

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>

March 30, 2016

Norman C. Fitzwater & Kindy L. Fitzwater  
P.O. Box 15  
Eureka, NV 89316

**RE: Permit 1937, Certificate 43**

Dear Norman and Kindy:

Please be advised that your *Report of Conveyance* received on February 19, 2016, is hereby confirmed to update ownership of a portion of **Permit 1937, Certificate 43** for 126.48 acre-feet at a diversion rate of 0.43 cubic-feet per second in the name of **Norman C. Fitzwater and Kindy L. Fitzwater as husband and wife as joint tenants**. Details of the above permit(s), including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

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) 684-2835.

Sincerely

A handwritten signature in black ink, appearing to read "Josh Temple".

Josh Temple  
Engineering Technician III

JAT/sgc

ROBERT W. MILLARD  
1847-1932  
FRANK W. MILLARD  
1880-1960

ROBERT W. MILLARD  
DAVID R. MILLARD

# E. W. MILLARD & SON

## CONSULTING ENGINEERS

U.S. MINERAL SURVEYOR  
LICENSED LAND SURVEYORS  
STATE WATER RIGHT ENGINEER  
REGISTERED PROFESSIONAL ENGINEER

ESTABLISHED 1903

P. O. BOX 150

ELY , NEVADA

November 19, 1963

Mr. Elmo De Ricco  
Nevada State Engineer  
P. O. Box 606  
Carson City, Nevada

Dear Mr. DeRicco:

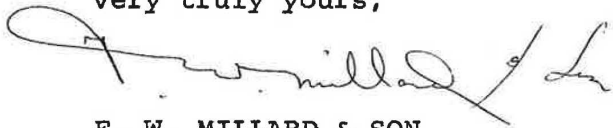
LaBarry and LaBarry Company of Eureka, Nevada are concerned over existing rights adjacent to and near their home ranch on Cottonwood Creek in Diamond Valley, Eureka County, Nevada.

Mr. Raymond L. LaBarry Jr., is aware of a stock watering right on Pedrioli Creek and irrigation rights on Minolette Creek and Creole Creek north of the ranch, however, we would like to check these rights for him. Would you, therefore, send me a copy of the following certificates:  
Pedrioli Creek for stock watering, Sec. 23, T. 21 N., R. 56 E.,  
Minoletti Creek for irrigation, Sec. 34 and 35., T. 21 N., R. 54 E.,  
Creole Creek for irrigation in Sec. 3 and 4 of T. 20 N., R. 54 E.

7606-7607  
1958  
1957

Our check #12338 in the amount of \$3.00 is attached to cover the cost of these rights.

Very truly yours,



F. W. MILLARD & SON

RWM/g  
Attachment - check

January 31, 1958

*Copies of this letter in 1937 - 8301 - 8995 and 01327*

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 SW $\frac{1}{4}$  NW $\frac{1}{4}$  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 SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Sec. 3.

Certificate No. 42 issued under Application No. 1958 to Giulio 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 NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 36, T. 21 N., R. 54 E., M.D.B.&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 NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 36, and SW $\frac{1}{4}$  SE $\frac{1}{4}$  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 SW $\frac{1}{4}$  NE $\frac{1}{4}$  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)

January 31, 1958

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 SW $\frac{1}{4}$  NW $\frac{1}{4}$  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 NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 22, T. 20 N., R. 55 E., or at a point which bears N. 16° 12' 10" E., 7236.88 feet from the S $\frac{1}{4}$  corner Sec. 27, T. 20 N., R. 55 E., for watering 5000 sheep, 25 horses and 60 head of cattle at points in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 22, and NW $\frac{1}{4}$  SW $\frac{1}{4}$  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 NE $\frac{1}{4}$  SE $\frac{1}{4}$  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 SE $\frac{1}{4}$  NW $\frac{1}{4}$  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 NE $\frac{1}{4}$  NW $\frac{1}{4}$  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 SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 5, T. 19 N., R. 57 E., M.D.B.&M.,

January 31, 1958

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 extent 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 SE $\frac{1}{4}$  SE $\frac{1}{4}$  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 SW $\frac{1}{4}$  SE $\frac{1}{4}$  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 SW $\frac{1}{4}$  NE $\frac{1}{4}$  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 SW $\frac{1}{4}$  SW $\frac{1}{4}$  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 SE $\frac{1}{4}$  SW $\frac{1}{4}$  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 SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 13, T. 21 N., R. 54 E., M.D.B.&M. (no tie given) for watering 2500 head of sheep.

January 31, 1958.

Certificate No. 2079 issued under Application No. 7606 to Handley Brothers for 0.0187 c.f.s. of the waters of Pedrolí Creek diverted at a point in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  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 W $\frac{1}{2}$  Sec. 23, NE $\frac{1}{4}$  Sec. 22, SE $\frac{1}{4}$  Sec. 15, W $\frac{1}{2}$  Sec. 15, and ending in the NE $\frac{1}{4}$  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 Pedrolí Creek, diverted at a point in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  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 1 $\frac{1}{2}$  miles extending through S $\frac{1}{2}$  Sec. 22 and ending in the SE $\frac{1}{4}$  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 NW $\frac{1}{4}$  NE $\frac{1}{4}$  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 SE $\frac{1}{4}$  NE $\frac{1}{4}$  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 NW $\frac{1}{4}$  SE $\frac{1}{4}$  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 W $\frac{1}{2}$  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 SW $\frac{1}{4}$  SE $\frac{1}{4}$  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.,

January 31, 1958

2708.31 feet from the quarter corner on the W. boundary Sec. 13, T. 20 N., R. 54 E., or in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  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 SE $\frac{1}{4}$  NE $\frac{1}{4}$  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 SE $\frac{1}{4}$  SE $\frac{1}{4}$  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' W., 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 NW $\frac{1}{4}$  NE $\frac{1}{4}$  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 period April 1 to October 1 of each year, diverted at a point in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 13, T. 22 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 Appropriation 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 NW $\frac{1}{4}$  NW $\frac{1}{4}$  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, assigner 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

Bureau of Land Management,  
Page Six.

January 31, 1958

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 SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 29, T. 19 N., R. 54 E., M.D.B.&M., unsurveyed for watering 8000 head of sheep.

FND





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
P. O. Box 275  
Battle Mountain, Nevada

IN REPLY REFER TO:

November 27, 1957

Office of the State Engineer  
State Office Building  
Carson City, Nevada

Dear Sir:

We would like to have the name, location and to whom it was issued of the following certificates:

<u>Permit No.</u>	<u>Certificate No.</u>
<del>1937</del>	43
x 1958 ✓	42
✓ 2157 ✓	
✓ 2289 ✓	165
x 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
✓ 7131 ✓	1323
✓ 7605 ✓	1640
✓ 7606 ✓	2079
✓ 7607 ✓	2080
✓ 8300 ✓	
✓ 8301 ✓	1813
✓ 8339 ✓	1639
✓ 8571 ✓	1735
✓ 8813 ✓	2021
✓ 8814 ✓	2022
✓ 8815 ✓	2023
8995	2024

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:

Thank You.

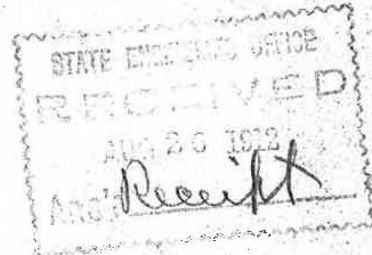
No. 01327 & No. 01423

For the Range Manager  
*Carl M. Rice*  
Carl M. Rice  
Range Conservationist

~~OFFICE OF  
H. MCCHARLES  
CLERK AND TREASURER  
EUREKA COUNTY~~

EUREKA, NEVADA. August 23. 1912.

Hon. W. M. Kearney,  
State Engineer,  
Carson City, Nevada.



Dear Sir:

Referring to Nos. 1937 and 1958, I have your letter enclosing certificates on the water rights under the above numbers.

Certificate Record #42, Book 3, page 42 under application #1958 has been recorded in the office of the County Recorder of Eureka County, in Book A, Water Locations, at page 64. Recorded on August 22, 1912.

Certificate Record #43, Book 3, page 43 under application #1937 has been recorded in the office of the County Recorder of Eureka County, in Book A, Water Locations, at page 65. Recorded on August 22, 1912.

I am enclosing money order for the copies of certificates duly certified, and filed in the U. S. Land Office. \$3.00

My clients desire to thank you for your promptness and kindness in making and filing the copies of the certificates in the Land Office.

Yours very truly,

*Geo. S. Nickerson*

AUG. 19, 1912.

Preston Canon and Mattei Creek,

Nos. 1937 and 1958.

Mr. George S. Nickerson,  
Civil Engineer,  
Eureka, Nevada.

Dear Sir:---

I have your letter of the 7th inst., relative to the issuance of certificates on the water rights under the above serial numbers.

I have issued Certificate Record #42, Book 3, page 42, under application #1958, taking the necessary data from the map made by you, regarding the acreage and location of the irrigated land.

Certificate Record #43, Book 3, page 43, was issued under application #1937, likewise, taking the data from the map made by you.

The reason for taking the data from the map was that the original application, the proof of application of water to beneficial use and the maps showed a different location and different point of diversion in each instance. The proof of application of water to beneficial use should have been taken directly from the map and should conform with it in all details inasmuch as the map was the last instrument made from an actual survey on the ground and made and filed under oath in this office.

G.S.N.#2

We have made certified copies of the certificates and filed them in the United States Land Office to enable your clients to receive patent on their desert land claims.

I am enclosing herewith the original certificates, which you are required to have recorded in the county, as per Section 29, Statutes of 1907, page 30. Kindly give this office the date of recording, showing the book and page on which these certificates are recorded in order that our office records may conform with the county records.

The statutory charge for making the certified copies for the United States Land Office is \$3.00, which please remit.

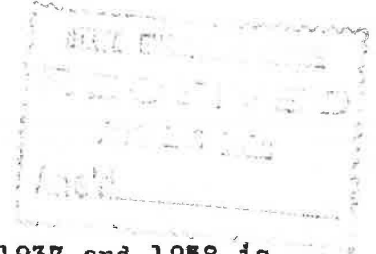
Very truly yours,

State Engineer,

Dic. H/LCK.

Eureka, Nevada, August 15. 1912.

Hon. W. M. Kearney,  
State Engineer,  
Carson City, Nevada.



Dear Sir:

Yours of Aug. 9. in reference to Nos. 1937 and 1958 is received with enclosures.

On Aug. 6th. Mary Minoletti on Preston Canon and Giulio Minoletti on Mattei Creek, both made final proof on their respective desert entries and the papers in said proofs have been forwarded to the Register and Receiver at Carson.

It will greatly facilitate the approval of their proofs if a certificate from your office can be at once filed with their papers and they will appreciate the favor if you can hand such certificates to the Register to be filed with their final proofs.

They acquired their water rights by deed from Guiditta Mattei and Giacomo Mattei by deed and have diligently maintained the rights which are of long standing. There are no other persons claiming or using the waters of these canyons, the right being a sole right in each instance.

That there are discrepancies in the papers filed is because of ignorance on the part of the original locaters and I hope they are of such minor importance that they can be readily adjusted without delaying the acceptance of the final proofs.

Yours very truly,

*Geo. S. Nickerson*

Eureka, Nevada, March 23. 1912.

Hon. W. M. Kearney,  
State Engineer,  
Carson City, Nevada.

Dear Sir:

This evening I am in receipt of yours of the 21st. inst. returning Proofs of Appropriation for Preston Creek No. 1937 and Mattei Creek, No. 1958, saying that this is not the proper instrument to file in these cases.

You fail to enclose the proper blanks for the Proof of Beneficial Use, so the matter must wait until the blanks are received.

You say in the letters to Chas. Minoletti that the matter is held on account of correction of maps, but in the letter to me say nothing about any map corrections being necessary.

I confess that it is very difficult under the present policy of your office for me to understand what your requirements are and the necessities governing each particular case and I will be obliged for some definite information as to just when the Proofs of Appropriation can be used and the conditions that require Proof of Beneficial Use.

There are quite a number of water rights in this county that should be made a matter of record in your office and I want to do the work while I am here, but must be fully informed concerning your requirements in order that such unnecessary delays as this will not occur again.

If you have any suggestions concerning the maps that I

am sending you, kindly call my attention to their irregularities and suggest any change in form that you wish.

There are several claimants who have never filed any applications that have been using the water on their ranches for many years, some of whom have desert entries they wish to make proof on, but I am at a loss what papers to fill out for them. How a stronger or better proof of beneficial use could possibly be made by anyone than that shown on the returned Proofs of Appropriation, I can scarcely imagine, even if not on the blanks you require. However I will have the Proofs of Beneficial Use made out as soon as your office will send me the blanks, and I will suggest that you kindly furnish me with a number of the blanks for proof of beneficial use as I may need them.

Yours very truly,

*Geo. S. Nickerson*