

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 19 1964

Returned to applicant for correction

Corrected application filed NOV 27 1964 Map filed NOV 27 1964

The applicant Theodore H. Berry Star Route 2 of Jackson, County of Amadore

State of California, hereby makes application for permission to change the

Place of use.

of water heretofore appropriated under Permit No. 17293

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

1. The source of water is Underground source (Artesian well). (Name of stream, lake or other source.)

2. The amount of water to be changed 3 cfs (Second feet, acre feet.)

3. The water to be used for Mining and milling and domestic (If for stock state number and kind of animals.)

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

5. The water is to be diverted at the following point In the SE 1/2 SE 1/2 Sec. 34, T. 29 N., R. 34 E., M.D.B. & M., or at a point from which the South 1/2 corner of said Sec. 34 bears S. 77° 33' W., 2390 feet distant. (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.)

6. The existing point of diversion is located within No change (If point of diversion is not changed, do not answer.)

7. Proposed place of use SE 1/2 SW 1/2 Sec. 15, T. 28 N., R. 34 E., M.D.B. & M. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use S 1/2 SE 1/2 SE 1/2 Sec. 35, T. 29 N., R. 34 E., M.D.B. & M. (Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.) S 1/2 S 1/2 Sec. 36, T. 29 N., R. 34 E., M.D.B. & M. SE 1/2 NE 1/2 SE 1/2 Sec. 36, T. 29 N., R. 34 E., M.D.B. & M. S 1/2 Sec. 31, T. 29 N., R. 35 E., M.D.B. & M. SW 1/2 Sec. 32, T. 29 N., R. 35 E., M.D.B. & M.

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

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

11. Description of proposed works.

It is proposed to pipe this water southerly 3 1/2 miles to the proposed new
(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)

mill site of Silver State Consolidated Mines Company.
(State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

12. Estimated cost of works..... \$50,000.00

13. Estimated time required to construct works..... 3 years

14. Remarks..... This permit is under option to Silver State Consolidated Mines
Company for the outright purchase of this mill.

Compared..... awb/hs..... hs/awb.....
Pro. Feb. 12, 1965 by Quicksilver Corp.
Pro. Feb. 15, 1965 by Wabash Mine
Overruled 4-30-65 See Ruling 772

Applicant..... Theodore H. Berry
By..... s/Robert W. Millard
Robert W. Millard, Agent
P. O. Box 150
Ely, Nevada

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 place of use of the waters of an underground source as heretofore granted under Permit 17293 is issued subject to the terms and conditions imposed in said Permit 17293 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening, an air line and a weir or other type of measuring device at or near the well to facilitate the measurement and control of the water. If well is flowing, a valve must be installed and maintained to prevent waste. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 3.0..... cubic feet per second

Actual construction work shall begin on or before..... October 30, 1965

Proof of commencement of work shall be filed before..... November 30, 1965

Work must be prosecuted with reasonable diligence and be completed on or before..... October 30, 1966

Proof of completion of work shall be filed before..... November 30, 1966

Application of water to beneficial use shall be made on or before..... October 30, 1967

Proof of the application of water to beneficial use shall be filed on or before..... November 30, 1967

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

Commencement of work filed..... Sept 21, 1966

Completion of work filed..... Nov 7, 1967

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

Recorded..... Bk..... Page.....

WITNESS MY HAND AND SEAL this..... 30th..... day
of..... April..... 1965

GEORGE W. HENNEN
State Engineer

By.....
Assistant State Engineer

ABROGATED BY 24207