Serial No. 10203

AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED.

Date of first receipt and filing in State Engineer's office FEB -4 1938

Returned to applicant for correction MAR -8 1938

Corrected application filed MAR 26 1938

The undersigned Mountain City Copper Company (Name of applicant) of Rio Tinto, County of Elko State of Nevada, hereby makes application for permission to change the point of diversion, place and manner of use, of water heretofore appropriated under application and permit No. 9631. (State nature of right that is the basis of this application, i. e., vested, decreed or permitted right.)

1. The source of water supply is Owyhee River (East Fork)
2. The quantity of water desired to be changed one second foot. (Acre feet, second feet.)
3. The water is to be used for Milling and Domestic purposes.
4. The water heretofore used for Mining and Milling.
5. Place of use under existing appropriation NW¼ SE¼ Section 12, T. 45 N., R. 53 E., M.D.B.&M. (Under irrigation give number acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
6. Proposed place of use under this application Section 11, T. 45 N. R. 53 E., M.D.B.&M. The townsite of Rio Tinto and the Mountain City Copper Company's Mill. (Concentrator) (Under irrigation give number of acres and description in respect to Government Land Survey; under any other use give location as being within a 40-acre subdivision.)
7. The water is to be diverted from its source at the following point: SE¼ SW¼ Section 12, T. 45 N., R. 53 E., M.D.B.&M. at a point N. 68° 25' E., 1740 feet from Sec. Cor. of Sections 11, 12, 14 and 13. (Describe as being within a 40-acre subdivision of public survey or by course and distance to a section corner.)
8. The existing point of diversion under the proposed appropriation is as follows: NE¼ SE¼ Section 13, T. 45 N., R. 53 E., M.D.B.&M. (If point of diversion is not changed do not answer.)
9. Number and kind of animals proposed to be watered
10. Use will begin about Jan. 1 (Month) and end about Dec. 31 (Month) of each year.
11. The water has been used heretofore during the months of January to December incl. of each year
12. Remarks The point of diversion is within a few feet of the point of diversion as shown on the map for Application 10156. Said map supports this application for change. The proposed point of return to the Owyhee River, (East Fork) is in the SW¼ Sec. 12, T. 45 N., R. 53 E., M.D.B.&M. where Mill Creek flows into the East Fork of the Owyhee River.

13. Description of proposed works The water is to be diverted by tapping the river from workings from the reservoir level (22 feet below ground level) off of the well shaft. The well shaft is of rectangular cross-section 3 x 5', 22 feet deep and a cross-cut has been driven easterly from the bottom; all of which is located in SE¼, SW¼, Sec. 12, T. 45 N., R. 53 E., M.D.B.&M. Near well is a °

14. Estimated cost of works $12,000

15. Estimated time required to construct the works is Constructed

Map Filed Aug. 20, 1937 under 10156
Compared RMG-CT.

Mountain City Copper Company Applicant

By Edward C. Stephens
Engineer

APPROVAL OF STATE ENGINEER

This permit to change the point of diversion, place and manner of use of the waters of the East Fork of the Owyhee River, as heretofore granted under Permit No. 9631, is issued subject to the terms and conditions imposed in said Permit No. 9631 as set forth in the Office Ruling under Application No. 9631 dated November 16, 1937, as follows:-

1. That said permit is issued subject to all prior rights.

2. That if it becomes evident that the tailings from the mills are polluting the waters of the Owyhee River to the extent that said pollution is injurious to other users, whether for stockwatering, irrigation or domestic purposes, that said permittee or its successors in interest take the necessary steps without delay and at their own expense to correct the matter.

3. That failure on the part of the permittee or its successors in interest to comply with the above provisions will be sufficient grounds for the State Engineer to cancel their permit.

This permit is issued with the further understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and weir must be installed at or near the new point of diversion to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed one (1.0) cubic foot per second.

Actual construction work shall begin on or before January 1, 1939.

Proof of commencement of work shall be filed before February 1, 1939.

Work must be prosecuted with reasonable diligence and be completed on or before January 1, 1941.

Proof of completion of work shall be filed before February 1, 1941.

Application of water to beneficial use shall be made on or before January 1, 1943. Proof of the application of water to beneficial use must be filed with the State Engineer on or before February 1, 1943.

WITNESS MY HAND AND SEAL this 6th day of August, 1938

Alfred Merritt Smith
State Engineer

Proof of commencement of work filed DEC 19 1938
Proof of completion of work filed DEC 19 1938
Map filed February 20, 1943.
Proof of Beneficial use filed MAR 6 1943
Certificate No. 2685 issued June 29, 1943, for 0.333 cfs Milling & Domestic
Recorded July 1, 1943, Bk. 3 Pages 294-295
Elko County Records