

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

FEB 5 1974

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed.....

Map filed..... July 12, 1963 under 21389

The applicant Nye County Development Company, Inc., c/o Anglo Fabric Co., Inc.
of 1407 Broadway New York, County of.....

State of New York 10018....., 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 incorporation; if a copartnership or association, give names of members.).....

Reno, Nevada - February, 1962

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 c.f.s. second-feet
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: Lot 8 (SE1/4 SE1/4) in

Section 33, T.16S., R.49E., MDB&M, or at a point from which the
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.
SE corner of said Section 33 bears South 26°01' East, a distance
of 1095 feet.

6. Place of use Lots 1, 2, 3, 4, 5, 6, 7, and 8 of Section 33, T.16S.,
Describe by legal subdivision, if on unsurveyed land it should be so stated.

R.49E., MDB&M

7. Use will begin about January 1st and end about December 31st, 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.) Drilled well, pump, motor and irrigation system.

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 \$12,000
- 10. Estimated time required to construct works 5 years
- 11. Estimated time required to complete the application to beneficial use 5 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

We request that the map filed under Permit No. 21389 be accepted as the supporting map for this application

Applicant Nye County Development Company, Inc.

By s/ R. LeRoy Givens
R. LeRoy Givens-State Water Right Surveyor
 Compared bs/lk lk/jw c/o Boyle Engineering Corporation
1209 S. Commerce St.
Las Vegas, Nevada 89102
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.

This permit is issued subject to the final determination of litigation pending in the United States District Court for the District of Nevada styled United States of America vs. Francis Leo Cappaert, et al., Civil - LV 1687.

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 5.0 acre-feet per acre of land irrigated from any and/or all sources.

- Actual construction work shall begin on or before September 24, 1975
- Proof of commencement of work shall be filed before October 24, 1975
- Work must be prosecuted with reasonable diligence and be completed on or before September 24, 1976
- Proof of completion of work shall be filed before October 24, 1976
- Application of water to beneficial use shall be made on or before September 24, 1979
- Proof of the application of water to beneficial use shall be filed on or before October 24, 1979
- Map in support of proof of beneficial use shall be filed on or before October 24, 1979

Commencement of work filed..... IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 24th day of March

Certificate No. NOV 29 1976 A.D. 19 75
 Recorded CANCELLED BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT
Roland D. Westergard State Engineer
 STATE ENGINEER