ASSIGNED

AMENDED

Nº 35542

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

Date of filing in State Engineer's Office JUN 1 6 1978

Returned to applicant for correction AUG 9 1978

Corrected application filed OCT 5 1978

Map filed OCT 5 1978 under 35538

The applicant White Pine County

P.O. Box 659 (Street and No. or P.O. Box No.), of Ely (City or Town),

Nevada 89301 (State and Zip Code No.), hereby makes 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 Well No. B5 (Name of stream, lake or other source.)

2. The amount of water applied for is 6.0 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 Industrial Purposes (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 SE¼SE¼ of section 14, T21N, R63E, MDB&M, whence the Southeast corner of said section 14 bears S 42° 33' 10" E, 935.29 feet distant.
   (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 Sections 2 through 11, 14 through 23 and 27 through 30, in T21N, R63E, MDB&M, sections 19 through 22 and 26 through 35 in T22N, R63E, MDB&M.
   (Describe by legal subdivision, if on unsurveyed land it should be so stated.)

7. Use will begin about 1st of January (Day and Month) and end about 31st of 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.) The water will be diverted through a pipeline (approx. 24" in diameter) to the propsed place 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 $25,000.00

10. Estimated time required to construct works 5 years

11. Estimated time required to complete the application to beneficial use 10 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 being filed in conjunction with eleven other applications (nos. 35538 through 35541 and 35543 through 35549) for a total yearly draw of 51,982.81 acre feet per year for a Power Generating Plant.

Applicant White Pine County

By s/ Richard Forman
Richard W. Forman, Agent
P.O. Box 150
Ely, Nevada 89301

Compared lp/ga br/bl

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 existing rights. 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. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. 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 Permits 35538, 35539, 35540, 35541, 35542, 35543, 35544, 35545, 35546, 35547, 35548 and 35549 shall not exceed 25,000 acre-feet annually.

The issuance of this permit is subject to the terms and conditions of the State Engineer's Ruling issued on August 17, 1983.

This permit is issued as a preferred use of the limited resource as authorized by NRS 534.120(2) and set forth in the State Engineer's Order No. 821 issued on August 23, 1983.

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 4344.0 acre-feet annually.

Actual construction work shall begin on or before N/A

Proof of commencement of work shall be filed before N/A

Work must be prosecuted with reasonable diligence and be completed on or before September 19, 1985

Proof of completion of work shall be filed before October 19, 1985

Application of water to beneficial use shall be made on or before September 19, 1990

Proof of the application of water to beneficial use shall be filed on or before October 19, 1990

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

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 PETER G. MORROS State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of SEPTEMBER, A.D. 19 83.

Peter G. Morros
State Engineer

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Abrogated by 45841, 45840 [illegible] 0,713