

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... May 15, 1972
Returned to applicant for correction..... July 13, 1972
Corrected application filed..... September 19, 1972
Map filed..... September 28, 1972

The applicant..... Elmer A. Herbort
of..... % Chilton Engineering 421 Court, County of..... Elko
State of..... Nevada 89801....., hereby make.... 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 incorpora-
tion; if a copartnership or association, give names of members.).....

1. The source of the proposed appropriation is..... Underground
Name of stream, lake or other source.

2. The amount of water applied for is..... 5.0 cfs..... second-foot
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet..... acre-feet

3. The water to be used for..... Irrigation and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated)..... 320 acres

(b) Stockwater (state number and kinds of animals to be watered).....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point:..... SW¼SW¼, Sec.16, T19N.R47E,
MDM, at a point from which the W¼ corner of said Section 16 bears
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
N 4° 04' 42" W 1423.52 feet
it should be stated.

6. Place of use..... S½S½, Section 16 and N½N½, Section 21, all in T 19 N,
Describe by legal subdivision, if on unsurveyed land it should be so stated.
R 47 E, MDM

7. Use will begin about..... January 1..... and end about..... December 31....., of each year.
Month Month

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans
and specifications of your diversion or storage works.)..... Drill and cased well equipped
with deep well turbine, ditches and laterals to Place of Use
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

9. Estimated cost of works..... \$10,000.00
 10. Estimated time required to construct works..... 5 years
 11. Estimated time required to complete the application to beneficial use..... 5 years
 12. Remarks Please send copies of all correspondence and notices to:
 P.O. Box 6386-San Antonio, Texas 78209
 D.L.E. #062106

Applicant Elmer A. Herbort
 Pro. 1-5-73 by Peter Damele & Sons
 Overruled 6-12-73 - Ruling #1913 By s/Mark Chilton
 Agent
 Compared cm:ga lk/bs 421 Court
 Elko, Nevada 89801

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 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 amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to other ground water development in the area. A substantial weir or other type of measuring device must be installed and measurements of water use kept. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.0 cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before February 17, 1974
 Proof of commencement of work shall be filed before March 17, 1974
 Work must be prosecuted with reasonable diligence and be completed on or before February 17, 1975
 Proof of completion of work shall be filed before March 17, 1975
 Application of water to beneficial use shall be made on or before February 17, 1978
 Proof of the application of water to beneficial use shall be filed on or before March 17, 1978
 Map in support of proof of beneficial use shall be filed on or before March 17, 1978

Commencement of work filed FEB 22 1974
 Completion of work filed FEB 22 1974
 Proof of beneficial use filed
 Cultural map filed
 Certificate No. Issued A.D. 1973
 Recorded Bk. Page
 County Recorder

IN TESTIMONY WHEREOF, I, ROLAND D. WESTERGARD, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of August

Roland D. Westergard
 State Engineer

CANCELLED APR 24 1978 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Roland D. Westergard STATE ENGINEER JB