

5160



No. 5160

Indexed under		Report No.
Name of applicant		
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 Withdrawn by applicant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 .0125 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 17, 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 ^{show} 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

ASSIGNED

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 SE 1/4 Sec. 12, T.22 N., R. 54 E., H.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 9 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

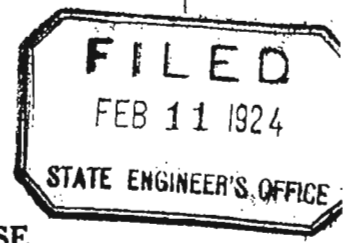
of Nevada, have hereunto set my hand and the seal of my office, this

31st day of March, A. D. 1924

Handwritten signature of Robert A. Allen, State Engineer.

Vertical stamp: Compared by M. M. ...

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Recorded April 7, 1924 Eureka Co. Page 172
Eureka County Records



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.

Question 21. What are the dimensions of the cross-section of the pipe, flume, ditch or other conduit at each change in cross-section, and the length of each portion of the same size?

Answer:

Question 22. What is the average grade or difference in elevation between the termini of the conduit? Give the grades of the different sections of conduit as shown above.

Answer:

Question 23. Give any information concerning diversion and use of water for power or mining not covered above.

Answer:

IF WATER IS USED FOR ANY PURPOSE NOT HERETOFORE NAMED
DESCRIBE FULLY UNDER REMARKS:

Remarks:

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(Give all information relative to the method of use of water and any other matters you deem important.)

The map made in substantiation of the claims herein, prepared under my instructions and authority, shows the actual conditions on the premises.

Signed: *Marco Legana*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Eureka, County of Eureka, State of Nevada, on this 8th day of February, A. D. 1924

Edgar E. Carter
.....
Notary Public.

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, (Maggini No.1), unsurveyed ground, which when surveyed will be included in NE 1/4 of SE 1/4 of Section 12, Township 22, N.R.54, E.
2. The amount of water applied for is .3 second-feet.
3. The water to be used for Watering stock
4. The water is to be diverted from its source at the following point: Near the spring in NE 1/4 of SE 1/4 of Section 12, Township 22, N.R.54, E.

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
(c) Irrigation will begin about and end about of each year.

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 1/4 of SE 1/4, Sec.12, T.22N., R.54E.
(f) Point of return of water to stream Not returned to stream.
(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

6. 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
7/20/20

WITNESS MY HAND AND SEAL this 28th day of October, 1919.

of completion of work filed NOV 12 1921

of beneficial use filed FEB 11 1924

Permit No. 1012 Issued March 31st 1924 for 0.025 cfs.
April 7, 1924 73K. C. Page 172

[Signature] State Engineer.