

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

JAN 17 1979

Date of filing in State Engineer's Office.....

JUN 18 1982

Returned to applicant for correction.....

JUL 30 1982

Corrected application filed.....

JUL 30 1982

Map filed.....

The applicant United States of America U.S. Department of Interior, Bureau of Land Management

705 E. 4th Street, of Winnemucca Nevada 89445

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.) Not applicable

1. The source of the proposed appropriation is Mahogany Creek and its tributaries

2. The amount of water applied for is See 12. Remarks, Item 2. second-foot

(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for recreation 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") recreation (see 12. Remarks, Item 4)

(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: SW 1/4 NW 1/4 Sec. 22, T. 42 N., R. 26 E., from which the NW corner of said Sec. 22 bears N. 1° 07' E. a distance of 2,388 feet

6. Place of use E 1/2 NW 1/4, NE 1/4 SW 1/4 of Sec. 1, Lot 4, SW 1/4 NW 1/4, S 1/2 SE 1/4 of Sec. 2, SE 1/4 NE 1/4 of Sec. 3, N 1/2 NE 1/4 of Sec. 11, T. 41 N., R. 26 E.; Lots 5 and 6 of Sec. 6, T. 41 N., R. 27 E. (unsurveyed); SW 1/4 NW 1/4, NE 1/4 SW 1/4 of Sec. 22, S 1/2 NW 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 of Sec. 25, NW 1/4 NE 1/4, S 1/2 NE 1/4, Lots 5, 6, 7, 8, and 16 of Sec. 26, W 1/2 NE 1/4 of Sec. 27, NE 1/4 SE 1/4 of Sec. 34, Lots 16 and 17 of Sec. 35, E 1/2 NW 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 of Sec. 36, T. 42 N., R. 26 E.; Lots 2, 3, 4, 5, 7, and 8 of Sec. 31, T. 42 N., R. 27 E. (unsurveyed).

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

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.) natural channel

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..... None .....
- 10. Estimated time required to construct works..... None .....
- 11. Estimated time required to complete the application to beneficial use..... One month .....
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Item 2 - Mahogany Creek has been calculated to have a Mean Annual Flow (MAF) of 2.47 cfs using methodology as reported in the State of Nevada Water Resources Bulletin #36, 1968. A nonconsumptive flow of 1.48 cfs (60% of MAF) is required from July through February for maintenance of optimum aquatic habitat. 4.94 (cont.)

Applicant.....  
 Pro. 10/16/79 by Bureau Indian Affairs  
 Protest Withdrawn 11-2-82 (B.I.A.)  
 Pro. 10/26/82 by Ken Earp;  
 Compared..... js/ bl ..... am/se .....

By..... s/Frank C. Shields  
 Bureau of Land Management  
 705 East 4th Street  
 Winnemucca, Nevada 89445

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 is issued for non-consumptive use and is subject to all existing rights on Mahogany Creek and tributaries. It is understood that the 1.48 c.f.s. from July 1 through February 28 and 4.94 c.f.s. from March 1 through June 30, herein granted is only a temporary allowance and that the final water right obtained under the permit will be dependent upon the amount of water that actually flows during the specified time periods.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is considered to be largely non-consumptive and the entire natural flow shall exit the place of use undiverted.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.48 c.f.s. from July 1 through February 28 and 4.94 cubic feet per second from March 1 through June 30 of each year.

- Actual construction work shall begin on or before..... N/A .....
- Proof of commencement of work shall be filed before..... N/A .....
- Work must be prosecuted with reasonable diligence and be completed on or before..... April 5, 1993 .....
- Proof of completion of work shall be filed before..... May 5, 1993 .....
- Application of water to beneficial use shall be made on or before..... April 5, 1996 .....
- Proof of the application of water to beneficial use shall be filed on or before..... May 5, 1996 .....
- Map in support of proof of beneficial use shall be filed on or before..... N/A .....

Commencement of work filed.....  
 Completion of work filed..... FEB 22 1993  
 Proof of beneficial use filed..... MAY 03 1996  
 Cultural map filed.....  
 Certificate No. 14419 Issued SEP 11 1996  
 Recorded..... Bk..... Page.....  
 County Recorder

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 5th day of April

A.D. 1991  
  
 State Engineer

## 12. Remarks (Continued)

cfs (200% of MAF) is required from March through June for flushing of the stream system.

Item 4 - Recreation is declared a beneficial use of water by Nevada Water Law 533.030-2. Hunting, camping, and hiking are important forms of recreation which are common in the Mahogany Creek Drainage. Instream flow in Mahogany Creek and its tributaries is necessary to maintain riparian vegetation along the stream. Riparian vegetation is vital as habitat to wildlife and for maintaining the aesthetic quality of the area.

In addition, the aquatic habitat of Mahogany Creek is necessary for the preservation and maintenance of the Summit Lake Lahontan cutthroat trout population which has been designated as a threatened species by the U.S. Fish and Wildlife Service and is protected by the NDOW. The Bureau of Land Management is required by the Endangered Species Act of 1973 as amended to protect the habitats of threatened or endangered species where they occur on public land. Mahogany Creek and its tributary Summer Camp Creek contain the only spawning habitat for the Summit Lake population. Eggs are taken and hatched annually from the Summit Lake fish and are used to replenish populations in other high recreational value waters in the state of Nevada.

