



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

1. Date of receipt of Application Aug - 19 - 07  
2. Name of applicant A. Wolcott, J. Stuart, Thurston, and J. S. Smith.

Postoffice address: Shoshone Falls Mar  
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 2 cubic feet per sec  
 4. Source of water supply Spring in Marble Falls Cañon Lode SP  
 5. Location of point of diversion 1/4 mile S. E. City from the Pinto Mar  
and 1/2 mile below Marble Falls.  
 6. To be used for:

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated \_\_\_\_\_
- (b) In the following legal subdivisions \_\_\_\_\_

(A list of lands to be irrigated may be appended as a part of this appl

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for Domestic & Mining.
- (b) Amount of power to be generated None, horse power
- (c) At what point \_\_\_\_\_
- (d) Is water to be returned to stream, ("yes" or "no") No.
- (e) If "yes" at what point \_\_\_\_\_

7. Estimated cost of works \$3000.00

8. Description of works for diversion:

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

Dam & Reservoir of 500 Gals and 1" iron or steel pipe.

August 10th, 1908.

Inasmuch as investigation has shown that the waters of Piute Springs in Marble Falls, Nye County, Nevada, has not been appropriated for beneficial use and applying the law of use "to constitute a valid appropriation of waters there must be an actual diversion of it, with intent to apply it to beneficial use followed by an application to such use in a reasonable time". Walsh ver Wallace, 26 Nev. 299. Such intent not being manifested the waters are therefore, open to general appropriation.

It is hereby specified and made a part of this permit that the water diverted under this permit shall be jointly constructed and owned by the Lodi Mines Company and Messrs. Walcott & Smith.

On June 15th, 1908, it was mutually agreed between both parties that the Lodi Mines Company would receive  $\frac{4}{5}$  of the flow of said stream, and Messrs. Walcott & Smith would receive  $\frac{1}{5}$  of said flow, and it is further understood and agreed that the amount of 10,000 gallons per day of 24 hours measured by meter, would be the maximum amount allowed Messrs. Walcott and Smith used for domestic purposes only at the Town of Lodi, Nevada.

It is mutually agreed and understood by both parties hereto, that the cost of construction shall be proportioned  $\frac{4}{5}$  to the Lodi Mines Company and  $\frac{1}{5}$  to Messrs. Walcott and Smith, the latter parties' proportion of construction cost to include the distance from point of diversion to Lodi Townsite only. The construction con-

V, State Engineer.

Protested, Jan - 6 - 08 by J. Oliver Kirkpatrick

Fee 782, Fee - 926  
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