321 ASSIGNED

No. 321

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Nevada

1. Date of receipt of application December, 26, 1906
2. Name of applicant John A. Magnuson,
   Postoffice address: Ely, Nevada.
   County White Pine
   I. If applicant is a corporation, give
      (a) Date and place of corporation
      (b) The amount of capital stock
      (c) The amount paid in
      (d) The names and addresses of Directors
3. The quantity of water claimed is seven (7) cubic feet per second.
4. Source of water supply Linden Creek
5. Location of point of diversion Mouth of Cañon in the S. E. corner of N.E. 1/4 of sec. 34 in township 21 North of Range 64 East Mt. D. B. & M.
6. To be used for:
   I. Irrigation and domestic use:
      (a) Number of acres to be irrigated One hundred and sixty acres.
      (b) In the following legal subdivisions The West 20 of N. E. 1/4 and the south 1/2 of the N. W. 1/4 of Section 28 in township 21 North of Range 64 East Mt. D. B. & M.
      (A list of lands to be irrigated may be appended as a part of this application.)
   II. Mining, power, manufacturing or transportation purposes:
      (a) To be used for
      (b) Amount of power to be generated horse power.
      (c) At what point
      (d) Is water to be returned to stream, ("yes" or "no")
      (e) If "yes" at what point
7. Estimated cost of works One thousand ($1000.00) dollars.
8. Description of works for diversion:
   I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) A small dam and ditch.

Proof of Pub. for # 321 permission to change pt of Diversion — May-28-08.

APPLICATION FOR CHANGE OF POINT OF DIVERSION.

To the Honorable State Engineer of the State of Nevada, Carson City, Nevada:

The undersigned, John A. Magnuson, hereby makes application to the Honorable State Engineer for permission to change the point of diversion of the waters appropriated under Permit No. 321 as the said point is described in said Permit No. 321, and in that behalf shows:

1. That at the time that said John A. Magnuson made application for said permit on December 26, 1906, it was impossible for him to accurately designate the particular subdivision of the public lands upon which the proposed point of diversion was situated, for the reason that the said applicant was unable to find any section corner or other landmark indicating or from which he might ascertain the particular description of the subdivision of the section on which he intended to locate his said point of diversion;

2. That since the date of the said application your applicant has caused an accurate survey to be made and has accurately located his point of diversion with reference to the government subdivision of the public lands, and that it is the desire of the undersigned applicant to ~~xxxxxxxx~~ change the point of diversion and the description thereof as set forth in said Permit No. 321 and to now divert the waters of said Linden creek (sometimes known as Indian creek) mentioned in said application No. 321, at a point in the NW 1/4 of the NE 1/4 of Sec. 34, Tp 21 N R 64 E, MDB&M.

Wherefore your applicant prays that such change in the point of diversion and in the description thereof may be authorized by the Honorable State Engineer and that such officer take such measures respecting publication and other matters relating thereto as may be required by the statutes in such case made and provided.

John A. Magnuson

WALKER & BOREMAN ATTORNEYS-AT-LAW ELY, NEVADA

APPLICATION FOR CHANGE OF POINT OF DIVERSION.

To the Honorable State Engineer of the State of Nevada, Carson City, Nevada:

The undersigned, John A. Magnuson, hereby makes application to the Honorable State Engineer for permission to change the point of diversion of the waters appropriated under Permit No. 321, No. 321 as the said point is described in said Permit No. 321, and in that behalf shows:

1. That at the time that said John A. Magnuson made application for said permit on December 20, 1908, it was impossible for him to accurately designate the particular subdivision of the public lands upon which the proposed point of diversion was situated, for the reason that the said applicant was unable to find any section corner or other landmark indicating or from which he might ascertain the particular description of the subdivision of the section on which he intended to locate his said point of diversion;

2. That since the date of the said application your applicant has caused an accurate survey to be made and has accurately located his point of diversion with reference to the government subdivision of the public lands, and that it is the desire of the undersigned applicant to change the point of diversion and the description thereof as set forth in said Permit No. 321 and to now divert the waters of said Linden creek (sometimes known as Indian creek) mentioned in said application No. 321, at a point in the NW 1/4 of the NW 1/4 of Sec. 34, T. 21 N R 64 E, MDB&M.

Wherefore your applicant prays that such change in the point of diversion and in the description thereof may be authorized by the Honorable State Engineer and that such officer take such measures respecting publication and other matters relating thereto as may be required by the statutes in such case made and provided.

II. *Dimensions of works:*

(a) *Height of dam,* five *feet; length of dam at top,* ten *feet; length of dam at bottom,* seven *feet; material used in construction (wood, earth, stone or concrete)* Wood, earth and stone.

(b) *Capacity of reservoir* _____ *acre-feet.*

(c) *Size of headgate—width,* two *feet; height,* four *feet.*

(d) *Ditch (flume or pipe)—width at bottom,* two *feet; width at water line,* three *feet; depth of water,* _____ *feet. Average grade per mile is* 100 *feet. Length of ditch is* 1½ *miles, and crosses the following quarter sections:* N.E. ¼ of sec. 34, S.E. ¼ and S.W. ¼ of sec. 27, N.E. ¼ and S.E. ¼ of sec. 28, all in township 21 North Range 64 East M.D.B.&M.

to the E. ½ of N.E. ¼ and S. ½ of N.W. ¼ of sec. 28, Tp. 21 N. R. 64 E. M.D.B.&M. *which is the point of intended use.*

APPROVAL OF STATE ENGINEER

The number of this permit is 321.

Date of receipt of first application Dec. 26, 1906.

Return to applicant for correction _____ 190__.

Corrected application received _____ 190__.

Last notice published _____ 190__.

Recorded in Book B, *page* 321.

✓*Approved* March 20, 1907.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Nevada, and hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated not more than seven *cubic feet per second.*

The construction of the within described works to be commenced not later than July 1, 1907.

One-fifth of the work above specified to be completed on or before Oct. 1, 1907.

The whole of said work to be completed on or before Oct. 1, 1908.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to Oct. 1, 1909.

Witness my hand this twentieth *day of* March, 1907.

Henry Thurtell
State Engineer.

REMARKS

(This space not to be written in by applicants.)

Map Filed Feb. 15—08.
Proof of Beneficial use filed APR 12 1910

Cultural Map Filed June 26, 1924 (See #935)

Certificate No. 4688 Issued 4/9/58 for 2.5 c.f.s. for irrigation
Recorded 4/7/58 Bk 202 Page 468
White Pine County Records