

THE STATE OF NEVADA

*Proof of Appropriation of Water for
Power (Mining) (Milling)*

.....
.....

From Springs (No name) in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 28 T 33 N R 52 E
(Name of natural water source.)

Through Carlin Pipe Line
(Name of ditch, flume, or pipe line.)

Otis Weeks (Div Engineer) Southern Pacific Co., the undersigned,
being first duly sworn, deposes and says that the facts relative to the appropriation of water by

Central Pacific Railway Company

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 Central Pacific Railway Company
Address San Francisco County of San Francisco
State of California

(2) The means of diversion employed Pipe Line
(Dam and ditch, pipe line, flume, etc.)

(3) The date of the survey of ditch, canal or pipe line was Apr. 1915 (Resurvey of old pipe line)

(4) The construction of the ditch or other works was begun 1870

and completed in 1870, 3 in. pipe. Renewed in 1881 with 6 in, in 1887 with 5 in. in 1904 with 8 in, 1907 with 8 in and 1918 with 8 inch

(5) The dimensions of the ditch or canal as originally constructed were: Width on bottom.....feet;
width on top.....feet; depth.....feet; on a grade of.....feet per
thousand feet.

(6) The amount of water claimed is 0.77 second-feet. (497663 ggl per 24 hrs)

(7) The conduit has ~~(4-4)~~ been enlarged.
(NOTE: If enlargement or extension of ditch was made, supply information under (7) and (8).)

(8) The work of enlargement of the ditch or canal was begun
and completed.....

(9) The dimensions of the ditch or canal as enlarged are: Width on bottom.....feet; width on top
.....feet; depth.....feet; on a grade of.....feet per thousand feet.

(10) The claimant is ~~(owner)~~ an owner in the above-described conduit.

Entire ownership vested in claimant.
(If claimant is an owner in the conduit, state interest held on this line.)

(11) The nature of the title to the land upon which the works are located is ownership in fee, prior
location over outside owned lands.

(12) If works are not completed give description of work already done.....

(13) The water has been used for locomotive use ~~power~~ from January first
(Strike out any not wanted) (Day of month)
to December thirty first of each year.
(Day of month)

(14) The water was first used for locomotive use ~~power~~ by claimant or.....grantors in the year
(Strike out any not wanted)
about 1870, when.....horse-power was generated.

(15) The maximum power generated in any year was.....horse-power.

(16) The years during which no water was used for power (mining) (milling) or during which the fully water
(Strike out any not wanted)
right was not used were.....
(If water was not used, or used in reduced quantity at any time,

(17) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of Elko
County, said record being at page.....of Book.....of.....
and being a claim for.....of water for generating power (mining)
(Strike out any not wanted)
(milling)

(NOTE: Failure to record in the county in no way invalidates a water right, but if a ditch or right was so recorded, supply full information.

(18) The map provided by the State Engineer and attached hereto as a part of this proof is hereby accepted as correctly showing the ditch lines or other works diverting or conveying the water claimed, to the point of use.

(19) Water from the source given and through the works described is also used for the following purposes other than power (mining) (milling).....
(Strike out any not wanted)

(20) Remarks:

Subscribed and sworn to before me, this 14th day of May 1918

Otis Weeks
A. Jensen
Notary Public in and for the County of Elko, Utah

My commission expires June 24th 1918

This part of form to be left blank by claimant.

Filing Serial No. **01582**

STATE OF NEVADA

Proof of Appropriation of Water for
Power (Mining) (Milling)

Water source *Unnamed Spring*
Through *Carlin Pipeline*
Claimant *Central Pacific Railway Co*

Filed in the State Engineer's office on

SEP -9 1918, 191

Sumner B. Rose
State Engineer

Certificate No. issued hereunder

....., 191

September 6, 1944

s. 5044, 10459, 01582 and 10111

Milton B. Badt
Attorney at Law
First National Bank Building
Elko, Nevada

Dear Mr. Badt:

Reference is made to your letter of March 1, 1944, with which you submitted for filing certified copy of deed dated May 25, 1937, between Frank Ciurlani, Joe Pieretti and Maria Pieretti, his wife, and P. Bianucci and Amelia Bianucci, his wife, parties of the first part, and the Town of Carlin, party of the second part.

A diligent search of our records failed to disclose water rights within the area described in the deed in the names of the assignors. However, there are several water rights of record, portions of which are appurtenant to certain lands described in the deed. These rights are as follows:-

Application No. 5044, filed by George Arthur on May 1, 1918, for permission to appropriate 0.40 c.f.s. of the waters of Dwyer's Springs in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 33 N., Range 52 E., M.D.B. & M., for the irrigation of about 40 acres of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 33 N., Range 52 E. This application is pending.

Permit No. 10459, issued to Thos. Griffin Estate and T. D. Griffin Estate to change the point of diversion of 10.784 c.f.s. of the waters of the Humboldt River as shown on pages 150 and 151 of the Findings of Fact, Conclusions of Law and Decree in Case No. 2804 in the Sixth Judicial District Court of the State of Nevada in the matter of the determination of the relative rights of claimants and appropriators of the waters of the Humboldt River System. A portion of this right to the extent of 2.04 acres in the S.E. Corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and 0.61 acre in the S.W. Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, Township 33 N., Range 52 E., is appurtenant to lands described in the submitted deed.

Proof of Appropriation of Water Serial No. 01582, filed by the Central Pacific Railway Company on September 9, 1918, covers a portion of the lands described in the deed, being the SE $\frac{1}{4}$ of Section 28, Township 33 N., Range 52 E., for locomotive use. This is a claim

Milton B. Baft
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of vested right to certain waters of Unnamed Spring in the SE $\frac{1}{4}$ of Section 28, Township 33 N., Range 52 E.

Geo. Arthur was decreed water rights from the Humboldt River and Hot Springs and also Dwyer Spring for the irrigation of 107.95 acres, of which 86.97 acres are in portions of the SE $\frac{1}{4}$ of Section 33, the N $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 and the S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 33 N., Range 52 E., these being portions of the lands described in the deed. These rights appear on page 150 of the Humboldt River Decree compiled by Gray Mahburn, Attorney-General, and W. T. Mathews, Deputy Attorney-General.

The Town of Carlin also holds Certificate No. 2772, the subject of Permit No. 10111, for 1.0 c.f.s. of the waters of Arthur Spring for municipal purposes in portion of Section 27, Township 33 N., Range 52 E.

From the foregoing information you can see that it is impossible to connect the water rights conveyed by the deed with any of the water rights of record in this office and therefore in order to keep our records in order it will be necessary that you submit either the original or certified copies of the deeds completing the chain of title from the owners of record herein named down to the assignors named in the submitted deed, providing all or any one of the above rights are the right or rights referred to in the deed. The submitted deed and your check for One Dollar also submitted with the deed as the filing fee are returned to you herewith for your further consideration.

Yours very truly,

ALFRED MERRITT SMITH
State Engineer

By

Hugh A. Chamberger
Assistant State Engineer

FND:RMA
Encls.

THE STATE OF NEVADA

*Proof of Appropriation of Water for
Power (Mining) (Milling)*

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(Name of natural water source)

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State of California

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(If claimant is an owner in the conduit, state interest held on this line.)

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(Strike out any not wanted) (Day of month)

to December thirty first of each year.
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about 1870, when horse-power was generated.

(15) The maximum power generated in any year was horse-power.

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(Strike out any not wanted)

right was not used were
(If water was not used, or used in reduced quantity at any time,

full information as to the cause and duration of non-use should be given, appending a sheet if necessary.)

This part of form to be left blank by claimant.

Filing Serial No. **01582**

STATE OF NEVADA

Proof of Appropriation of Water for
Power (Mining) (Milling)

Water source *Unharned Spring*
Through *Carlin Pipe Line*
Claimant *Central Pacific Railway Co*

Filed in the State Engineer's office on

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Sumner D. ...
State Engineer

Certificate No. issued hereunder

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