

No.

5160

Indexed under

Name of applicant

Report No.

Map

Stream

Field book

Township

22 N., R. 54 E.

ASSIGNED

10-153

DIAMOND VALLEY

NE 1/4 SE 1/4 Sec 12

Application filed July 18, 1918

Applicant Clement Maggini ASSIGNED to Marcos Legarra

Source of water Sheep Canon Springs

Returned for correction July 29, 1918

Corrected application received Sep. 20, 1918

Sent for publication Sep. 20, 1918 Eureka Sentinel

Proof of publication filed Nov. 25, 1918

Investigated on ground by Ira MacFarland Oct. 5, 1919 (Report inside)

Protested

Form Affidavit 70A filed Nov. 26, 1918

Approved Oct. 28, 1919 for 0.025 c. f. o. Stock

Denied

Withdrawn by applicant

Canceled

Proof of labor filed June 25, 1920

Map filed 7-20-20 under 5159

Proof of completion of work filed Nov. 12, 1921

Proof of beneficial use filed Feb. 11, 1924

Certificate No. 1012 issued Mar. 31, 1924 for 0.025 c. f. o. of water

Recorded Apr. 7, 1924, Bk. A. Page 172 Eureka Co. Records

REMARKS

ASSIGNED by Clement Maggini, Nov. 3, 1920 to Marcos Legarra. Filed Dec. 20, 1922

August 20, 1925

August 12, 1925

s. 5250, 5251, 5159 and 5160

Mr. Edgar Bather  
Attorney at Law  
Elko, Nevada

Dear Sir:

Our records show that application No. 5159 was filed by Clement Maggini on July 18, 1918 for water from Monroe Canyon Springs. The point of diversion described in the application is in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 13, T. 22 N., R. 54 E. The application was denied on October 28, 1919 on the ground that the water of the source is already covered by prior rights, Mr. I. Handley claiming a vested right from the source under proof of appropriation No. 01337. The records also show application No. 5250 filed by Mr. Maggini on September 20, 1918 for water from Monroe Spring No. 2, the point of diversion of which is described as in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 22 N., R. 54 E. A permit was granted under this application, and subsequently it was assigned to Marcos Legarra. Same was however cancelled on October 28, 1922 for failure to comply with the provisions of the permit.

In addition to the above, the records <sup>show</sup> application No. 5251 made by Clement Maggini for water from Maggini Spring No. 2, the point of diversion being in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 12, T. 22 N., R. 54 E. This permit was also assigned to Legarra and has since been cancelled.

Certificate No. 1012 was issued to Marcos Legarra on March 31, 1924 under permit No. 5160 for 0.0125 c.f.s. of water from Sheep Canyon Spring for stockwatering purposes. The point of diversion described therein is NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 12, T. 22 N., R. 54 E. The application under which this certificate is issued was originally filed by Mr. Maggini.

Yours very truly,

Robert A. Allen.  
State Engineer

By

Office Engineer

HP A.

ISSUED

Application No. 5160

Certificate Record No. 1012 Book 5 Page 1012

THE STATE OF NEVADA  
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Marcos Legarra has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Sheep Canyon Spring through Sheep Canyon Ditch for Stockwatering purposes. The point of diversion of water from the source is as follows: NE 1/4 Sec. 12, T. 22 N., R. 54 E., M.D.B. & M. situated in Eureka County, State of Nevada.

Now KNOW YE, That the State Engineer, under the provisions of Section 72, Chapter 140, Statutes of 1913, has determined the date, source, purpose and amount of such appropriation, together with the place to which such water is appurtenant, as follows:

Name of appropriator Marcos Legarra  
Postoffice address Eureka, Nevada.  
Amount of appropriation .0125 cubic foot per second  
Period of use, from April 1 to November 1 of each year  
Date of priority of appropriation July 18, 1918

Description of works of diversion, manner and place of use:-  
A reservoir approximately 10 feet in diameter stores the water near the spring. Water is transported through 12 feet of 2 inch pipe to 2 troughs each 14 feet in length. Water is conserved in this manner for 2000 head of sheep.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place where acquired and to the purpose for which required.

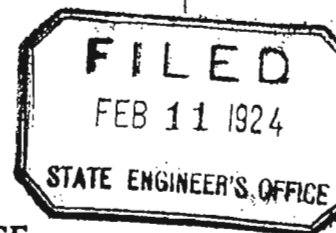
IN TESTIMONY WHEREOF, I, Robert A. Allen, State Engineer

of Nevada, have hereunto set my hand and the seal of my office, this

31st day of March, A. D. 1924

Robert A. Allen  
State Engineer.

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Recorded April 7, 1924 Eureka County Records Page 172



Under Permit No. 5160

## PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

### DEPOSITION OF PERMITTEE

NOTE—Questions 1 to 12 inclusive must be answered regardless of the purpose for which your permit for water has been granted. If this proof is made for irrigation purposes, a cultural map showing actual boundaries of land irrigated, together with classes of culture, etc., must accompany same, unless such map has already been filed. (See Sec. 69, Chapter 140, Statutes 1913.)

Question 1. What is your name, occupation, and postoffice address?

Answer: Marcos Legarra, Eureka, Nevada

Question 2. Are you acting in behalf of a corporation? If so, state its name, place of business, and your authority for acting in its behalf.

Answer: NO.

Question 3. What is the number of the permit under which this proof is made? Answer: 5160

Question 4. From what source do you obtain your water supply?

Answer: Sheep Canyon Spring

Question 5. What is the name of the canal, conduit, or other works by which water is conducted to its place of use?

Answer: Sheep Canyon Ditch.

Question 6. Are you the person to whom the permit was issued? If not, state how you obtained it, giving the succession of title.

Answer: Acquired by purchase from Clement Maggini, who was the applicant.

(If assignments of title are not on file in the office of the State Engineer, the certificate will issue to the original applicant.)

Question 7. For what purpose are you using the water for which you are now making proof?

Answer: Stockwatering.

Question 8. How many cubic feet per second of water, or fraction thereof, have you actually diverted and beneficially used for the purpose for which this proof is made?

(Actual measurement of water shall be given. 40 miners' inches equals 1 cubic foot per second. 1 miners' inch equals 11.21 gallons per minute. 448.83 gallons per minute equals 1 cubic foot per second.)

Answer: Full flow of spring as shown by application.

Question 9. State the period during the year when water has been beneficially used.

Answer: April to November of each and every year.

Question 10. Do you divert and use more water at periods than granted in the permit for which proof is made? If so, make proper explanation.

Answer: No.

Question 11. Give date when water measurements were taken, the point at which such measurements were taken and the name and address of person who made the measurements.

Answer: No measurements made, volume approximated.

Question 12. State, if you know, the normal number of cubic feet per second flowing in the source at your point of diversion.

Answer: Not measured.

IF WATER IS USED FOR IRRIGATION ANSWER THE FOLLOWING:

Question 13. Upon how many acres have you beneficially used water?

Answer: NONE.

Question 14. Give the number of acres in each legal subdivision.

Answer: \_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.  
\_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.  
\_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.  
\_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.  
\_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.  
\_\_\_\_\_ acres in the \_\_\_\_\_ of Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_ E.

(Enumerate only the land upon which water has been actually used.)

Question 15. Have you installed a headgate and weir at your point of diversion, as required by the terms of your permit? Give approximate dimensions of headgate.

Answer: \_\_\_\_\_

Question 16. Do you use the rotation system for irrigating?

Answer: \_\_\_\_\_

Question 17. What is the character of the soil irrigated?

Answer: \_\_\_\_\_

IF WATER IS USED FOR STOCK WATERING OR DOMESTIC PURPOSES  
ANSWER THE FOLLOWING:

Question 18. Give detailed description of works of diversion and manner by which water is stored for beneficial use, embracing approximate dimensions of dam at source, size and length of pipe, and size and number of tanks or troughs. If troughs are not used state exactly how water is stored for beneficial use.

Answer: Dam approximately ten feet in diameter near the spring which  
dam is connected with troughs by means of 12 feet of 2 inch  
pipe. Troughs are constructed of lumber, and are nine in  
number; fourteen feet in length, each.

Question 19. Give approximate number and kind of animals watered.

Answer: 2000 head of sheep.

IF WATER IS USED FOR POWER OR MINING AND MILLING PURPOSES  
ANSWER THE FOLLOWING:

Question 20. What are the dimensions of the diversion headgate and carrying capacity of the conduit in cubic feet per second? Is water diverted by ditch, pipe or flume?

Answer: Not so used.



Answer: .....

Answer: .....

Answer: .....

Remarks:

Signed: Marcos Legana

Edgar Eather,

Beck Properties Exhibit 17 - Page 6

AMENDED  
APPLICATION FOR PERMIT

Serial No. 5160

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office JUL 18 1918  
Returned to applicant for correction JUL 29 1918  
Corrected application filed SEP 20 1918

The undersigned, Clement Maggini,  
Name of applicant.  
of Eureka, County of Eureka,  
State of Nevada, hereby makes 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.)

1. The source of the proposed appropriation is Unnamed Spring,  
Name of stream, lake, or other source.  
(Maggini No.1), unsurveyed ground, which when surveyed will be in-  
cluded in NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 12, Township 22, N.R.54.E.
2. The amount of water applied for is .3 second-feet.  
One second-foot equals 40 miners' inches.
3. The water to be used for Watering stock  
Irrigation, power, milling, manufacturing, domestic, or other use.
4. The water is to be diverted from its source at the following  
point: Near the spring in NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 12, Township 22, N.R.54.E  
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land it should be so stated.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is \_\_\_\_\_
- (b) Description of land to be irrigated \_\_\_\_\_  
Describe by legal subdivision, or if on unsurveyed land it

should be so stated and a description provided to accordance with special instruction from the State Engineer when application is returned for correction.

- (c) Irrigation will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
Month. \_\_\_\_\_, of each year.  
Month.

IF WATER IS TO BE USED FOR POWER, MINING, TRANSPORTATION, OR OTHER USE, SUPPLY THE  
FOLLOWING INFORMATION:

- (d) Power to be developed is \_\_\_\_\_ horsepower.
- (e) Works to be located Approximately NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , Sec.12, T.22N., R.54E.  
Give 40-acre subdivision on which works will be located, or locate by course and distance to a section corner.  
M.D.B. & M., Water Collected and thence through pipe into Troughs and  
are now in use
- (f) Point of return of water to stream Not returned to stream.  
Describe in same manner as point of diversion.
- (g) Remarks Approximately 1500 to 2000 head of sheep will be watered  
and 200 head of cattle.

# DESCRIPTION OF PROPOSED WORKS

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

Excavating so as to develop water, collecting and conducting the same through pipes to a trough or troughs near the spring where it will be used for watering stock.

5. Estimated cost of works \$75.00
8. Estimated time required to construct works One year
7. Remarks \_\_\_\_\_

For use of applicant.

Clement Maggini, Applicant.  
By William P. Wright, Agent.

Compared P.P. Jones

This sheet inspected \_\_\_\_\_, Engineer.

## 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 all prior rights on the source.  
The State reserves the right to regulate the use of the water herein granted at any and all times. It is distinctly understood that applicant agrees to the terms herein contained.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.025 cubic feet per second. (One fortieth)

Actual construction work shall begin on or before May 28, 1920.

Proof of commencement of work shall be filed before June 28, 1920.

Work must be prosecuted with reasonable diligence and be completed on or before May 28, 1921.

Proof of completion of work shall be filed before June 28, 1921.

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

October 28, 1921. Proof of the application of water to beneficial use must be filed with State Engineer on or before November 28, 1921.

JUN 25 1920

May 7/20/20

WITNESS MY HAND AND SEAL this 28th day

of October, 1919.

Proof of completion of work filed Nov 12 1921

Proof of beneficial use filed FEB 11 1924

Permit No. 1924 issued March 31 1924

April 7 1924 73K. C. Page 172

W. P. Wright  
State Engineer.