

AMENDED

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

Serial No. 12832

Date of first receipt and filing in State Engineer's office MAR 1 1949
Returned to applicant for correction SEP 9 1949
Corrected application filed OCT 27 1949

The undersigned C. J. and Jack Kearns
of Winnemucca, County of Humboldt
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 China Garden Creek
2. The amount of water applied for is 0.20 second-feet.
3. The water to be used for Stockwatering and Domestic
4. The water is to be diverted from its source at the following point:
N. 47°30'W., 3585 feet from the South 1/4 corner, Sec. 8 T. 38 N., R.
38 E., M.D.B.&M.

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) Place of use NW 1/4 SW 1/4 Sec. 8, T. 38 N., R. 38 E.
(f) Point of return of water to stream
(g) State number and kinds of animals to be watered 1600 cattle
(h) Use will begin about Jan. 1st and end about Dec. 31st, of each year.
(i) Remarks

DESCRIPTION OF PROPOSED WORKS

Dam pipe and troughs

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 \$500.00

6. Estimated time required to construct works 2 years

7. Remarks During a greater part of the year, China Garden Creek derives its water from China Garden Springs, which are located about 800 feet above point of diversion shown in this application.

For use of applicant

C.J. & Jack Kearns, Applicant.

By A. V. Tallman agent

Compared AT-LM

This sheet inspected

Protested December 8, 1949 by McCleary Timber Co. Engineer.

DENIAL 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:

Application 12832 is hereby denied on the grounds that the applicant cannot demonstrate the ability to place the water to beneficial use and to approve said application would not be in the public interest. No ruling is made on the protest.

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

Map Filed OCT 27 1949

WITNESS MY HAND AND SEAL this 29th day of September, 1949

[Signature]

PETER G. MORROS State Engineer.