

APPLICATION FOR PERMIT
To appropriate the Public Waters of the State of Nevada

1. Date of receipt of application June - 25 - 07
2. Name of applicant G. G. Davis by Clay Tallman Attorney
Postoffice address: Pinyonite, Co. Clay, Tallman
County Nye

- 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 100 cubic feet per second.

4. Source of water supply Cottonwood Pine and Cherry Creeks, at junction
Nye and Lincoln Co. Nev.

5. Location of point of diversion Point known as Water Gap, at
junction said 2 streams in northern part of
Lincoln Co. in or about T. 2 - N. P. 59 E.

6. To be used for: Irrigation and domestic use. in public lands, probably unenclosed

- (a) Number of acres to be irrigated 50,000 to 75,000 acres.
(b) In the following legal subdivisions

(A list of lands to be irrigated may be appended as a part of this application.)

Towns # 1, # 2, and # 3. N. Ranges 59 and 60 E. T. 1 and 2
S. Ranges 59 and 60 E. in Coal valley, Nye and
Lincoln Co's
Center Sec - 13 - T - 2 - N - R, 58 E.

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for Mining and Power purposes, so far as
practicable
(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 About, \$ 50,000

8. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise)

Reservoir at Water Gap. Canals and laterals
from there to lands above indicated for
irrigation purposes

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Nevada

1. Date of receipt of application June 25, 1907
2. Name of applicant G. G. Davis by Clay Tallman, Attorney.
Postoffice address: Rhyolite, Nevada, c/o Clay Tallman,
County of Nye,

I. If applicant is a corporation, give
(a) Date and place of corporation Applicant is not a 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 One hundred (100.) and flood waters cubic feet per second.
4. Source of water supply Cottonwood, Pine and Cherry Creeks at junction thereof,
Nye and Lincoln Counties, Nevada.
5. Location of point of diversion That point known as "Water-gap" at junction of
said three streams in the northern part of Lincoln Co, in or about
T. 2 N., R. 59 E., Mt. Diablo B. M. on public lands probably unsurveyed.

6. To be used for:
I. Irrigation and domestic use:
(a) Number of acres to be irrigated undetermined, but from Fifty to 75,000 acres.
(b) In the following legal subdivisions

Lands to be irrigated in Townships, #1, #2 and #3 N, Ranges
#59 and #60 E, Townships #1 and #2 S, Ranges #59 and #60 E,
Mt. Diablo Base and Meridian, in what is known as Coal Valley,
Nye and Lincoln Counties.

II. Mining, power, manufacturing or transportation purposes:
(a) To be used for mining and power purposes so far as practicable but
exact use not yet determined.
(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 Not exactly determined but probably not less than
Fifty thousand (\$50,000.00) dollars.

8. Description of works for diversion:
I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) Work to consist of
a reservoir situated at said "water-gap", together with canals
and laterals leading there from to lands above indicated for
irrigation purposes.

SUPPLEMENTARY STATEMENT.

The following statement is made in further explanation, in addition to, and as a part of, the within Application:

The above named applicant herewith makes application for permit to appropriate all of the flood waters of said Cottonwood, Pine and Cherry Creeks, in addition to the One hundred cubic feet per second, hereinabove applied for, it being the intention of said applicant, his associates and assigns, to build and construct at said point known as "water-gap" a large reservoir for the purpose of impounding the waters of said streams for irrigation purposes.

Said applicant further states that he has surveyors and engineers now at work to determine the quantity of water in said streams and the capacity of said proposed reservoir and other data necessary and essential to give in full, the information asked for in the within blank application and that he will furnish the State Engineer's Office such further data and information, relative to the Application herein made, as soon as said information and data can be secured by the applicant's surveyors and engineers.

APPROVAL OF STATE ENGINEER.

The number of this permit is 538.
Date of receipt of first application June - 25, 1907.
Return to applicant for correction _____, 190____.
Corrected application received _____, 190____.
Publication of notice completed Aug - 31, 1907.
Recorded in Book C, page 538.
Approved April 6, 1908.

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 100 cubic feet per second.
- The construction of the within described works to be commenced not later than July - 1 - 08
- One-fifth of the work above specified to be completed on or before July - 1 - 09
- The whole of said work to be completed on or before July - 1 - 1910
- The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to January - 1 - 1911

Witness my hand this Sixth day of April, 1908.
Frank R. Nicholas
State Engineer.

Issued Subject to the ^{vested} rights of the ~~vested~~ ^{present} irrigators using this water from these creeks. J.M.

Map filed FEB 19 1912

Beneficial use filed JUL 14 1910

Cancelled, AUG - 4 because of failure of applicant to comply with provisions of permit

State Engineer

Permit No. 538.
Quantity appropriated 100 ft
From Cottonwood et al checks
For Irrigation Domestic
and Mining purposes
Location of point of diversion, Section
Township 7, Range 5E
As near as can be ascertained
Name G. J. S. and
P. O. Address Nevada Territory
Application received June 28 07
Approved
Recorded in Book C, Page 628.
Final proof of beneficial use of water
appropriated in accordance with this
permit rendered

NEVADA STATUTES REGARDING APPROPRIATIONS OF WATER.

SEC. 23. Any person, association or corporation desiring to appropriate any of the public waters shall, before permitting any work in connection with such appropriation, make an application to the State Engineer for permission to make the same. Said application shall set forth the name and postoffice address of the applicant, the source from which said appropriation shall be made, the amount thereof, location of proposed works in connection therewith, the time required for their completion, said time to include the period required for construction of ditches or other works and the time at which the application of the water to beneficial use shall be made, which time shall be limited to that required for completion of the work when prosecuted with diligence, the purpose for which the appropriation is desired, and if for irrigation a description of the land to be irrigated and the area thereof, and any additional facts required by the State Engineer. On receipt of this application, which shall be of a form prescribed by the State Engineer and to be furnished by him without cost to the applicant, it shall be his duty to make a record thereof in his office, and to carefully examine the same to ascertain whether it sets forth all facts necessary to determine the nature and amount of the proposed appropriation. If the application be defective it shall be the duty of the State Engineer to return the same to the applicant for correction, and sixty days shall be allowed for the refileing thereof. If refiled, corrected in proper form, within such time, the application shall, upon being accepted, take priority as of date of original filing, subject to compliance with the further provisions of the law and the regulations thereunder. *Added, Stats. 1905, Chap. XLVI.*

SEC. 24. If not corrected as required, no further proceedings shall be had on such application, but when filed in compliance with this Act, the State Engineer shall at once at the expense of the applicant, to be paid in advance, publish in some newspaper having a general circulation within the boundaries of the river system or water system or water source from which said appropriation is to be made, a notice of the application, showing by whom made; the quantity of water sought to be appropriated; the stream from which the appropriation is to be made, and at what point on the stream; the use for which it is to be appropriated, and by what means; which notice shall be published once a week for four weeks. Any person, corporation or association interested may, at any time within thirty days after completion of the publication of said notice, file with the State Engineer a written protest against the granting of said application, stating the reasons therefor, which shall be duly considered by said Engineer. He may, in his discretion, hear evidence in support of or against such application, and shall take such action thereon as he may deem proper and just. *Added, Stats. 1905, Chap. XLVI.*

SEC. 25. If there is unappropriated water in the source of supply named and the appropriation is not detrimental to the public welfare, the State Engineer shall approve the same by endorsement thereon, shall make a record of such endorsement in his office and return the same so endorsed to the applicant, who shall, on receipt thereof, be authorized to take such measures as may be necessary to perfect such appropriation; *provided, however,* that the State Engineer may approve an application for a less amount of water or a shorter period of time for perfecting the appropriation than that named in the application; *and provided further,* that an applicant feeling himself aggrieved by the endorsement made upon his application may bring action in any court having jurisdiction against the State Engineer to compel him to modify such endorsement. Such action must be brought within sixty days after date of the endorsement complained of. If there is no unappropriated water in the source of supply the State Engineer shall refuse such appropriation and the party making the application shall not prosecute work in connection therewith so long as such refusal shall be in force, under penalty of being deemed guilty of, and punished for, misdemeanor. *Added, Stats. 1905, Chap. XLVI.*

SEC. 26. Upon approval of an application the applicant shall send to the State Engineer within six months thereafter a map on a scale of not less than two inches to the mile, showing the location of the works necessary to perfect the appropriation, the source of appropriation, and if for irrigation, the land upon which the water is to be applied, which map shall be filed in his office. *Added, Stats. 1905, Chap. XLVI.*

SEC. 27. Upon satisfactory proof being made to the State Engineer that any application to appropriate water has been perfected in accordance with the provisions of this Act, said State Engineer shall issue to the applicant a certificate setting forth the name of the appropriator, date, source, purpose and amount of the appropriation, and if for irrigation, a description of the land to be irrigated, which certificate shall within thirty days after its issuance be recorded in the county in which the point of diversion of the appropriation is, as well as in the county where the water is used, in books specially kept for that purpose, and the fee for such records shall be one dollar (\$1) payable by the party in whose favor the certificate is issued. The priority of such appropriation shall date from the filing of the application in the State Engineer's office. *Added, Stats. 1905, Chap. XLVI.*

SEC. 28. All water used in this State for irrigation purposes shall remain appurtenant to the land upon which it is used; *provided,* that if for any reason it should at any time become impracticable to beneficially or economically use water for the irrigation of any land to which the right of use of the same is appurtenant, said right may be severed from said land, and simultaneously transferred, and become appurtenant to other land, without losing priority of right theretofore established, if such change can be made without detriment to existing rights, on the approval of an application of the owner to the State Engineer. Before the approval of such application the applicant must give notice thereof by publication once a week for four weeks in a newspaper of general circulation in the stream system in which the tracts of land are located, in the form required by the State Engineer. Upon the receipt of the proofs of publication, the State Engineer shall render his decision thereon in writing. Any party interested in the same source of water supply may bring appropriate action in the District Court of the county in which the land is located, for a review of such decision. *Added, Stats. 1905, Chap. XLVI.*

II. Dimensions of works:

(a) Height of dam, _____ feet; length of dam at top, _____ feet; length of dam at bottom, _____ feet; material used in construction (wood, earth, stone or concrete) _____

(b) Capacity of reservoir _____ acre-feet.

(c) Size of headgate—width, _____ feet; height, _____ feet.

(d) Ditch (flume or pipe)—width at bottom, _____ feet; width at water line, _____ feet; depth of water, _____ feet. Average grade per mile is _____ feet. Length of ditch is _____ miles, and crosses the following quarter sections: _____

to _____ which is the point of intended use.

APPROVAL OF STATE ENGINEER

The number of this permit is 538.

Date of receipt of first application June 25, 1907.

Return to applicant for correction _____ 190 .

Corrected application received _____ 190 .

Last notice published Aug - 31, 1907.

Recorded in Book C O, page 538.

✓ Approved April 6, 1908.

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The construction of the within described works to be commenced not later than July - 1 - 08

One-fifth of the work above specified to be completed on or before July - 1 - 09

The whole of said work to be completed on or before July - 1 - 1910

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to January - 1 - 1911

Witness my hand this sixth day of April, 1908.

J. R. Nicholas

State Engineer.

REMARKS

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

Map Filed
Jan - 16 - 08
See letter from Clay Fallman
Jan - 16 - 08
P. B. 7-14-10
Map filed Feb 19 1912

Protest by S. P. L. G. S. L. P. R. Co
J. A. Waters R. of W. agent
Los Angeles
Protest withdrawn see
letter Sept 26 - 07
J. A. Waters