926 Chas H. Grill Supt.

No. 926

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Nevada

1. Date of receipt of Application April 20-08.
2. Name of applicant Lodi Mines Co.

Postoffice address: Marble

County Nye

I. If applicant is a corporation, give

(a) Date and place of corporation Arizona May-3-05

(b) The amount of capital stock $3000 000 00

(c) The amount paid in $3000 000 00

(d) The names and addresses of Directors W. J. Chamberlin Frank Dillingham Myer Harrison J. A. Snedaker & Robert James of Denver Henry Sufried of Georgetown

3. The quantity of water claimed is 5 cubic feet per second.
4. Source of water supply Stream and Springs known as Pinite Spr In Marble Falls Canyon.
5. Location of point of diversion about 3 miles East of Lodi Tanks on West Slope of Desatoya Range.

T13N R37E

6. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated _____ acres.

(b) In the following legal subdivisions _____

(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 Mining Smelting Milling & Domestic.

(b) Amount of power to be generated 50 horse power.

(c) At what point Lodi Tanks

(d) Is water to be returned to stream, ("yes" or "no") No.

(e) If "yes" at what point _____

7. Estimated cost of works $7000 00
8. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) a Dam in Marble Falls. and Pipe Line from Dam to Lodi Tanks and to the Illinois Silver Link Nevada and White Pine Mining Claims being Survey Lot # 1963

(D)

(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 926

Date of receipt of first application April 20 1908.

Return to applicant for correction _____ 190__.

Corrected application received _____ 190__.

Last notice published May - 16 1908.

Recorded in Book E, *page* 926

V *Approved,* June - 15 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 See Condition below. *cubic feet per second.*

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

One-fifth of the work above specified to be completed on or before Oct - 1 - 08

The whole of said work to be completed on or before January - 1 - 09

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

Witness my hand this 15 *day of* June, 1908

F. R. Nicholas
State Engineer.

Cancelled SEP 24 1910 for failure to file proof of beneficial use.

Emmet D Boyle
State Engineer.

REMARKS

Your space not to be written in by applicant.

This permit is issued.

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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 water there must be an actual diversion of it, with intent to apply it to a beneficial use followed by an application to such use in a reasonable time". Walsh ver. W Wallace, 26 Nev. 299. Such intent not beingmanifested 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 4/5 of the flow of said stream and Messrs. Walcott & Smith would receive 1/5 of said flow, and it is further understood and agreed that the amount of 10,000 gallons per day would be the maximum amount allowed Messrs. Walcott & 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 apportioned 4/5 to the Lodi Mines Company, and 1/5 to Messrs. Walcott & Smith. The construction consisting of a concrete retaining wall at point of diversion, 3 inch pipe line to Lodi Townsite and a 2 inch line from Lodi Townsite to the site of old smelter; A suitable tap to be made not exceeding 1½ inches in diam. at Lodi Townsite.

This permit is issued.

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