ASSIGNED

Serial No. 10208

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 10 1938

Returned to applicant for correction _____

Corrected application filed _____

The undersigned Ellison Ranching Company, Spanish Ranch, (Name of applicant.) of Tuscarora, County of Elko State of Nevada, hereby makes application for permission to change the place of use of portions of water heretofore appropriated under Permit No. 1760 (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 Flood waters and unappropriated waters of Willow Creek.
2. The quantity of water desired to be changed 21,555.84 acre feet (Acre feet, second feet.)
3. The water is to be used for irrigation purposes
4. The water heretofore used for irrigation
5. Place of use under existing appropriation 11,091.8 acres in portions of Sections 28,29,30 and 31, T. 39 N., R. 48 E., Sections 21,22, 28, 29, 32, 33, 35 and 36 T. 39 N., R. 47 E., Sections 4,5,8,9,17 and 18, T. 38 N., R. 47 E. and sections 1,2,8,9,10,11,13,14,15,16,17,21,22,23,24,26 and 27 T. 38 N., R. 46 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 5,388.96 acres in portions of Sections 1,2,11,12,13,14,24 and 25 T. 38 N., R. 46 E., Sections 3,4,5,6,7,8,9,10,17,18,19 and 30 T. 38 N., R. 47 E. and Sections 27 and 28, T. 39 N., R. 48 E. M.D.B.&M. (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: in the NE¼ SW¼ Section 27 T. 39 N., R. 48 E. M.D.B.&M. (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: Same as above (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 March 15 (Month) and end about Sept. 15 (Month) of each year.
11. The water has been used heretofore during the months of March, April, May, June, July, August and September of each year
12. Remarks _____

OVER

13. Description of proposed works

All Completed

14. Estimated cost of works

15. Estimated time required to construct the works is

Map Filed under 1760

Compared RMG-CT

Ellison Ranching Co. Applicant

By W. B. Beach, Agent
for Ellison Ranching Co.

Protested April 14, 1938 by Hibernia Savings & Loan Society & Wilmac Inc.

APPROVAL 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:

This permit to change the place of use of the stored waters of Willow Creek as heretofore granted under Permit No. 1760 is granted with the 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 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 21,555.84 acre-feet of storage water per annum.

Actual construction work shall begin on or before July 1, 1941.

Proof of commencement of work shall be filed before August 1, 1941.

Work must be prosecuted with reasonable diligence and be completed on or before July 1, 1943.

Proof of completion of work shall be filed before August 1, 1943.

Application of water to beneficial use shall be made on or before July 1, 1944.

Proof of the application of water to beneficial use must be filed with the State Engineer on or before August 1, 1944.

Proof of commencement of work filed JUL 28 1941

Proof of completion of work filed FEB 13 1942

Proof of Beneficial use filed FEB 13 1942

WITNESS MY HAND AND SEAL this 23rd day of January, 1941

Alfred Merritt Smith
State Engineer

Certificate No. 2623 Issued January 21, 1943 for 21,555.84 acre-ft. per annum for irrigation

Recorded Jan. 25, 1943, Bk. 3 Pages 290-293

Elko County Records

RMG-CT

Under Permit No. 1760 the Permitte has been granted a right to store 44,367.2 acre feet of the waters of Willow Creek and Rock Creek. Storage on Rock Creek has been proven undesirable, but the Permitte has stored the waters on Willow Creek for many years. It has been impossible to store sufficient water for all lands included in the permit and due to successive years of subnormal runnoff it has been necessary, in the interest of the highest beneficial use of the stored waters, to use a large portion of such stored waters on lands having a decreed right during those seasons when the waters decreed to such lands by direct diversion was insufficient to meet crop requirements. As a result such stored waters have been utilized on 5,388.96 acres of land, of which 1,789.99 acres represent reclaimed lands and 3,598.97 acres of lands having decreed rights.

Under Application No. 1760 the right to use the stored waters of Willow Creek and Rock Creek on the lands having decreed rights to the use of said creeks was not applied for and it is the purpose of this application to legalize the use of such stored waters on those lands where in the interest of conservation of water it has been beneficially used.

It is to be noted that 821.83 acres of the land included in this application represent a portion of that acreage designated as having been reclaimed and on which there will be no actual physical change by virtue of this application. Their inclusion results from the fact that they are located in those subdivisions having a decreed right and such inclusion has been made in this application to avoid unnecessary complications involved by leaving same as a part of Permit No. 1760.