

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

Date of filing in State Engineer's Office..... FEB 15 1980

Returned to applicant for correction.....

Corrected application filed.....

Map filed..... FEB 15 1980

The applicant Wayburn D. and Bennie M. Mitchell
335 Fay Ave., of Ely,
Street and No. or P.O. Box No. City or Town
Nevada 89301, hereby make..... application for permission to appropriate the public
State and Zip Code No.

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: Underground Sources
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 1.4 cfs second-feet
One second-foot equals 448.83 gals. per min.

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

3. The water to be used for: Irrigation and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated: 80 acres

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

(c) Other use (describe fully under "No. 12. Remarks").....

(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: in the NW 1/4 SW 1/4 of Section 13, T.16N., R.63E., M.D.B.&M. whence the Southwest Corner of said Section 13 bears S. 04° 01'42"W., 1423.52 feet distant.
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 so stated.

6. Place of use: SW 1/4 NW 1/4, NW 1/4 SW 1/4 of Section 13, T.16N., R.63E., M.D.B.&M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

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

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.) Sprinkler System
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works: \$10,000.00

10. Estimated time required to construct works 3 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is filed in support of a Desert Land Entry Application.

By s/Richard W. Forman
Richard W. Forman, Agent
P.O. Box 150
Ely, Nevada 89301

Compared pr/bm pr/bc

Protested _____

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 subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit is issued subject to the "stipulation" filed in the Seventh Judicial District Court of the State of Nevada in and for the County of White Pine and filed in the office of the State Engineer, case no. 11932, dated 28th day of May, 1983.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second, but not to exceed 15 acre-feet annually, and not to exceed a yearly duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before November 14, 1984

Proof of completion of work shall be filed before December 14, 1984

Application of water to beneficial use shall be made on or before November 14, 1984

Proof of the application of water to beneficial use shall be filed on or before December 14, 1984

Map in support of proof of beneficial use shall be filed on or before December 14, 1984

Completion of work filed _____ IN TESTIMONY WHEREOF, I, PETER G. MORROS,

Proof of beneficial use filed _____ State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed _____ my office, this 14th day of December,

Certificate No. _____ Issued _____ A.D. 19 84

[Signature]
State Engineer

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The applicant Wayburn D. and Bennie M. Mitchell

335 Fay Ave., of Ely, Nevada 89301

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 Underground Sources

2. The amount of water applied for is 1.4 cfs second-foot

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3. The water to be used for Irrigation and Domestic

4. If use is for:

(a) Irrigation (state number of acres to be irrigated) 80 acres

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

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

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5. The water is to be diverted from its source at the following point: in the NW 1/4 SW 1/4 of Section 13,

T.16N., R.63E., M.D.B.&M., whence the Southwest Corner of said Section 13 bears S. 04° 01' 42" W., 1423.52 feet distant.

6. Place of use SW 1/4 NW 1/4, NW 1/4 SW 1/4 of Section 13, T.16N., R.63E., M.D.B.&M.

7. Use will begin about 1st of January and end about 31st of December, 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.) Sprinkler System

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.....\$10,000.00
- 10. Estimated time required to construct works..... 3 years
- 11. Estimated time required to complete the application to beneficial use..... 5 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is filed in support of a Desert Land Entry Application.

Applicant Wayburn D. & Bennie M. Mitchell

By s/Richard W. Forman
 Richard W. Forman, Agent
 P.O. Box 150
 Ely, Nevada 89301

Compared bl/ jk bc/bl

DENIAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby ^{deny} ~~grant~~ the same, subject to the following limitations and conditions:

Application denied on the grounds that the proposed appropriation of additional ground water for irrigation as applied for would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....cubic feet per second.

Actual construction work shall begin on or before.....

Proof of commencement of work shall be filed before.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

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

Commencement of work filed..... IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN
 Completion of work filed..... State Engineer of Nevada, have hereunto set my hand and the seal of
 Proof of beneficial use filed..... my office, this 30th day of SEPTEMBER
 Cultural map filed.....
 Certificate No..... Issued..... A.D. 19 80.

William J. Newman
State Engineer