated therein. Any water user desiring
25 to change the point of diversion, manner of use or place of use
26 of the waters allotted herein must make application to the State
27 Engineer for permission to make the change pursuant to NRS
28 533.345.

29 VIII.

30 That from the Order of Determination and the evidence,

1 both oral and documentary, submitted in support thereof, the Court
2 finds that the name of the claimant and appropriator of the waters
3 of Pinchot Creek and its tributaries, the source of the water
4 supply, the means of diversion, the points of diversion for bene-
5 ficial use, the year of priority, the place of use, the legal
6 subdivisions, sections, townships and ranges are as listed, stated
7 and set forth.

8 IX.

9 That the Order of Determination made, filed and caused to
10 be entered of record in this matter by the State Engineer, should
11 be affirmed.

12 JUDGMENT AND DECREE

13 THEREFORE, BY REASON OF THE FINDINGS OF FACT AND CONCLU-
14 SIONS OF LAW HEREINBEFORE SET FORTH, IT IS ORDERED, ADJUDGED AND
15 DECREED BY THE COURT AS FOLLOWS:

16 I.

17 That the State Engineer made all necessary and proper
18 orders as required by law, and that each and every notice required
19 by law was duly given to the claimants and appropriators; that
20 the claimants and appropriators had full opportunity to appear and
21 be heard in objection to and file exceptions to the Order of
22 Determination; that the claimant and appropriator is the only
23 claimant and appropriator of the waters of Pinchot Creek and its
24 tributaries and this Decree determines the limit and extent of all
25 vested water rights on the source.

26 That the Court has full and complete jurisdiction to hear,
27 try and determine this matter and to make and enter herein this
28 Decree.

29 II.

30 That the waters of Pinchot Creek and its tributaries are

1 being placed to beneficial use by Frank Seminario, Inc., for
2 domestic, industrial, and commercial purposes in Basalt, Dicalite
3 and Coaldale and for stock watering purposes on range land.

4 III.

5 That the use of the water for domestic, industrial,
6 commercial and stock watering purposes is for a year around use.

7 IV.

8 That the claimant shall have the right to divert from the
9 following points of diversion and for the following uses:

10 Pinchot Springs are a series of interconnecting springs
11 located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, T. 1 N., R. 33 E., M.D.B.&M.
12 There is field evidence that at least six springs were developed
13 and conveyed to a common five inch pipeline that transported the
14 waters to the Candelaria Pipeline. A cloudburst in the early
15 1950's destroyed the spring development and pipelines, and they
16 have not been repaired so Pinchot Springs do not contribute to the
17 water supply of the Candelaria Pipeline at this time.

18 The first point of diversion from the Candelaria Pipeline
19 is at stock water trough No. 1 in Section 1, T. 1 N., R. 33 E.,
20 where a two inch diameter pipe and valve divert the water from the
21 main line into a semi-cylindrical water trough ten feet long and
22 four feet in diameter. The flow into the trough is regulated by
23 a float valve.

24 The second point of diversion is at stock water trough
25 No. 2 in Section 36, T. 2 N., R. 33 E., where a 2 inch diameter
26 pipe diverts the water from the main line to a circular trough,
27 6 feet in diameter and 3 feet high. There is no valve in the
28 main line and water is made to flow into the trough by shutting
29 the valve at the Dicalite diversion further down the main line
30 and the back pressure thus created forces the water into the

1 trough.

2 The third point of diversion is at stock water trough No.
3 3 in Section 25, T. 2 N., R. 33 E. A 2 inch diameter pipe and
4 valve divert the water from the main line into a semi-cylindrical
5 water trough 10 feet long and 3 feet in diameter. The flow into
6 the trough is regulated by a float valve.

7 The fourth point of diversion from the pipeline is at
8 the Basalt junction box in Section 25, T. 2 N., R. 33 E. A valve
9 diverts the water into a 3 inch diameter pipeline that transports
10 it to the town of Basalt, where it supplies water for six to
11 twenty house trailers and a picnic and rest area with six water
12 hydrants. Two houses are supplied by the Basalt pipeline. Also
13 on this line is a valve with a takeoff to fill a storage tank,
14 the water being used by Dicalite to supply the sprinkler truck
15 that wets down the haulage roads.

16 The fifth point of diversion from the pipeline is at the
17 Dicalite junction box in Section 25, T. 2 N., R. 33 E. A control
18 valve here allows water to be diverted to Dicalite by means of a
19 2 inch diameter pipeline. This line supplies a 50,000 gallon
20 storage tank, a settling pond reservoir and the domestic needs of
21 forty employees and their families living at Dicalite.

22 Coaldale secures its drinking water supply from Dicalite
23 and has done so since 1930. It is transported by a water truck
24 to Coaldale where it is the only drinking water for twelve motel
25 units, fifteen trailers, one bar, one cafe and one service station.

26 The main line is stubbed off immediately beyond the
27 Dicalite junction box and water no longer continues in the pipeline
28 to the Candelaria reservoir and points beyond. The portion of the
29 pipeline from Dicalite to Candelaria was dismantled during World
30 War II.

1 PROOF NO.: 02620

2 CLAIMANT : Frank Seminario, Inc.

3 SOURCE : Pinchot Creek and Tributaries

4 USE : Industrial, Commercial, Domestic & Stock Watering

5 MEANS OF DIVERSION: Drain Pipe and Pipeline

6 POINTS OF DIVERSION: 1. Pinchot Springs - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27,
7 T. 1 N., R. 33 E., or at a point from
8 which the N.E. corner of said Section
9 27 bears N. 47°30' E., a distance of
4,150 feet.

10 PERIOD OF USE: January 1 to December 31 of each year

11 It is hereby determined that there are no vested rights
12 to the waters of Pinchot Creek other than the following:

13 The claimants are hereby granted the right to divert
14 15 g.p.a. of the flow of Pinchot Springs into the Candelaria
15 Pipeline. The places of use of this vested right are determined
16 to be:

17 Stock Water Trough No. 1 - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, T. 1 N., R. 33 E., MDM
18 Stock Water Trough No. 2 - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T. 2 N., R. 33 E., MDM
19 Stock Water Trough No. 3 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, T. 2 N., R. 33 E., MDM
20 Basalt - Sec. 26, T. 2 N., R. 33 E., MDM
Dicalite - Sec. 29, T. 2 N., R. 34 E., MDM
21 Coaldale - Sec. 17, T. 2 N., R. 37 E., MDM

21 The date of priority of these rights is 1991.

22 DONE IN OPEN COURT THIS _____ DAY OF _____

23 A.D. _____.

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25
26 _____
KENNETH L. MANN
District Judge
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