

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 filing in State Engineer's Office..... OCT 18 1962

Returned to applicant for correction..... DEC 13 1962

Corrected application filed..... JAN 3 1963 Map filed June 3, 1943 under 10959

The applicant The United States of America Department of the Interior, National Park Service

of Baker, County of White Pine

State of Nevada, hereby makes application for permission to change the point of diversion, manner of use and place of use

of water heretofore appropriated under Proof No. 01065 for 0.15 c.f.s., of water in accordance with "Judgment of Decree" dated October 1, 1934, in the Seventh District Court of the State of Nevada at Ely, Nevada, Judge H.W. Edwards
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

presiding, in the proceedings entitled "In the Matter of the Determination of the Relative Rights in and to the Waters of Baker and Lehman Creeks and Tributaries in the County of White Pine, State of Nevada"

1. The source of water is Cave Spring, tributary to Baker-Lehman Creeks
(Name of stream, lake or other source.)

2. The amount of water to be changed 0.15 second foot (109.5 acre-feet per annum)
(Second feet, acre feet.)

3. The water to be used for domestic, recreation, fire protection.
(If for stock state number and kind of animals.)

4. The water heretofore used for irrigation
(If for stock state number and kind of animals.)

5. The water is to be diverted at the following point whence the common corner of Sections 10, 11, 14, 15, T. 13 N., R. 69 E., M.D.B.&M., bears S. 70°10' E., 8,312.49 feet on unsurveyed lands (SW 1/4 NE 1/4 Sec. 9, T. 13 N., R. 69 E.,)
(Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)

6. The existing point of diversion is located within at a point whence S.E. cor. Sec. 12, T. 13 N., R. 69 E., M.D.B.&M., bears S. 87° 08' E., 15,266.8 feet on unsurveyed lands (SW 1/4 SW 1/4) Sec. 10, T. 13 N., R. 69 E., M.D.B.&M.)
(If point of diversion is not changed, do not answer.)

7. Proposed place of use NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Sec. 15 and the SE 1/4 SW 1/4 Sec. 10, all within T. 13 N., R. 69 E., M.D.B.&M.
(Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 Sec. 15, T. 13 N., R. 69 E., M.D.B.&M., irrigation of 7.5 acres.
(Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)

9. Use will be from January 1st to December 31st of each year.
(Month) (Month)

10. Use has been from January 1st to December 31st of each year.
(Month) (Month)

11. Description of proposed works.

as specified and shown on the attached Drawing No. NM-IC-3131A-entitled

(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)

WATER SYSTEM, LEHMAN CAVES NATIONAL MONUMENT, hereby made a part of

(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

this application.

12. Estimated cost of works \$55,000.00

13. Estimated time required to construct works five years

14. Remarks Map filed under 10959 will support this application.

Compared hs/lb hs/ns

United States of America, Department of the Interior, National Park Service

By s/ Paul M. Steel

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, manner of use and place of use of Cave Spring, tributary to Baker-Lehman Creeks heretofore decreed under Proof 01065 in accordance with "Judgment and Decree" dated October 1, 1934 "In the Matter of the Determination of the Relative Rights in and to the Waters of Baker-Lehman Creeks and Tributaries in White Pine County, Nevada," is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.15 cubic feet per second and not to exceed 109.5 acre-feet annually.

Actual construction work shall begin on or before October 7, 1964

Proof of commencement of work shall be filed before November 7, 1964

Work must be prosecuted with reasonable diligence and be completed on or before October 7, 1965

Proof of completion of work shall be filed before November 7, 1965

Application of water to beneficial use shall be made on or before October 7, 1968

Proof of the application of water to beneficial use shall be filed on or before November 7, 1968

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed May 22, 1964

Completion of work filed May 22, 1964

Proof of beneficial use filed DEC 12 1970

Cultural map filed

Certificate No. 7573 Issued 3/10/71

Recorded 3-19-71 Bk 305 Page 369



WITNESS MY HAND AND SEAL this 7th day

of April, 1964

ELMO J. DeRICCO

State Engineer

By [Signature] Assistant State Engineer