

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

Date of filing in State Engineer's Office AUG 15 1975

Returned to applicant for correction

Corrected application filed

Map filed November 27, 1962, under 20701

The applicant Nye County Development Co., Inc.

c/o Anglo 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, Nevada

2. The amount of water applied for is 6.0 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) 320

(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: NE 1/4 NE 1/4, Sec. 4, T.17S.,

R.49E. M.D.B.&M. or at a point from which the NE corner of said Sec. 4 bears North 45° East a distance of 100 feet.

6. Place of use. Lots 1 and 2, S 1/2 NE 1/4 and the SE 1/4 of Sec. 4, 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, pipelines and/or

ditches and sprinklers

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..... \$20,000
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. 26644 and request that the supporting map filed under Permit No. 26644 be used in support of this application.

Applicant Nye County Development Co., Inc.

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

Compared jw/bz

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 total combined amount of water granted under this permit and Permit 27388 is limited to what the well covered under the two permits is capable of producing. If certificates of appropriation are issued under this permit and Permit 27388, the total combined amount of appropriation granted in said certificates shall not exceed what the well covered under the two permits is capable of producing.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.4 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 September 4, 1976

Proof of commencement of work shall be filed before October 4, 1976

Work must be prosecuted with reasonable diligence and be completed on or before September 4, 1977

Proof of completion of work shall be filed before October 4, 1977

Application of water to beneficial use shall be made on or before September 4, 1980

Proof of the application of water to beneficial use shall be filed on or before October 4, 1980

Map in support of proof of beneficial use shall be filed on or before October 4, 1980

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 ROLAND D. WESTERGARD
 State Engineer of Nevada, have hereunto set my hand and the seal of
 my office, this 4th day of March

A.D. 1976

CANCELLED FEB 28 1978 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT