

Application No. 20794 Certificate Record No. 7573 Book 24 Page 7573

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Gerard S. Witucki, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Cave Springs and tributaries through diversion works, storage reservoir and distribution system for recreation, fire protection and domestic purposes. The point of diversion of water from the source is as follows: SW 1/4 NE 1/4 Sec. 9, T. 13 N., R. 69 E., M.D.B.&M. or at a point from which the SE corner of Sec. 10 T. 13 N., R. 69 E., M.D.B.&M., bears S 70° 10' E., a distance of 8312.49 feet. situated in White Pine County, State of Nevada.

Now KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator U. S. of America, Dept. of Interior, National Park Service
Post-office address San Francisco, California

*Amount of appropriation 0.15 c.f.s. but not to exceed 109.5 ac.ft annually
Period of use, from January 1st to December 31st of each year

**Date of priority of appropriation As Decreed

Description of works of diversion, manner & place of use:
Water is collected in a 1000 gallon infiltration gallery thence conveyed through 4 inch C. I. and 2 inch G. S. Pipe to a 50,000 gallon reservoir thence through 5000 feet of 6 inch C. I. pipe to a lime-chlorinization house with distribution lines to supply taps, fire hydrants and other distribution valves. The place of use is located in portions of Sections 10 and 15, T. 13 N., R. 69 E., M.D.B.&M., where it is used for recreation fire protection, and domestic purposes.

* This certificate is issued subject to the terms of the permit. **This certificate changes the Point of Diversion, manner and place of use of Proof 01065 under the Baker-Lehman Creek Decree, hence the priority and duty is as decreed.

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 and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, ROLAND D. WESTERGARD, State Engineer

Compared sb/ of Nevada, have hereunto set my hand and the seal of my office, this
Recorded 3/19/71 Bk 301 Page 369 10th day of March, A. D. 19 71
White Pine County Records. Roland D. Westergard State Engineer.

RECORDED 3/19/71
BOOK 301 PAGE 369
JAMES H. HANCOCK RECORDER OF WHITE PINE COUNTY, NEVADA
MISCELLANEOUS RECORDS
AT 9:20AM
Feb 3.00
159011

AMENDED

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..... OCT 18 1962

Returned to applicant for correction..... DEC 13 1962

Corrected application filed..... JAN 3 1963 Map filed June 3, 1943 under 10959

The applicant..... The United States of America Department of the Interior, National Park Service

of..... Baker County of..... White Pine

State of..... Nevada, hereby makes application for permission to change the point of diversion, manner of use and place of use

of water heretofore appropriated under..... Proof No. 01065 for 0.15 c.f.s., of water in accordance with "Judgment of Decree" dated October 1, 1934, in the Seventh District Court of the State of Nevada at Ely, Nevada, Judge H.W. Edwards (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

presiding, in the proceedings entitled "In the Matter of the Determination of the Relative Rights in and to the Waters of Baker and Lehman Creeks and Tributaries in the County of White Pine, State of Nevada"

1. The source of water is..... Cave Spring, tributary to Baker-Lehman Creeks (Name of stream, lake or other source.)

2. The amount of water to be changed..... 0.15 second foot (109.5 acre-feet per annum) (Second feet, acre feet.)

3. The water to be used for..... domestic, recreation, fire protection. (If for stock state number and kind of animals.)

4. The water heretofore used for..... irrigation (If for stock state number and kind of animals.)

5. The water is to be diverted at the following point..... whence the common corner of Sections

10, 11, 14, 15, T. 13 N., R. 69 E., M.D.B.&M., bears S. 70°10' E., (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.)

8,312.49 feet on unsurveyed lands (SW 1/4 NE 1/4 Sec. 9, T. 13 N., R. 69 E.,)

6. The existing point of diversion is located within..... at a point whence S.E. cor. Sec. 12, T. 13 N., R. 69 E., M.D.B.&M., bears S. 87° 08' E., 15,266.8 feet on (If point of diversion is not changed, do not answer.)

unsurveyed lands (SW 1/4 SW 1/4) Sec. 10, T. 13 N., R. 69 E., M.D.B.&M.)

7. Proposed place of use..... NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Sec. 15 and the SE 1/4 SW 1/4 Sec. 10, (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

all within T. 13 N., R. 69 E., M.D.B.&M.

8. Existing place of use..... NE 1/4 NW 1/4 and the NW 1/4 NE 1/4 Sec. 15, T. 13 N., R. 69 E., (Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)

M.D.B.&M., irrigation of 7.5 acres.

9. Use will be from..... January 1st (Month) to..... December 31st (Month) of each year.

10. Use has been from..... January 1st (Month) to..... December 31st (Month) of each year.

11. Description of proposed works.

as specified and shown on the attached Drawing No. NM-LC-3131A-entitled
(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)
WATER SYSTEM, LEHMAN CAVES NATIONAL MONUMENT, hereby made a part of
(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)
this application.

12. Estimated cost of works.....\$55,000.00.....

13. Estimated time required to construct works..... five years.....

14. Remarks..... Map filed under 10959 will support this application.....

Compared..... hs/lb hs/ns.....
United States of America, Department
Applicant..... of the Interior, National Park
Service
By..... s/ Paul M. Steel.....

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, manner of use and place of use of Cave Spring, tributary to Baker-Lehman Creeks heretofore decreed under Proof 01065 in accordance with "Judgment and Decree" dated October 1, 1934 "In the Matter of the Determination of the Relative Rights in and to the Waters of Baker-Lehman Creeks and Tributaries in White Pine County, Nevada," 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.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.15..... cubic feet per second, and not to exceed..... 109.5 acre-feet annually.....

Actual construction work shall begin on or before..... October 7, 1964.....

Proof of commencement of work shall be filed before..... November 7, 1964.....

Work must be prosecuted with reasonable diligence and be completed on or before..... October 7, 1965.....

Proof of completion of work shall be filed before..... November 7, 1965.....

Application of water to beneficial use shall be made on or before..... October 7, 1968.....

Proof of the application of water to beneficial use shall be filed on or before..... November 7, 1968.....

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

Commencement of work filed..... May 22, 1964
Completion of work filed..... May 22, 1964
Proof of beneficial use filed..... DEC 12 1970
Cultural map filed.....
Certificate No. 7573 Issued 3/10/71
Recorded 3-19-71 Bk. 301 Page 369

WITNESS MY HAND AND SEAL this..... 7th..... day
of..... April....., 1964
ELMO J. DeRICCO
State Engineer
By.....
Assistant State Engineer