

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

MAY 7 1973

Date of filing in State Engineer's Office

Returned to applicant for correction JUN 5 1973

Corrected application filed AUG 6 1973

Map filed AUG 6 1973

The applicant Lander Co. Fair & Recreation Board, a County Agency created pursuant to N.R.S. 244.640-645. of Austin, County of

State of Nevada 89310, 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; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Rock Creek, Tributary of the Humboldt River, heads in Elko Co. north of Battle Mtn. joins Humboldt River in Lander Co. east of Battle Mountain, Name of stream, lake or other source.

2. The amount of water applied for is 10,000 acre feet for holding pond second-foot One second-foot equals 448.83 gals. per min. (a) If stored in reservoir give number of acre-feet. 80,000 acre feet for capacity acre-feet

3. The water to be used for Recreation, i.e. Boating, fishing, camping, water skiing, storage & Conservation, flood control. Leave to amend to conform with water survey. Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for: (a) Irrigation (state number of acres to be irrigated)

(b) Stockwater (state number and kinds of animals to be watered)

(c) Other use (describe fully under "No. 12. Remarks") lake, irrigation, beautification.

(d) Power: (1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: NW 1/4 NE 1/4, Sec. 28, T. 35N, R. 47E, MDM at a point from which the N 1/4 corner of said Section 28 bears N.35° 15' W. 870 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. Place of use 4,5,6,7,8,9,16,17,19,20,21,28,29, T. 35N, R 47E, MDM Section 1, T 35N, R 46E, MDM, and Sections 19, 29, 30,31,32, T 36N, R 47E, MDM Describe by legal subdivision, if on unsurveyed land it should be so stated.

The description of the land to be inundated includes all or portions of the above sections.

7. Use will begin about January 1 and end about December 31, of each year. Month Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Either concrete or earth hill dam. Copies of plans and spec. will be submitted when complete. State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works \$250,000.00
10. Estimated time required to construct works 3 months
11. Estimated time required to complete the application to beneficial use Immediately after construction of dam and as soon as sufficient water has accumulated.
12. Remarks this structure will be built solely for public recreational use. However, other benefits which can and will flow from such project are obvious and numerous. Among other things, it will increase land values adjacent, it will increase the land use benefits for a large area of land and livestock.

Applicant Lander County Fair & Recreation Board
 s/ George G. Holden
 By Atty for Board
Box 448, Battle Mountain Nev

Compared dmc/ga

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 store 20,000 acre-feet of water per annum for recreational purposes is issued subject to all existing rights on the source and also subject to NRS 535.010. The Proof of Beneficial Use, when filed, must show the maximum amount of water stored and released during any one year. The amount or quantity of water allowed for storage under this permit is 20,000 acre feet per year unless it can be demonstrated by measurements and operation of the reservoir that additional quantities of water are available.

This permit is also subject to the condition that the State Engineer retains the prerogative of requiring the installation and maintenance of a channel to provide for conveyance of waters at Rock Creek directly to the Humboldt River from the reservoir site. Such channel would be subject to prior approval of the State Engineer. It is clearly understood that the unappropriated waters available in the Humboldt River stream system are sporadic and the limit and extent of the appropriation will be subject to the availability of the unappropriated flows.

Because of the nature of flow in the Humboldt River stream system, there may be years when the quantity of water available for appropriation under this permit is insufficient to maintain a specific reservoir level. Any expenditure of funds resulting from issuance of this permit must be done with a full understanding of these conditions.

The State Engineer retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 20,000 acre feet of storage annually.

- Actual construction work shall begin on or before December 28, 1974
- Proof of commencement of work shall be filed before January 28, 1975
- Work must be prosecuted with reasonable diligence and be completed on or before December 28, 1975
- Proof of completion of work shall be filed before January 28, 1976
- Application of water to beneficial use shall be made on or before December 28, 1978
- Proof of the application of water to beneficial use shall be filed on or before January 28, 1979
- Map in support of proof of beneficial use shall be filed on or before _____

Commencement of work filed _____
 Completion of work filed _____
 Proof of beneficial use filed _____
 Cultural map filed _____
 Certificate No. _____ Issued _____
 Recorded NOV 13 1998 Bk _____ Page _____

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD
 State Engineer of Nevada, have hereunto set my hand and the seal of
 my office, this 28th day of June

A.D. 1974

Roland D. Westergard
 State Engineer

CANCELLED NOV 13 1998 RECALL STUDY EXAMINER

Michael J. ...
 STATE ENGINEER