AMENDED

№ 35428

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

Date of filing in State Engineer's Office MAY 12 1978

Returned to applicant for correction AUG 1 1978

Corrected application filed OCT 2 1978

Map filed OCT 2 1978 under 35424

The applicant Kenneth H. Earp and Doris N. Earp

799 Fletcher Lane (Street and No. or P.O. Box No.), of Hayward (City or Town),

California 94544 (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 underground (Name of stream, lake or other source.)

2. The amount of water applied for is 10 cfs (One second-foot equals 448.83 gals. per min.) second-feet

   (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) 1,080 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: SE¼NE¼ of section 31, T40N, R25E, MDB&M, or at a point from which the NW corner of said section (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.) 31 bears N 76° 23' W 5369.0'

6. Place of use N½, N½S½, S½SW¼ of section 31; W½, W½E½ of section 32, (Describe by legal subdivision, if on unsurveyed land it should be so stated.) T40N, R25E, Lot 4 of NW¼ of section 5, T39N, R25E, MDB&M.

7. Use will begin about 1st January (Day and Month) and end about 31st December (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.) well, pump, motor, 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.)

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9. Estimated cost of works $50,000.00

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.

Applicant Kenneth H. Earp and
Doris N. Earp

By s/ Robert N. Caldwell
Robert N. Caldwell (agent)
510 Melarkey Street
Winnemucca, Nevada 89445

Compared lp/ga gk/ja

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 amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 6.0 cubic feet per second, but not to exceed a yearly duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before November 27, 1980

Proof of commencement of work shall be filed before December 27, 1980

Work must be prosecuted with reasonable diligence and be completed on or before November 27, 1981

Proof of completion of work shall be filed before December 27, 1981

Application of water to beneficial use shall be made on or before November 27, 1984

Proof of the application of water to beneficial use shall be filed on or before December 27, 1984

Map in support of proof of beneficial use shall be filed on or before December 27, 1984

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

IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of MAY, A.D. 19 80

William J. Newman
State Engineer

CANCELLED MAR 1 2 1985 County Recorder BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Peter G. Morros
STATE ENGINEER