Amended No. 2

**№ 28872**

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

Date of filing in State Engineer's Office NOV 4 1974

Returned to applicant for correction NOV 27 1974

Corrected application filed DEC 4 1974

Map filed NOV 14 1974

The applicant M. H. Fowler

P. O. Box 214704 (Street and No. or P.O. Box No.), of Sacramento (City or Town),

Ca. 95821 (State and Zip Code No.), 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.)

1. The source of the proposed appropriation is Rabbithole Springs (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 Mining, milling & domestic (Irrigation, power, mining, manufacturing, domestic, or other use.)

4. If use is for:

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

   (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: in the SW¼ NW¼ of Sec. 5 T.33N., R.29E., (unsurveyed) M.D.B.&M., or a point from which the SE corner of Sec. 32, T.35N., R29E., M.D.B.&M. bears N. 3°36'40" E. 35,752.3 ft.
   (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. Place of use SW¼ of Sec.28 and NW¼ of Sec. 33 (unsurveyed) T.34N., R.29E., M.D.B.&M.
   (Describe by legal subdivision, if on unsurveyed land it should be so stated.)

7. Use will begin about Jan. 1st (Day and Month) and end about Dec. 31st (Day and Month), of each year.

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.) pump 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 $2,000

10. Estimated time required to construct works 1 year

11. Estimated time required to complete the application to beneficial use 4 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

It is proposed to install a placer washing plant and campsite. Preliminary capacity 500 yds./day. This will require 1.5 c.f.s. (600 g.p.m.) 8 hrs./day 360 days/year.

Applicant M. H. Fowler

By S/ J. R. Caldwell

Compared cv/jw lk/ga

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 1.5 c.f.s., 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 a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

The total combined duty of water under this permit and Permits 28868, 28869, 28870, 28871 and 28873 shall not exceed 103.68 million gallons annually.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.5 cubic feet per second, but not to exceed 103.68 million gallons annually.

Actual construction work shall begin on or before September 19, 1975

Proof of commencement of work shall be filed before October 19, 1975

Work must be prosecuted with reasonable diligence and be completed on or before September 19, 1976

Proof of completion of work shall be filed before October 19, 1976

Application of water to beneficial use shall be made on or before September 19, 1979

Proof of the application of water to beneficial use shall be filed on or before October 19, 1979

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

Commencement of work filed DEC 5 1975

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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 19th day of March, A.D. 19 75

Roland D. Westergard Jr.
State Engineer

CANCELLED DEC 20 1976 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Roland D. Westergard
STATE ENGINEER

218 (Rev.)