

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Serial No. 9729

Date of first receipt and filing in State Engineer's office
Returned to applicant for correction
Corrected application filed

The undersigned Pershing County Water Conservation District.

Name of applicant

of , County of , State of , 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 Name of stream, lake, or other source

2. The amount of water applied for is second-feet. One-second-foot equals 40 miners' inches

3. The water to be used for Irrigation, power, mining, manufacturing, domestic, or other use

4. The water is to be diverted from its source at the following point: (Application to change point of diversion. See Supplemental sheet) Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.

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 Describe by legal subdivision, or if on unsurveyed land it should

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 Month and end about Month, 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 Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.

(f) Point of return of water to stream Describe in same manner as point of diversion.

(g) State number and kinds of animals to be watered

(h) Use will begin about Month and end about Month, 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,

By _____

Compared _____

This sheet inspected _____

_____, Engineer.

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

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 _____ day of _____, _____

State Engineer.

APPLICATION FOR PERMIT
TO CHANGE THE POINT OF DIVERSION, MANNER AND PLACE
OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office MAR -9 1934
Returned to applicant for correction _____
Corrected application filed _____

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The undersigned, Pershing County Water Conservation District of Nevada, of Lovelock, County of Pershing, State of Nevada, hereby makes application for permission to change the point of diversion of the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give the date and place of incorporation).

Pershing County Water Conservation District of Nevada, was organized March 5, 1927, at Lovelock, Pershing County, Nevada, under the Nevada Irrigation District Act.

1. The source of the water supply proposed to be changed is Humboldt River.
2. The amount of water desired to be changed is approximately 77.329 second feet or 18319.22 acre feet / or the total amount of water heretofore used and/or any amount of water that may hereafter be decreed to the Filippini Ranching Company lands hereinafter described.
3. The water to be used for irrigation and domestic purposes.
4. The water is to be diverted from its source at the following point: $W\frac{1}{2}$ of $NE\frac{1}{4}$ Sec. 18, Twp. 30 N. Rge. 33 E. M.D.B.&M. thence Humboldt River and various ditches serving the land of the Pershing County Water Conservation District of Nevada.
5. The existing point of diversion under the former appropriation is as follows:

$NW\frac{1}{4}$ of $SW\frac{1}{4}$	Sec. 6,	Twp. 32 N.	Rg. 47 E.
$NE\frac{1}{4}$ of $SE\frac{1}{4}$	" 1,	Twp. 32 N.	Rg. 46 E.
$NE\frac{1}{4}$ of $NW\frac{1}{4}$	" 12.	Twp. 32 N.	Rg. 46 E.
$NW\frac{1}{4}$ of $SW\frac{1}{4}$	" 12	Twp. 32 N.	Rg. 46 E.
$NW\frac{1}{4}$ of $NE\frac{1}{4}$	" 16	Twp. 32 N.	Rg. 46 E.
$NW\frac{1}{4}$ of $NE\frac{1}{4}$	" 19	Twp. 32 N.	Rg. 46 E.
$SE\frac{1}{4}$ of $SE\frac{1}{4}$	" 14	Twp. 32 N.	Rg. 45 E.

as per map hereto attached.

If water is to be used for Irrigation, supply the following information:

6. The water herewith desired to be changed has been beneficially and continuously used upon the following described lands:

In Township 32 North, Range 45 East. M.D.B.&M.

Section 10:	All
Section 11:	All
Section 12:	All
Section 13:	All
Section 14:	All
Section 15:	All
Section 22:	All
Section 23:	All
Section 24:	All
Section 26:	$N\frac{1}{2}$ of $N\frac{1}{2}$, and $S\frac{1}{2}$ of $NE\frac{1}{4}$.

In Township 32 North, Range 46 East. M.D.B.&M.

Section 1:	All
Section 2:	All

Township 32 North, Range 46 East, M.D.B.&M. (Continued).

Section 3: South $21/40$ of $S\frac{1}{2}$, containing 168 acres

Section 4: South $21/80$, containing 168 acres; also all that portion of that certain $39\frac{1}{2}$ acre tract of land deeded on December 13th, 1894, by J.H. Crum and others to James Faris (deed recorded at page 151 in book 49 of Deeds, records of said Lander County) which is not included in that certain parcel or tract of land deeded May 22d, 1903, by James Faris and Annie Faris to Southern Pacific Company (deed recorded at page 770 in Book 49 of Deeds, records of said Lander County:)

Section 5: South $33/80$, containing 264 acres.

Section 6: $S\frac{1}{2}$ of $S\frac{1}{2}$, and $N\frac{1}{2}$ of $SE\frac{1}{4}$.

Section 7: All

Section 8: All

Township 32 North, Range 46 East, M.D.B.&M. (Continued).

Section 9: All

Section 10: All

Section 11: All

Section 12: $N\frac{1}{2}$

Section 14: $NW\frac{1}{4}$

Section 15: All

Section 16: All

Section 17: All

Section 18: All

Section 19: $N\frac{1}{2}$

Section 20: All

Section 21: $N\frac{1}{2}$

Section 22: $N\frac{1}{2}$ of $NW\frac{1}{4}$, $SW\frac{1}{4}$ of $NW\frac{1}{4}$, and $NW\frac{1}{4}$ of $SW\frac{1}{4}$.

In Township 32 North, Range 47 East, M.D.B.&M.

Section 6: $N\frac{1}{2}$ of $S\frac{1}{2}$

7. The number of acres heretofore irrigated is 11,339.83
8. The number of acres proposed to be irrigated is land within the Pershing County Water Conservation District of Nevada, approximately 30,000 acres.
9. Description of the land proposed to be irrigated is as follows: All or part of Sections: 1, 12, 13, 14, 22, 23, 26, 27, 28, 32, 33, 34, 35, 36, T. 27 N., R. 31 E; Sections: 6, 7, 18, T. 27 N., R. 32 E; Sections: 1, 2, 3, 4, 5, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, T. 26 N. R. 31 E; Sections 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 19, 20, 30, T. 25 N. R. 31 E. Sections: 12, 13, T. 25 N. R. 30 E; Sections 6, 7, 8, 16, 17, 19, 20, 30, T. 26 N. R. 32 E. M.D.B.&M., and are the lands as shown on map filed in connection with application No. 7162 which may be used as part of this application.
10. Use will begin about March 15th and end about September 15th, of each year.

DESCRIPTION OF PROPOSED WORKS.

Water is to be diverted by means of dam in the Humboldt River and existing ditches.

11. Estimated cost of works - \$800,000.00.
12. Estimated time required to construct works - 18 months.
13. Remarks: The Pershing County Water Conservation District has entered into a contract for the purchase of the lands and water rights of the Filippini Ranching Company, a corporation, and have

also entered into a supplemental agreement with said corporation, all as more fully set out and described in the attached Exhibits A. and B. which are hereby referred to and by such reference made a part of the Petition.

It is the intention of the Pershing County Water Conservation District of Nevada to enter into a contract with the United States for the repayment of the construction cost of a dam at Rye Patch and the purchase of the above mentioned lands and water rights, as well as other lands and water rights upstream on the Humboldt River.

It is requested that the above application for permit be granted and an order entered by the State Engineer to the effect that the transfer of the point of diversion and the manner and place of use may be made in accordance with the above application, subject however, to the express provision in the order granting the application that it shall not become effective for any purpose until all of the terms and conditions of the attached contracts have been completed and evidenced by a certified copy of deed from the Filippini Ranching Company or the United States of America, filed in the office of the State Engineer evidencing the said completion of the contract of purchase.

Applicant: PERSHING COUNTY WATER
CONSERVATION DISTRICT
OF NEVADA

Compared: DM-C.T.

This sheet inspected _____

Engineer.

By A. Jahn
President

By C. H. Jones
Secretary

STODDARD & JURGENSON
Attorneys for Applicant.

- Protested April 30, 1934 by X. Rodwell Meyer & Hibernia Savings and Loan Society.
Protested April 30, 1934 by John E. Marble & Humboldt Land & Cattle Co. and Grayson Hinckley & Co.
Protested May 10, 1934 by T. S. Cattle Company.
Protested May 14, 1934 by W. E. Licking.
Protested May 14, 1934 by Russell Land & Cattle Co.

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF THE APPLICATIONS OF PERSHING COUNTY
WATER CONSERVATION DISTRICT OF NEVADA FOR PERMISSION
TO CHANGE THE POINTS OF DIVERSION AND PLACES OF USE
OF THE WATERS OF THE HUMBOLDT RIVER.

SERIAL NO. 9729

ORDER APPROVING APPLICATION

The above numbered application and the protests to the granting of the same filed by T. S. CATTLE CO., a corporation, RUSSELL LAND & CATTLE CO., a corporation, W. E. and WILLIAM LICKING, HIBERNIA SAVINGS & LOAN SOCIETY (Successor to S. Rodwell Meyer), JOHN E. MARBLE, GRAYSON W. HINCKLEY & COMPANY, a co-partnership, and HUMBOLDT LAND & CATTLE CO., a corporation, came on regularly for hearing before the State Engineer after due notice thereof having been first given pursuant to the provisions of the laws of Nevada, at Winnemucca, Nevada, on the 26th day of June, 1934, and oral and documentary evidence was presented at said hearing by the applicant and the respective protestants and the respective parties being of the opinion that the matter of the granting of the application with certain restrictions could be disposed of by stipulation and the matter thereupon being continued by mutual consent of the respective parties and the respective parties having entered into stipulation for

the granting of the application with certain limitations and under certain conditions and said stipulation having been signed by the respective parties and filed in the office of the State Engineer in the above matter it is,

O R D E R E D

That the above application for permit to change the points of diversion and places of use of the water and water rights appurtenant to the lands described in said application, excepting however,

1. The water and water rights appurtenant to the North half of Section 1, and the North half of Section 2, Township 32 North, Range 46 East, containing 640 acres, more or less, together with the water rights appurtenant thereto aggregating 864.97 acre feet for harvest crop, 192.8 acre feet for meadow pasture and 5.78 acre feet for diversified pasture all with a priority as of the year 1876, also;
2. The water and water rights appurtenant to all that portion of Section 15, Township 32 North, Range 45 East, M.D.M., lying north of the old channel of the Humboldt River and containing 300 acres, more or less, together with water and water rights appurtenant thereto aggregating 694.89 acre feet for harvest crops and 34.89 acre feet for diversified pasture all with a priority as of the year 1883,

be and said application for permit to change the points of diversion and places of use therein respectively described, is hereby granted, subject to the following conditions, to-wit:

(a) That nine hundred acre feet of water with a priority as of the year 1873 shall be deducted from the amount of water allowed to be transferred, under Application Serial Number 9729.

(b) That the transferred water shall be used beneficially for the irrigation of the irrigable lands situated within the boundaries for the Pershing County Water Conservation District of Nevada as are shown and delineated upon the photostatic copy of a map hereunto attached marked Exhibit A and by reference made a part of this Order and approval and in all cases where the water transferred is used upon lands within said district having a water right, that the combined use of the transferred water and the water right already existing for the irrigation of such lands, shall not exceed the maximum allowed as duty of water for such lands by decree.

(c) The water transferred shall not be stored and shall be diverted from the Humboldt River into the ditches now used for the irrigation of the lands within the Pershing County Water Conservation District of Nevada, the respective names of said ditches and points of diversion being as follows, to-wit:

Young Ditch - NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Twp. 28 North, Range 32 E.

Old Channel, Southwest and Union Canal Ditches -
At center of E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 6,
Township 27 North, Range 32 E.

Irish American Ditch - SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 7, Township 27 North, Range 32 E.

Rogers Ditch - Center of the NE $\frac{1}{4}$ of Section 24, Township 27 North, Range 31 E.

Lovelock Land & Development Co. Ditch - NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, Twp. 25 North, Range 31 E.

(d) There shall be deducted from the transferred water the transportation losses that occur as a result of the change of points of diversion and places of use.

(e) The water may be transferred during the irrigation season only and at such times when the same can be used beneficially

upon the lands within said Pershing County Water Conservation District of Nevada.

(f) If any of the lands from which the water rights are herein allowed to be transferred are irrigated during any irrigation season by preventable diversion or by overflow, then and in such event the quantity of water appurtenant to such lands shall be pro tanto deducted from the amount of water to be transferred during such irrigation season.

(g) This Order and permit for change of points of diversion and places of use shall not become effective for any purpose whatsoever unless and until the following conditions have first been fulfilled:

1. That the Pershing County Water Conservation District of Nevada, or the United States of America, shall have acquired the title to the lands described in the above numbered application (excepting the portions of said lands which said District has agreed to convey or cause to be conveyed to Protestant T. S. Cattle Co. and Protestants W. E. and William Licking).

2. The District has, within six months from the date of the stipulation pursuant to which this Order is entered, conveyed to Protestants T. S. Cattle Co. and W. E. and William Licking the lands described in the agreement and stipulation on file herein, between said Protestants and the District, together with the water rights appurtenant thereto.

3. The District has, within six months from the date of the stipulation pursuant to which this Order is entered, conveyed or caused to be conveyed to the Russell Land & Cattle Co., a corporation, the lands described in the stipulation and agreement between the District and said corporation on file herein under the District's application Serial Number 9732.

Actual construction work shall begin on or before August 1, 1935, proof of commencement of work shall be filed before September 1, 1935, work must be prosecuted with reasonable diligence and be completed on or before August 1, 1937, proof of completion of work shall be filed on or before September 1, 1937. Application of water to beneficial use shall be made on or before September 1, 1937. Proof of application of water to beneficial use must be filed with the State Engineer on or before October 1, 1937.

WITNESS my hand and seal this 8th day of October, 1934.

Proof of labor filed OCT 24 1935

Proof of completion of work filed JUL 27 1937

*Abrogated
See 12955*



