

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 MAR 22 1977

Returned to applicant for correction MAY 3 1977

Corrected application filed MAY 9 1977 Map filed MAR 22 1977

The applicant Melvin R. and Rachel S. Jones c/o Boyack Surveying, Inc.

582 1/2 West Cedar St. of Elko
Street and No. or P.O. Box No. City or Town

Nevada 89801, hereby make... application for permission to change the
State and Zip Code No.

Point of Diversion

of water heretofore appropriated under Mary's Creek of Proof 00207, W.F. Linebarger,

Page 142 Bartlett Decree.
(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 Mary's Creek and Spring
Name of stream, lake or other source.

2. The amount of water to be changed 0.132 cfs.
Second feet, acre feet.

3. The water to be used for As Decreed
If for stock state number and kind of animals.

4. The water heretofore used for As Decreed
If for stock state number and kind of animals.

5. The water is to be diverted at the following point NE 1/4 NE 1/4 Section 33, T. 33N., R. 52E.,
MDM at a point from which the NE corner of said Section 33 bears
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.
N. 70° 00' E. 175.00 feet.

6. The existing point of diversion is located within SE 1/4 SE 1/4 Section 28, T. 33N., R. 52E.,
MDM refer to map for W.F. Linebarger, Proof No. 00207.
If point of diversion is not changed, do not answer.

7. Proposed place of use A portion of the NW 1/4 NW 1/4 (9.09 acres), Section 34,
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
T. 33N., R. 52E., MDM; SW 1/4 NW 1/4 (1.61 acres) Section 34, T. 33N.,
R. 52E., MDM

8. Existing place of use NW 1/4, N 1/2 SW 1/4, N 1/2 NE 1/4, SW 1/4 NE 1/4 Section 34
Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.
N 1/2 NW 1/4, SW 1/4 NW 1/4 Section 35, T. 33N., R. 52E., MDM

9. Use will be from As Decreed to As Decreed of each year.
Day and Month Day and Month

10. Use has been from As Decreed to As Decreed of each year.
Day and Month Day and Month

11. 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.) Pump in Mary's Creek for sprinkler
State manner in which water is to be diverted, whether by dam or other works,
system.
whether through pipes, ditches, flumes, or other conduits.

- 12. Estimated cost of works.....\$5,000.....
- 13. Estimated time required to construct works.....1 yr.....
- 14. Estimated time required to complete the application of water to beneficial use.....2 yr.....
- 15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Please consider this application under the Brackett System.

Compared.....lp/ga.....bl/bc..... Applicant Melvin R. and Rachel S. Jones
 By.....s/ Alan S. Boyack.....
 Alan S. Boyack
 582½ West Cedar St.
 Elko, Nevada 89801

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 a portion of the waters of Mary's Creek as heretofore appropriated under Proof 00207 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

The total combined duty of water under this Permit and Permits 31215 and 31216 shall not exceed 628.77 acre-feet per season.

The period of use under this permit shall be strictly limited to April 15 through August 15 of each irrigation season as allowed for harvest culture under Proof No. 00207 of the Bartlett Decree.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.132 cubic feet per second, and shall not exceed 32.1 acre-feet per irrigation season as designated by the decree.

- Actual construction work shall begin on or before..... December 6, 1978
- Proof of commencement of work shall be filed before..... January 6, 1979
- Work must be prosecuted with reasonable diligence and be completed on or before..... December 6, 1979
- Proof of completion of work shall be filed before..... January 6, 1980
- Application of water to beneficial use shall be made on or before..... December 6, 1980
- Proof of the application of water to beneficial use shall be filed on or before..... January 6, 1981
- Map in support of proof of beneficial use shall be filed on or before..... January 6, 1981

Commencement of work filed.....JAN 8 1979.....
 Completion of work filed.....JAN 31 1980.....
 Proof of beneficial use filed.....JAN 12 1982.....
 Cultural map filed.....MAR 22 1977.....
 Certificate No. 10430 Issued.....NOV 05 1982.....
 Recorded.....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 6th day of JUNE

A.D. 1978

[Signature of Roland D. Westergard]

State Engineer