

**TEMPORARY  
THE STATE OF NEVADA**

**PERMIT TO CHANGE POINT OF DIVERSION,  
MANNER OF USE AND PLACE OF USE OF THE  
PUBLIC WATERS OF THE STATE OF NEVADA  
HERETOFORE APPROPRIATED**

Name of applicant: CITY OF ELKO  
Source: SOUTH FORK HUMBOLDT RIVER  
Basin: DIXIE CREEK-TENMILE CREEK AREA  
Manner of Use: WILDLIFE  
Period of Use: AS DECREED  
Priority Date: 01/01/1872

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**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 temporary permit to change the point of diversion, place and manner of use of a portion of the waters of the South Fork Humboldt River as heretofore appropriated under Proof DHR 00234 as it 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 and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

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

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 1.421 cubic feet per second or 198.37 acre-feet seasonally.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

N/A

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

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 24th day of October, A.D. 2008

State Engineer

**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**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office JUN 06 2008

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed DEC. 11, 1987 under 51461

The applicant City of Elko

1751 College Avenue of Elko

Street Address or P.O. Box City or Town

Nevada 89801, hereby make(s) application for permission to change the

State and Zip Code

Point of diversion       Place of use       Manner of use       of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. Humboldt Proof # 00234 In the manner of the determination of the relative rights in and to the waters of the Humboldt River and its tributaries.

1. The source of water is South Fork of the Humboldt River  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 1.421 cfs - 198.37 acre-feet  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Wildlife  
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.
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 (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)  
SW1/4 SE1/4 Section 4, T.32N., R.55E. MDB & M. at a point from which the East 1/4 Corner of said Section 4 bears N 60 degrees 03'19" E. 2654.49 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
As Decreed

*See Attached Exhibit A*

*ALG  
6/12/08*

*AB-EL*

50000

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)  
Section 2: S1/2, Section 3: S1/2, Section 4: SE1/4 N1/2 SW1/4, SE1/4 SW1/4, Section 9: Portions of the NE1/4 NW1/4 and Portions of the E1/2, Section 10: All, Section 11: All, Section 13: Portions of the W1/2 SW1/4, Section 14: All, Section 15: Portions of the N1/2, Section 16: E1/2 NE1/4 NE1/4, Section 23: Portions of the E1/2, Section 24: SW1/4 SE1/4, SW1/4, S1/2 NW1/4, NW1/4 NW1/4, Section 25: NW1/4, Portions of the NE1/4 SW1/4, Portions of the NW1/4 SE1/4, all in T.32N., R.55 E., M.D.B & M.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)  
As Decreed. (115.5 acres to be removed from irrigation)

See Attached Exhibit B

K20  
6/12/08

9. Proposed use will be from As Decreed to \_\_\_\_\_ of each year.  
Month and Day Month and Day

10. Existing use permitted from As Decreed to \_\_\_\_\_ of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)  
South Fork Dam 85 feet high impounding 40,000 acre-feet.

12. Estimated cost of works works completed

13. Estimated time required to construct works works completed  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use one year

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing.)

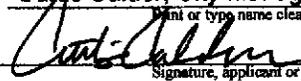
This is a temporary application for use and storage at South Fork Dam and Reservoir. Please use the maps that accompanied Humboldt River Decree Proof 00234 for the existing point of diversion and place of use and the map that accompanied Permit 51461 for the proposed point of diversion and place of use.

16. Miscellaneous remarks:

775-777-7111  
Phone No.

\_\_\_\_\_  
E-mail

By Curtis Calder, City Manager  
Print or type name clearly

  
Signature, applicant or agent

City of Elko  
Company Name

1751 College Avenue  
Street Address or P.O. Box

Elko, NV 89801  
City, State, Zip Code

**APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT**

**\$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION**

<u>PROOF #</u>	<u>NAME</u>	<u>DITCH</u>	<u>SOURCE</u>	<u>PT. DIV.</u>	<u>TIE</u>
00235	J.W. Yowell	Slough	Humboldt	S.W. $\frac{1}{4}$ , S.E. $\frac{1}{4}$ , Sec. 11 T.34 N., R.55 E.	
00235	J.W. Yowell	Eshlemens Dam	Humboldt	S.E. $\frac{1}{4}$ , N.W. $\frac{1}{4}$ , Sec. 14 T.34 N., R.55 E.	
00234	James Russell	Slough	Humboldt	S.E. $\frac{1}{4}$ , S.E. $\frac{1}{4}$ , Sec. 14 T.34 N., R.55 E.	
00234	James Russell	Slough	Humboldt	S.W. $\frac{1}{4}$ , S.E. $\frac{1}{4}$ , Sec. 14 T.34 N., R.55 E.	
00234	James Russell	Slough & Dam #1	Humboldt	N.W. $\frac{1}{4}$ , N.E. $\frac{1}{4}$ , Sec. 22 T.34 N., R.55 E.	
00234	James Russell	2 Sloughs & Dam #2	Humboldt	N.E. $\frac{1}{4}$ , N.W. $\frac{1}{4}$ , Sec. 22 T.34 N., R.55 E.	
00234	James Russell	Slough	Humboldt	N.W. $\frac{1}{4}$ , N.W. $\frac{1}{4}$ , Sec. 22 T.34 N., R.55 E.	

Exhibit

A



## Exhibit B

$N\frac{1}{2}SW\frac{1}{4}$  and  $S\frac{1}{2}NW\frac{1}{4}$  of Section 22; and also that portion of  $NW\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$  and  $NW\frac{1}{4}NE\frac{1}{4}$  of said Section 22, and that portion of  $S\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}$  and of  $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$  of Section 15, all being in T. 34 N., R. 55 E. M.D.B. & M., lying southeasterly of the Western Pacific Railroad right of way, and westerly of a certain line described as follows:

Commencing at a point whence the Northeast corner of Section 22, T. 34 N., R. 55 E., bears  $N. 64^{\circ} 09' E.$ , 2521.37 ft., running thence  $S. 33^{\circ} 08' E.$ , 281 feet, more or less, to Cor. No. 1, on the south boundary of the  $NW\frac{1}{4}NE\frac{1}{4}$  of Section 22, T. 34 N., R. 55 E., running thence  $N. 38^{\circ} 08' W.$ , 1182.83 feet to Cor. No. 2, thence  $N. 40^{\circ} 55' E.$ , 464.1 ft., to Cor. No. 3, thence  $N. 37^{\circ} 27' W.$ , 652.50 ft., to Cor. No. 4, the south boundary of the Western Pacific Railroad. All in T. 34 N., R. 55 E., M.D.B. & M.

Save and except a portion of the  $SW\frac{1}{4}NW\frac{1}{4}$ , said Sec. 22, containing approximately 5 acres heretofore conveyed by deed to George B. Russell, which said deed is of record in the office of the County Recorder of the County of Elko, State of Nevada, in Book 40 of Deeds, at page 437-438.