

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

Date of filing in State Engineer's Office May 3, 1976

Returned to applicant for correction _____

Corrected application filed _____

Map filed April 16, 1962, under 20410

The applicant Nye County Development Co., Inc., c/o Mr. Steve Honig,
Anglo Fabrics Co., Inc.
1407 Broadway, of New York
Street and No. or P.O. Box No. City or Town
New York 10018, hereby make 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.) February 1962 - Reno, Nevada.

1. The source of the proposed appropriation is underground
Name of stream, lake or other source.

2. The amount of water applied for is 3.0 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
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: NE 1/4 NE 1/4 of Section 4, T.17S.,

R.49E., M.D.B.&M., or at a point from which the NE corner of said

Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,

Section 4 bears North 45° East, a distance of 100 feet.

it should be stated.

6. Place of use E 1/2 of Section 4, T.17S., R.49E., M.D.B.&M.

Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about March 1st and end about October 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.) Drilled well, sprinklers and/or pipelines and ditches to places of use.

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.

This application is a refile on Permit No. 27388 and it is requested that the map filed in support of Permit No. 27388 be used to support this application.

Applicant Nye County Development Co., Inc.

By s/ R. LeRoy Givens
R. LeRoy Givens, State Water Right Surveyor
 Compared jw/bs lk/bs c/o Boyle Engineering Corporation
1209 South Commerce Street
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.

The total combined amount of water granted under this permit and Permit 29580 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 29580, 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.

This permit is issued subject to the final decision by the Supreme Court of the United States dated June 7, 1976 in the matter of Francis Leo Cappaert et al., v. United States et al., Nos. 74-1107 and 74-1304.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.0 cubic feet per second but not to exceed a seasonal 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 March 22, 1977
- Proof of commencement of work shall be filed before April 22, 1977
- Work must be prosecuted with reasonable diligence and be completed on or before March 22, 1978
- Proof of completion of work shall be filed before April 22, 1978
- Application of water to beneficial use shall be made on or before March 22, 1981
- Proof of the application of water to beneficial use shall be filed on or before April 22, 1981
- Map in support of proof of beneficial use shall be filed on or before April 22, 1981

Commencement of work filed MAY 10 1978
 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 22nd day of September

A.D. 19 76

CANCELLED MAY 24 1979 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMITS

William J. Keenan
 STATE ENGINEER