

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

AUG 15 1975

Date of filing in State Engineer's Office

Returned to applicant for correction

Corrected application filed

Map filed November 27, 1962 under 20868

The applicant Nye County Development Co., Inc. c/o Angle Fabrics, 1407 Broadway, of New York

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, in February, 1962.

1. The source of the proposed appropriation is an underground source in Nye County

2. The amount of water applied for is 3.0 second-feet

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

3. The water to be used for irrigation

4. If use is for:

(a) Irrigation (state number of acres to be irrigated) 120

(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: NW 1/4 NW 1/4, Section 11, T.17S.,

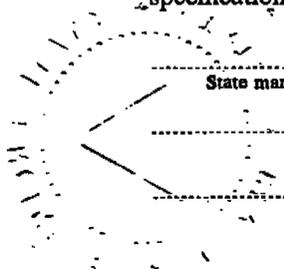
R.49E., M.D.B.&M., or at a point from which the NE corner of Section 2, T.17S., R.49E., M.D.B.&M. bears North 37° 03' East a distance of 6,740 feet.

6. Place of use S 1/2 NW 1/4 and the NW 1/4 NW 1/4 of Sec. 11, T.17S., R.49E., M.D.B.&M.

7. Use will begin about January 1 and end about December 31, 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.) Drilled well, sprinklers and/or ditches

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
- 10. Estimated time required to construct works 4 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 is a refile on Permit No. 26643 and request that supporting map filed under Permit No. 26643 be used in support of this application.

Applicant Nye County Development Co., Inc.

By s/ R. LeRoy Givens
R. LeRoy Givens, State Water Right
Surveyor, c/o Boyle Engineering,
1209 S. Commerce Street
Las Vegas, Nevada 89102

Compared jw/bs bs/jw

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 2.4 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 July 27, 1976
- Proof of commencement of work shall be filed before August 27, 1976
- Work must be prosecuted with reasonable diligence and be completed on or before July 27, 1977
- Proof of completion of work shall be filed before August 27, 1977
- Application of water to beneficial use shall be made on or before July 27, 1979
- Proof of the application of water to beneficial use shall be filed on or before August 27, 1979
- Map in support of proof of beneficial use shall be filed on or before August 27, 1979

Commencement of work filed SEP 7 1977
 Completion of work filed.....
 Proof of beneficial use filed.....
 Cultural map filed.....
 Certificate No..... Issued.....
 Recorded..... Bk..... Page.....

IN TESTIMONY WHEREOF, I ROLAND D. WESTERGARD,
 State Engineer of Nevada, have hereunto set my hand and the seal of
 my office, this 27th day of January

A.D. 19 76

[Signature]
 CANCELLED OCT 12 1979
 BECAUSE OF FAILURE TO COMPLY WITH THE PROVISIONS OF PERMIT
 State Engineer