

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

JAN 10 1972

Date of filing in State Engineer's Office

FEB 29 1972

Returned to applicant for correction

APR 13 1972

Map filed

MAR 14 1972

Corrected application filed

The applicant Cappaert Enterprises of P. O. Box 1044 Rifle Range Rd., County of Vicksburg State of Mississippi, hereby makes application for permission to change the Manner of use and place of use of a portion of water heretofore appropriated under permit number 24870

(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 Clay Pits (Name of stream, lake or other source.)
2. The amount of water to be changed .03125 cfs. (Second feet, acre feet.)
3. The water to be used for watering 1,000 head of cattle (If for stock state number and kind of animals.)
4. The water heretofore used for Irrigation & Domestic (If for stock state number and kind of animals.)
5. The water is to be diverted at the following point NW¹/₄ NE¹/₄ Sec.7, T 18S, R 50E MDB & M from which the N¹/₄ corner Section 7 Bears N 57°28'W 1320.25' feet. (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 (If point of diversion is not changed, do not answer.)

7. Proposed place of use NW¹/₄ NE¹/₄ Sec.7, T 18S, R 50E MDB & M (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use E¹/₂ NE¹/₄ Sec. 16, NE¹/₄, W¹/₂ SW¹/₄ Sec. 15 T 18S, R 50E, MDB & M. (Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.)

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

11. Description of proposed works.

diverted by channel to open pond

(Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)

(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. \$500

13. Estimated time required to construct works. 1 year

14. Remarks. A total of 4.524 acres will be removed from the place of use of permit 24870 as a result of this change of place of use.

Compared ga/jw hs/ga Applicant Cappaert Enterprises

By s/ Grant A. Engstrom

Grant A. Engstrom, Agent

13405 Mahogany Drive, Reno, Nevada 89502

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 manner and place of the waters of Clay Pits as heretofore granted under Permit 24870, is issued subject to the terms and conditions imposed in said Permit 24870, and with the understanding that no other rights on the source will be affected by the change proposed herein. This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of cattle served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.03125 cubic feet per second, or sufficient water to water 1,000 head of cattle.

Actual construction work shall begin on or before March 20, 1973

Proof of commencement of work shall be filed before April 20, 1973

Work must be prosecuted with reasonable diligence and be completed on or before March 20, 1974

Proof of completion of work shall be filed before April 20, 1974

Application of water to beneficial use shall be made on or before March 20, 1975

Proof of the application of water to beneficial use shall be filed on or before April 20, 1975

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

Commencement of work filed MAY 17 1973 IN TESTIMONY WHEREOF, I Roland D. Westergard, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of September, A.D. 1972

[Signature of Roland D. Westergard]

State Engineer

WITHDRAWN BY APPLICANT JUL 11 1986 [Signature]