

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Nevada

1. Date of receipt of Application John A. Magnuson  
 2. Name of applicant July - 2 - 1908  
 Postoffice address: 1 Ely Nev.  
 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 \_\_\_\_\_ cubic feet per second.

4. Source of water supply Fitzhugh Creek.

5. Location of point of diversion \_\_\_\_\_

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 \_\_\_\_\_  
 (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 \_\_\_\_\_

8. Description of works for diversion: \_\_\_\_\_

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

#-1037  
July-2-1906

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, whose post office address is Ely, White Pine County, Nevada, hereby makes application to the Honorable State Engineer for permission to change the point of diversion and manner of use of the waters of the North fork of Fitzhugh creek, in said White Pine County, which have been heretofore appropriated and used by him as hereinafter stated, and in that behalf shows:

1. That your applicant and his predecessors in interest have for over thirty (30) years next last past beneficially used and appropriated all of the waters of said North fork of Fitzhugh creek and during all of said period have, by means of dams and ditches, conveyed all of said waters upon lands occupied, possessed and cultivated by them and there used the same for the purpose of irrigating said lands and for raising crops of grain and other farm products thereon;

2. That said lands so possessed, cultivated and irrigated by them are situated along and near Fitzhugh creek and, as nearly as can be ascertained, are in the SW 1/4 Sec. 2, S 1/2 Sec. 3, N 1/2 Sec. 10 and NW 1/4 Sec. 11, T 20 N R 64 E, M D M, White Pine County, Nevada, and the points of diversion at which said waters have been so diverted by said dams and ditches are situated along said creek in said subdivisions;

3. That said North fork of Fitzhugh creek runs over and across the SE 1/4 and SW 1/4 Sec. 1, NW 1/4 Sec. 12, NE 1/4 and NW 1/4 Sec. 11, SW 1/4 Sec. 2, SE 1/4 and SW 1/4 Sec. 3, T 20 N R 64 E, M D M;

4. That said user of said waters by applicant and his predecessors has during all of said period of over thirty (30) years been open, notorious, under claim of right, adversely to all the world and prior to all persons, and that applicant now has and

owns the exclusive prior right to the use of all of the waters of said North fork of said Fitzhugh creek;

5. That applicant desires to change his point of diversion and manner of use of the waters of said creek and to divert said waters at a point in the SW 1/4 of SE 1/4 of said Sec. 1 and by means of dams, reservoirs, ditches and channels to convey said waters of said North fork of Fitzhugh creek and the whole thereof, being approximately ten (10) cubic feet per second, to and upon the following described lands: E 1/2 of NW 1/4 Sec. 29, NE 1/4 Sec. 29, N 1/2 Sec. 28, NE 1/4 of SE 1/4 Sec. 28, NW 1/4 of SW 1/4 Sec. 27, T 21 N R 64 E, M D M, comprising six hundred forty (640) acres, and to there make use of all the said waters to irrigate the said last mentioned lands and to raise crops of produce thereon;

6. That to accomplish said purposes applicant has constructed a dam and reservoir in said SW 1/4 of SE 1/4 Sec. 1 and has constructed ditches therefrom for the purpose of conveying, and by means of which he desires to convey, all of said waters across the SW 1/4 Sec. 1, SE 1/4 and NE 1/4 Sec. 2, T 20 N R 64 E M D M, and S E 1/4 and S W 1/4 of Sec. 35, T 21 N, R 64 E, M D M, to Little Indian creek, thence by the channel of Little Indian creek to Indian Creek; and thence by the channel of Indian creek and by ditches to be constructed therefrom to convey all of said waters to and upon the lands described in paragraph 5 above.

WHEREFORE Your applicant prays that such change in the point of diversion and manner of use and in the description thereof may be authorized by the Honorable State Engineer and that said 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. Magnusson  
By David P. Pomeroy  
His Attorneys.

STATE OF NEVADA, )  
( ss.  
County of White Pine )

John A. Magnuson, being first duly sworn, says that he is a citizen of the United States over the age of twenty-one years and is the applicant whose name is subscribed to the foregoing application for change of point of diversion of the waters of the North fork of Fitzhugh creek; that he has read the foregoing application and knows the contents thereof and that the same is true.

*John A. Magnuson*

Subscribed and sworn to before me  
this 29th day of June, A.D., 1908.

*G. J. Bauman*

Notary Public in and for  
White Pine County, Nevada.  
My Commission expires April 13, 1910.

WALKER & BOREMAN  
ATTORNEYS-AT-LAW  
ELY, NEVADA

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 1037  
Date of receipt of first application July 2 1908  
Return to applicant for correction \_\_\_\_\_ 190\_\_\_\_  
Corrected application received \_\_\_\_\_ 190\_\_\_\_  
Last notice published Aug - 6 1908  
Recorded in Book F, page 1037  
Approved, March - 20 1909

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 \_\_\_\_\_ cubic feet per second.  
The construction of the within described works to be commenced not later than

June - 1 - 1909  
One-fifth of the work above specified to be completed on or before June - 1 - 1910

The whole of said work to be completed on or before June - 1 - 1911

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

Witness my hand this 20 day of March, 1909  
Frank R. Nicholas  
State Engineer.

**REMARKS**

This space not to be written in by applicant.

*affidavit of commencement of work filed July 6-09*

Cancelled **JUL 1 - 1911** for failure to file proof of beneficial use.

**W. M. KEARNEY**  
State Engineer.