

**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..... **AUG 18 1980**

Returned to applicant for correction..... **NOV 19 1980**

Corrected application filed..... **JAN 13 1981** Map filed **APR 23 1981** under **42112**

The applicant Kennecott Corporation

of McGill

Street and No. or P.O. Box No.

City or Town

Nevada 89318

State and Zip Code No.

hereby make application for permission to change the

point of diversion and manner of use

of water heretofore appropriated under Certificate Record 145 - Book 3, Page 145 and

Application No. 2150.

(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 Berry Creek and Tributaries

Name of stream, lake, underground, spring or other source.

2. The amount of water to be changed 7.5 c.f.s.

Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Industrial and Domestic

Irrigation, power, mining, industrial, etc.

If for stock state number and kind of animals.

4. The water heretofore used for Power, Mining and Domestic

Irrigation, power, mining, industrial, etc.

If for stock state number and kind of animals.

5. The water is to be diverted at the following point SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 10, T.17N., R.65E.,

M.D.B.&M. (unsurveyed public land), at a point from which the NW

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. corner of Sec. 31, T.18N., R.65E., M.D.B.&M. bears N. 50 57'28"W., 24,292.15 ft. distance.

6. The existing point of diversion is located within NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Sec. 32, T.18N., R.65E.,

M.D.B.&M.

If point of diversion is not changed, do not answer.

7. Proposed place of use Unchanged

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Portions of each of the following land parcels:

Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.

NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  of Sec. 28, T.18N., R.64E., M.D.B.&M.; and

ALSO the SE $\frac{1}{4}$  of Sec. 21, T.18N., R.64E., M.D.B.&M.

9. Use will be from 1 January to 31 December of each year.

Month and Day

Month and Day

10. Use has been from 1 January to 31 December of each year.

Month and Day

Month and Day

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.) The water will be diverted from

State manner in which water is to be diverted, whether by dam or other works,

Berry Creek by a concrete intake head box into a 14" pipe and

whether through pipes, ditches, flumes, or other conduits.

discharged into Pat and Mike Creek at a point from which the said

NW Corner of Sec. 31 bears S.78°48'21"W., 5,247.62 ft. distance; thence into Duck Creek and then into the Gaffagher Gap pipeline to be transferred to the place of use.

- 12. Estimated cost of works..... Completed
- 13. Estimated time required to construct works..... Completed
- 14. Estimated time required to complete the application of water to beneficial use..... Completed
- 15. 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 to record the survey tie from the current point of diversion to a section corner. This water will be used as heretofore appropriated, but to simplify the application it is changed to Industrial and Domestic Use.

Compared ha/bl br/ja Applicant Nevada Mines Division  
Kennecott Minerals Company  
A Division of Kennecott Corporation

s/G.J. Allen By s/Richard E. Fonger  
G.J. Allen State Water Right Surveyor  
General Manager Kennecott Minerals Company  
McGill, Nevada 89318

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 and manner of use of the waters of Berry Creek and tributaries as heretofore granted under Permit 2150, Certificate 145, is issued subject to the terms and conditions imposed in said Permit 2150, Certificate 145, and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 7.5 cubic feet per second.

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 February 10, 1984

Proof of completion of work shall be filed before March 10, 1984

Application of water to beneficial use shall be made on or before February 10, 1986

Proof of the application of water to beneficial use shall be filed on or before March 10, 1986

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

Commencement of work filed..... IN TESTIMONY WHEREOF, I, PETER G. MORROS  
 Completion of work filed OCT 28 1983 State Engineer of Nevada, have hereunto set my hand and the seal of  
 Proof of beneficial use filed FEB 3 1986 my office, this 10th day of FEBRUARY  
 Cultural map filed D. 19. 83  
 Certificate No. 12178 Issued JUN 21 1989 Peter G. Morros  
 State Engineer