



573

No. ~~559~~

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Nevada

- 1. Date of receipt of application July 12, 1907
- 2. Name of applicant Hayden Henderson
 Postoffice address: Elko
 County Elko
- I. If applicant is a corporation, give
 - (a) Date and place of corporation
 - (b) The amount of capital stock
 - (c) The amount paid in
 - (d) The names and addresses of Directors

- 3. The quantity of water claimed is 75 cubic feet per second on all
the water which may flow from said Lake without materially diminishing the natural capacity
- 4. Source of water supply Lake at head of South Fork of Humboldt River, high
up in Ruby Mountains, at head of Kleshner Canyon
- 5. Location of point of diversion at a point near Sp 31 N of R 58 E at lake

- 6. To be used for:
 - I. Irrigation and domestic use:
 - (a) Number of acres to be irrigated _____ acres.
 - (b) In the following legal subdivisions _____
 (A list of lands to be irrigated may be appended as a part of this application.)

- II. Mining, power, manufacturing or transportation purposes:
 - (a) To be used for generating power for Milling, power, transportation
 - (b) Amount of power to be generated all possible without interfering with existing rights
 horse power.
 - (c) At what point Near Kleshner Canyon
 - (d) Is water to be returned to stream? ("Yes" or "No") Yes
 - (e) If "yes" at what point at a point above all dams or ditches
of present appropriators

7. Estimated cost of works \$40,000 to \$60,000

8. Description of works for diversion:

- I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise)

Tunnel, dam, pipes, ditches, flumes. This water is to be used only during the low stage of the natural flow, and suitable head gates or other obstructions will be provided to conserve the water, at all other times.

II. Dimensions of works:

(a) Height of dam, feet; length of dam at top, feet; length of dam at bottom, feet; material used in construction (wood, earth, stone or concrete)

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(b) Capacity of reservoir acre-feet.

(c) Size of headgate—width, feet; height, feet.

(d) Ditch (flume or pipe)—width at bottom, feet; width at water line, feet.

Average grade per mile is feet. Length of ditch is miles, and crosses the following quarter sections:

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to which is the point of intended use.

REMARKS:

(This space not to be written in by applicants.)

APPROVAL OF STATE ENGINEER.

The number of this permit is 573
Date of receipt of first application July-12, 1907.
Return to applicant for correction _____, 190____.
Corrected application received _____, 190____.
Publication of notice completed Aug-12, 1907.
Recorded in Book _____, page 573.
Approved April 12, 1907.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Nevada, and hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated not more than 75 cubic feet per second.
The construction of the within described works to be commenced not later than June 1-1909
One-fifth of the work above specified to be completed on or before June 1-1910
The whole of said work to be completed on or before January 1-1912
The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to Feb-1-1912
Witness my hand this 12 day of April, 1907.

Samuel Nicholas
State Engineer.

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Permit No. 573

Quantity appropriated 75

From Lake

For Power

Location of point of diversion, Section

Township 34N, Range 58E.

Name Stephen Anderson

P. O. Address Ely

Application received July 12 - 07.

Approved

Recorded in Book C, Page 578

Final proof of beneficial use of water appropriated in accordance with this permit rendered



NEVADA STATUTES REGARDING APPROPRIATIONS OF WATER.

SEC. 23. Any person, association or corporation desiring to appropriate any of the public waters shall, before permitting any work in connection with such appropriation, make an application to the State Engineer for permission to make the same. Said application shall set forth the name and postoffice address of the applicant, the source from which said appropriation shall be made, the amount thereof, location of proposed works in connection therewith, the time required for their completion, said time to include the period required for construction of ditches or other works and the time at which the application of the water to beneficial use shall be made, which time shall be limited to that required for completion of the work when prosecuted with diligence, the purpose for which the appropriation is desired, and if for irrigation a description of the land to be irrigated and the area thereof, and any additional facts required by the State Engineer. On receipt of this application, which shall be of a form prescribed by the State Engineer and to be furnished by him without cost to the applicant, it shall be his duty to make a record thereof in his office, and to carefully examine the same to ascertain whether it sets forth all facts necessary to determine the nature and amount of the proposed appropriation. If the application be defective it shall be the duty of the State Engineer to return the same to the applicant for correction, and sixty days shall be allowed for the refile thereof. If refiled, corrected in proper form, within such time, the application shall, upon being accepted, take priority as of date of original filing, subject to compliance with the further provisions of the law and the regulations thereunder. Added, Stats. 1905, Chap. XLVI.

SEC. 24. If not corrected as required, no further proceedings shall be had on such application, but when filed in compliance with this Act, the State Engineer shall at once at the expense of the applicant, to be paid in advance, publish in some newspaper having a general circulation within the boundaries of the river system or water system or water source from which said appropriation is to be made, a notice of the application, showing by whom made; the quantity of water sought to be appropriated; the stream from which the appropriation is to be made, and at what point on the stream; the use for which it is to be appropriated, and by what means; which notice shall be published once a week for four weeks. Any person, corporation or association interested may, at any time within thirty days after completion of the publication of said notice, file with the State Engineer a written protest against the granting of said application, stating the reasons therefor, which shall be duly considered by said Engineer. He may, in his discretion, hear evidence in support of or against such application, and shall take such action thereon as he may deem proper and just. Added, Stats. 1905, Chap. XLVI.

SEC. 25. If there is unappropriated water in the source of supply named and the appropriation is not detrimental to the public welfare, the State Engineer shall approve the same by endorsement thereon, shall make a record of such endorsement in his office and return the same so endorsed to the applicant, who shall, on receipt thereof, be authorized to take such measures as may be necessary to perfect such appropriation; provided, however, that the State Engineer may approve an application for a less amount of water or a shorter period of time for perfecting the appropriation than that named in the application; and provided further, that an applicant feeling himself aggrieved by the endorsement made upon his application may bring action in any court having jurisdiction against the State Engineer to compel him to modify such endorsement. Such action must be brought within sixty days after date of the endorsement complained of. If there is no unappropriated water in the source of supply the State Engineer shall refuse such appropriation and the party making the application shall not prosecute work in connection therewith so long as such refusal shall be in force, under penalty of being deemed guilty of, and punished for, misdemeanor. Added, Stats. 1905, Chap. XLVI.

SEC. 26. Upon approval of an application the applicant shall send to the State Engineer within six months thereafter a map on a scale of not less than two inches to the mile, showing the location of the works necessary to perfect the appropriation, the source of appropriation, and if for irrigation, the land upon which the water is to be applied, which map shall be filed in his office. Added, Stats. 1905, Chap. XLVI.

SEC. 27. Upon satisfactory proof being made to the State Engineer that any application to appropriate water has been perfected in accordance with the provisions of this Act, said State Engineer shall issue to the applicant a certificate setting forth the name of the appropriator, date, source, purpose and amount of the appropriation, and if for irrigation, a description of the land to be irrigated, which certificate shall within thirty days after its issuance be recorded in the county in which the point of diversion of the appropriation is, as well as in the county where the water is used, in books specially kept for that purpose, and the fee for such records shall be one dollar (\$1) payable by the party in whose favor the certificate is issued. The priority of such appropriation shall date from the filing of the application in the State Engineer's office. Added, Stats. 1905, Chap. XLVI.

SEC. 28. All water used in this State for irrigation purposes shall remain appurtenant to the land upon which it is used; provided, that if for any reason it should at any time become impracticable to beneficially or economically use water for the irrigation of any land to which the right of use of the same is appurtenant, said right may be severed from said land, and simultaneously transferred, and become appurtenant to other land, without losing priority of right theretofore established, if such change can be made without detriment to existing rights, on the approval of an application of the owner to the State Engineer. Before the approval of such application the applicant must give notice thereof by publication once a week for four weeks in a newspaper of general circulation in the stream system in which the tracts of land are located, in the form required by the State Engineer. Upon the receipt of the proofs of publication, the State Engineer shall render his decision thereon in writing. Any party interested in the same source of water supply may bring appropriate action in the District Court of the county in which the land is located, for a review of such decision. Added, Stats. 1905, Chap. XLVI.