AMENDED

№ 28851

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

Date of filing in State Engineer's Office OCT 29 1974

Returned to applicant for correction DEC 4 1974

Corrected application filed DEC 27 1974

Map filed [illegible] 7 1974 under 28841

The applicant Richard M. Swallow

So. Spring Valley Rte., of Ely,
Street and No. or P.O. Box No. City or Town

Nevada 89301, hereby make s application for permission to appropriate the public
State and Zip Code No.

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.)

1. The source of the proposed appropriation is Squaw Berry Spring No. 2
Name of stream, lake or other source.

2. The amount of water applied for is 1.5 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) 550 acres; 160 acres primary and 390 acres supplemental

   (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: SW¼ of the SE¼ of Section 30, T 13 N, R 68 E, M.D.M., unsurveyed or at a point from which
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.
the Southwest corner of Section 25, T 13 N, R 67 E, M.D.M., bears South 82° 57' 27" West a distance of 7,982.38 feet.

6. Place of use Primary use in the NE¼ of Section 34 and supplemental
Describe by legal subdivision, if on unsurveyed land it should be so stated.
use in N½ of NE¼, SW¼ of NE¼, Section 27, and SW¼, S½ of NW¼, NW¼ of NW¼, Section 26, all in T 13 N, R 67 E, MDM.

7. Use will begin about January 1st and end about December 31st, of each year.
Day and Month Day and 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.) through ditches and pipelines
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 $500.00

10. Estimated time required to construct works 3 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.

This application will be used for primary water on NE¼, Sec. 34 and supplemental water on SW¼, S½ of NW¼, NW¼ of NW¼, Sec. 26 and N½ of NE¼, SW¼ of NE¼ of Sec. 27, T.13N., R.67E., MDM.

Applicant Richard M. Swallow

By s/ Kenneth L. Haskew
Kenneth L. Haskew, 614 High St.
Ely, Nevada 89301

Compared cv/ga

Pro. 3-3-75 by El Tejon Cattle ~~Co.~~

DENIAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby ~~grant~~ deny the same, subject to the following limitations and conditions:

Applications 28841, 28842, 28843, 28844, 28845, 28846, 28847, 28848, 28850, 28851, 28852, 28853, 29107, 29108, 29109, 29110, 29111, 29112, 29113 and 29114 are hereby denied on the grounds that it would not be in the public interest to grant permits on sources where there is not sufficient flow to support the quantity of water requested under the applications. No ruling is made on the merits of the protests filed by El Tejon Cattle Company.

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

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

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

Commencement of work filed
Completion of work filed
Proof of beneficial use filed
Cultural map filed
Certificate No. Issued
Recorded Bk. Page
County Recorder

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 1st day of April, A.D. 19 97

R. Michael Turnipseed P.E.
State Engineer

28857

218 (Rev.)