

ASSIGNED

Serial No. 11074

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 26 1944

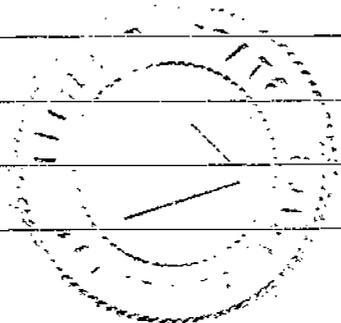
Returned to applicant for correction _____

Corrected application filed _____

The undersigned THE UTAH CONSTRUCTION COMPANY, a corporation,
(Name of applicant.)
of the State of Utah, ~~XXXXXX~~

~~XXXXXX~~, hereby makes application for permission to change the point of diversion, manner of use and place of use of a portion of the water heretofore appropriated under Application #2210, Cert. #440
(State nature of right that is the basis of this application, i. e., vested, decreed or permitted right.)
issued to the Utah Construction Co., for 15.2124 c.f.s. of water.

1. The source of water supply is Johnson Spring and Creek
2. The quantity of water desired to be changed 2 Second feet
(Acre feet, second feet.)
3. The water is to be used for culinary and domestic purposes for water supply of Wendover Army Air Base, Wendover, Utah.
4. The water heretofore used for irrigation and domestic purposes.
5. Place of use under existing appropriation 171.84 Acres in the NE 1/4 of Sec. 3, T. 35 N., R. 66 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.)
28.16 acres in the NW 1/4 of Sec. 2 T. 35 N., R. 66 E., M.D.B.&M.
6. Proposed place of use under this application Wendover Army Air Base
(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: SW 1/4 of SE 1/4, Section 28, Township 36 North, Range 66 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.)
Elko Co., Nevada
8. The existing point of diversion under the former appropriation is as follows: same
(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. 1st and end about Dec. 31st of each year.
(Month) (Month)
11. The water has been used heretofore during the months of full year of each year
12. Remarks (See Exhibit "A" attached hereto)



13. Description of proposed works intake to collection box, pumping station and pipe line about 35 miles from point of diversion to Wendover Army Air Base, Wendover, Utah.

14. Estimated cost of works \$500,000.00

15. Estimated time required to construct the works is works are completed

Map Filed FEB 26 1944
Compared RMA-A.T.

THE UTAH CONSTRUCTION CO. Applicant
By W. H. HARRIS

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 point of diversion, place and manner of use of the waters of Johnson Spring and Creek as heretofore granted under Permit No. 2210, Certificate No. 440, is issued subject to the terms and conditions imposed in said Permit No. 2210 and 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 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 Two (2.0) cubic feet per second.

Actual construction work shall begin on or before December 1, 1944.

Proof of commencement of work shall be filed before January 1, 1945.

Work must be prosecuted with reasonable diligence and be completed on or before December 1, 1947.

Proof of completion of work shall be filed before January 1, 1948.

Application of water to beneficial use shall be made on or before December 1, 1949.

Proof of the application of water to beneficial use must be filed with the State Engineer on or before January 1, 1950.

WITNESS MY HAND AND SEAL this 7th day
of June, 1944

Proof of commencement of work filed DEC 8 1944

Proof of Completion of work filed JAN 2 1950

PROOF OF BENEFICIAL USE FILED JAN 2 1953

Alfred W. Smith
State Engineer.

3936 March 27, 1953 for 2.0 cfs - culinary + DOM.

Mar 28 1953 H Page 27

FLKO County District



Function Abrogated By 294.09

Compared RMA-N.N.

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EXHIBIT "A"

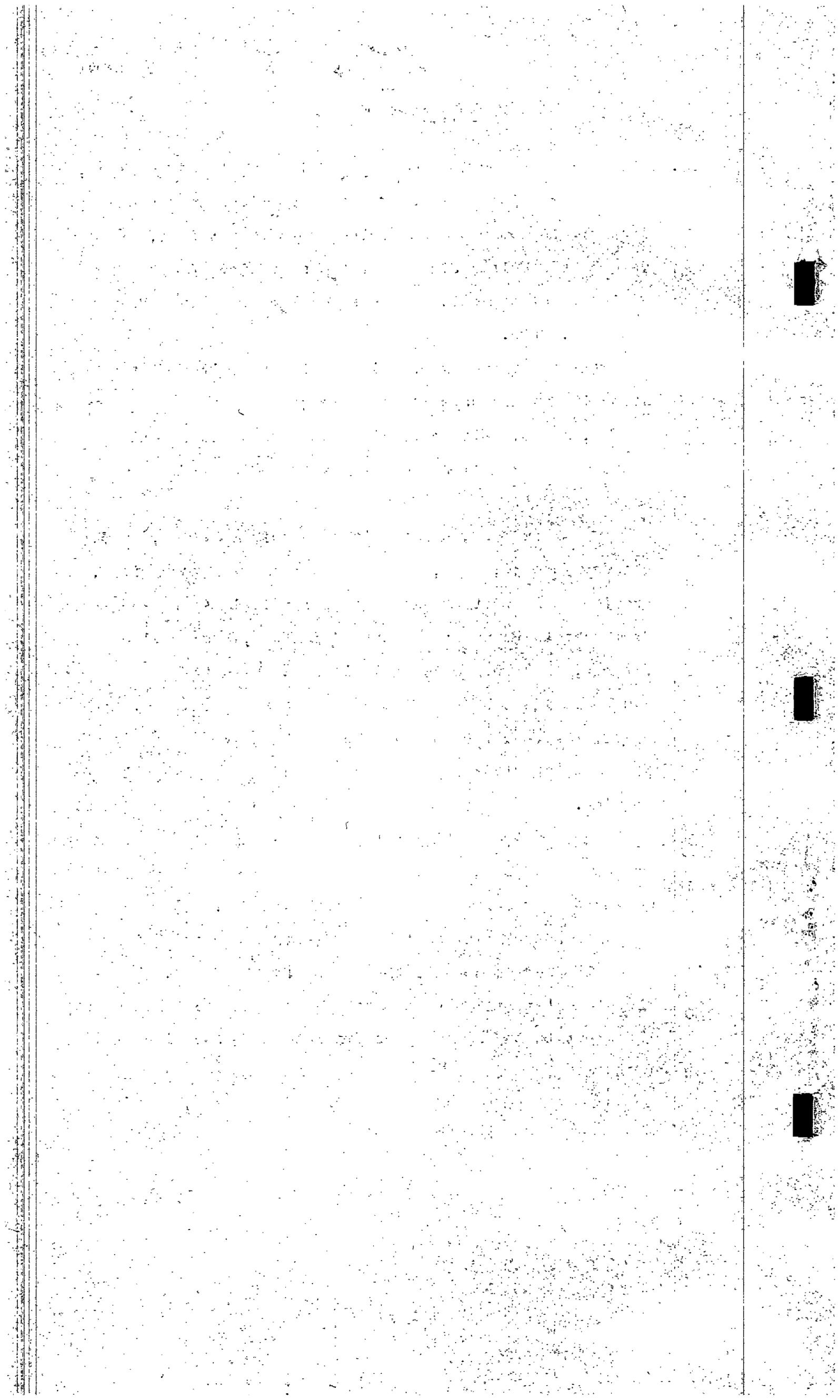
12. REMARKS: The applicant and the United States of America, have entered into a lease for the use of up to 2 second feet of the water of the spring above referred to, to be used by the United States for the supplying of water for culinary and domestic purposes for the Army Air Base at Wendover, Utah.

The lease was entered into with the United States after it had exhausted search for other sources of water supply, and had either required the execution of said lease or condemnation proceedings to be instituted to take the same.

The lease of the water is to run from July 1, 1943, through June 30, 1944, and from year to year thereafter, provided that further adequate appropriations are available from year to year for payment of rentals, and provided further, that the lease shall in no event extend beyond one year after the end of the present war emergency. The lease, however, may be cancelled by the Government upon giving thirty (30) days notice of such cancellation in writing.

The applicant still retains the use of all water in excess of 2 second feet, and all water up to that amount which the Government does not take and use.

After the Government has no further use for said water in accordance with the terms of said lease, the use of said water will revert to the Utah Construction Company to be put to the same use as prior to the execution of this lease.



Water from Johnson Spring and Creek serving, the Wendover Army Air Base, is utilized on, the South half of Section 17; the Southeast quarter of Section 18; the Northeast quarter of Section 19; and the North half of Section 20. All in township 1 South, Range 19 West Salt Lake Meridian, situated in the State of Utah.

Part of the Southwest quarter ($SW\frac{1}{4}$) of Southeast quarter ($SE\frac{1}{4}$) Section 28, Township 36 North Range 66 East, Mount Diablo Base and Meridian, County of Elko, State of Nevada; and more particularly described as follows:

Beginning at a point North $85^{\circ}58'$ East 2672.55 feet, (which is a point in the main Johnson Ranch Spring,) and South $57^{\circ}38'$ East 259.0 feet from the Southwest Corner of Section 28, Township 36 North, Range 66 East, Mount Diablo Base and Meridian: (Said point is the intersection of the most Southeasterly fence of Wendover Water Supply Pipe Line at station 1709 + 93.37 Pipe Line Stationing), thence South $75^{\circ}40'$ West 92.5 feet; thence North $57^{\circ}45'$ West 224.6 feet, more or less; thence North $21^{\circ}00'$ East 85.0 feet, more or less; thence North $83^{\circ}43'$ East 151.0 feet, more or less; thence South $57^{\circ}45'$ East 78.0 feet, more or less; thence North $32^{\circ}15'$ East 11.8 feet, more or less; thence South $57^{\circ}45'$ East 100.39 feet, more or less; thence South $14^{\circ}20'$ East 57.5 feet, more or less; thence South $75^{\circ}40'$ West 76.7 feet more or less to point of beginning, together with all or any part of the water up to and including two second feet of the flow from the Spring located upon said land and commonly known and designated as the main Johnson Ranch Spring.

