

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 DEC 8 1969

Returned to applicant for correction Nov. 24, 1969,

Corrected application filed Map filed under 25378

The applicant Phillips Petroleum Company and Silver King Mines, Inc. P. O. Box 239 347 Deseret Plaza of Salt Lake City, Utah, 84110, County of Salt Lake City, Utah, 84111

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

of water heretofore appropriated under 24125

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Ruth and Tributary Springs (Name of stream, lake or other source.)

2. The amount of water to be changed 3.0 c.f.s. (Second feet, acre feet.)

3. The water to be used for mining and milling (If for stock state number and kind of animals.)

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

5. The water is to be diverted at the following point NE 1/4 SE 1/4 Section 15, T.14N., R.63E., M.D.B.&M., or at a point from which the SE corner of Section 13 bears S. 76° 32' 42" E. a distance of 11,495.37 feet. (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 SE 1/4 NE 1/4 Section 16, T.14N., R.63E., M.D.B.&M., or at a point from which the SE corner of Section 14 bears S. 76° 32' 42" E. a distance of 11,495.37 feet. (If point of diversion is not changed, do not answer.)

7. Proposed place of use W 1/2 Section 14, E 1/2 Section 15, T.14N., R.63E., M.D.B.&M. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use SW 1/4 SW 1/4 Section 14, T.14N., R.63E., M.D.B.&M. (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.

It is proposed to install a pipeline from point of diversion to a storage tank to be erected at new millsite. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

12. Estimated cost of works \$10,000.00

13. Estimated time required to construct works 1 year

14. Remarks The place of use will be described by 40 acre subdivision when the Proof of Beneficial Use is filed. This application is filed to correct an error in the original survey under Permit 24125.

Compared by jw/jb i/s/jb Applicant Phillips Petroleum Co. and Silver King Mines, Inc. Pro. 3/18/70 by John Mitchel Lasgoity of Copper Sheep Co. By s/ Dan S. Bushnell, David C. Arnold 347 Deseret Plaza P.O.Box 239 Overruled - See Ruling #1690, dtd. 3-26-70 Salt Lake City, Utah 84111 Salt Lake City, Utah 84110

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/of the waters of Ruth and Tributary Springs as heretofore granted under Permit 24125, is issued subject to the terms and conditions imposed in said Permit 24125, and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted 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 3.0 cubic feet per second annually

Actual construction work shall begin on or before September 31, 1970
Proof of commencement of work shall be filed before October 31, 1970
Work must be prosecuted with reasonable diligence and be completed on or before September 31, 1971
Proof of completion of work shall be filed before October 31, 1971
Application of water to beneficial use shall be made on or before September 31, 1973
Proof of the application of water to beneficial use shall be filed on or before October 31, 1973
Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed OCT 14 1970
Completion of work filed NOV 15 1971
Proof of beneficial use filed OCT 15 1973
Cultural map filed
Certificate No. 8200 Issued 12-5-73
Recorded 12-14-73 Bk. 253 Page 285
White Pine County

IN TESTIMONY WHEREOF, I Roland D. Westergard, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 31st day of March A.D. 1970
Roland D. Westergard
State Engineer