

APPLICATION FOR PERMIT

Serial No. 8557

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JAN -4 1928
Returned to applicant for correction DEC 11 1928
Corrected application filed JAN 10 1929

The undersigned Frank M. Flynn and Len H. Rathfon
of Halleck, County of Elko, State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

- 1. The source of the proposed appropriation is Lamolle Creek
2. The amount of water applied for is 3.2 second-feet.
3. The water to be used for Irrigation purposes
4. The water is to be diverted from its source at the following point: (This is an application to change the point of diversion and place of use. See Supplemental Sheet)

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is
(b) Description of land to be irrigated
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Use will begin about and end about, of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is horsepower.
(e) Works to be located
(f) Point of return of water to stream
(g) State number and kinds of animals to be watered
(h) Use will begin about and end about, of each year.
(i) Remarks

DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works

6. Estimated time required to construct works

7. Remarks

For use of applicant

\_\_\_\_\_, Applicant.  
Ruling No. 1398, dtd. 4-10-69

By \_\_\_\_\_

Compared \_\_\_\_\_

This sheet inspected \_\_\_\_\_

\_\_\_\_\_, Engineer.

DENIAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby <sup>deny</sup> ~~grant~~ the same, subject to the following limitations and conditions:

on the grounds that the applicants or their successors in interest

failed to submit the information requested and the approval of this application without the information requested would be detrimental to the public welfare.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed \_\_\_\_\_ cubic feet per second.

Actual construction work shall begin on or before \_\_\_\_\_

Proof of commencement of work shall be filed before \_\_\_\_\_

Work must be prosecuted with reasonable diligence and be completed on or before \_\_\_\_\_

Proof of completion of work shall be filed before \_\_\_\_\_

Application of water to beneficial use shall be made on or before \_\_\_\_\_

\_\_\_\_\_. Proof of the application of water to beneficial use must be filed with State Engineer on or before \_\_\_\_\_

WITNESS MY HAND AND SEAL this 10th day of April 1969

*Robert D. Westergaard*  
State Engineer.

# AMENDED

APPLICATION NO. 8557

## APPLICATION FOR PERMISSION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE OF THE WATERS OF THE STATE OF NEVADA.

Permit No. \_\_\_\_\_

Date of first receipt and filing in State Engineer's Office JAN -4 1928  
Returned to applicant for correction DEC 11 1928  
Corrected application filed JAN 10 1929

The undersigned, Frank M. Flynn and Len H. Rathfon, of Halleck, County of Elko, State of Nevada, hereby make application to change the point of diversion of waters heretofore appropriated and beneficially used as hereinafter shown.

1. The source of the water supply proposed to be changed is Lamaille Creek.
2. The quantity of water desired to be changed is 3.2 cubic feet per second;
3. The water is to be used for irrigation purposes;
4. The water is to be diverted from its source at the following point, to-wit: SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 21, T. 34 N; R. 58 E., M.D.M. said point of diversion bears N. 88°40' East 3580 feet from the common corner of secs. 20, 21, 28, 29 T. 34 N; R. 58 E., M.D.M.
5. The existing point of diversion under the former appropriation is as follows:  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 34, T. 35 N; R. 58 E., M.D.M.
6. The water herewith desired to be changed has been beneficially and continuously used upon the greater portion of the following described lands: The East Half of Section 17, Township 35 North, Range 58 East, M.D.B.&M.
7. The number of acres heretofore irrigated is approximately 240 acres;
8. The number of acres proposed to be irrigated is 320 acres;
9. The description of the land proposed to be irrigated is as follows:  
E $\frac{1}{2}$  Sec. 17, T. 35 N; R. 58 E., M.D.M.
10. The description of the proposed works is conveying water from point of diversion through McIntyre Canal; thence through a portion of a Flynn-Rathfone ditch to the land to be irrigated;
11. Estimated cost of proposed works is Two Thousand Dollars;
12. Estimated time required to construct the works is: All work is practically constructed at time making application;
13. Irrigation will begin about April and end about October of each year;
14. The water has been used heretofore during the months of April up to and including October of each year.
15. Remarks:

Applicants have heretofore used the water from the waters of Lam-  
oille Creek, as hereinbefore described, and had some difficulty  
with the McIntyre Investment Company, and as a settlement of the  
difficulty purchased a ditch right in what is known as the McIn-  
tyre Canal, and are now the owners of a right sufficient to  
convey the number of second feet applied for in their previous  
permit through said ditch and to the point where it will be dis-  
tributed upon the land, and that this means of conveyance of the  
water is more practical for the proper irrigation of said land  
than by the method proposed and intended to be employed under  
the existing permit.

There are no water users on the stream system between the point  
where applicants have applied for leave to change their point of  
diversion from the stream system to and the point of diversion  
originally existing, and no persons using water from the stream  
system for irrigation purposes, or other purposes, will be dam-  
aged, interfered with or hindered by permission from the State  
Engineer to change the point of diversion as hereinabove applied  
for.

FRANK M. FLYNN  
LEN H. RATHFON

APPLICANTS

By MCNAMARA & ROBBINS

By John E. Robbins.

Attorneys for Applicants.  
Elko, Nevada

Map Filed Dec. 10, 1928

Compared A.F.P.-C.E.T.