

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

Date of filing in State Engineer's Office APR 10 1979
Returned to applicant for correction SEP 20 1979
Corrected application filed NOV 13 1979
Map filed NOV 13 1979 under 37795

The applicant Boies Ranches c/o Boyack Surveying, Inc.
515 South Fifth Street, of Elko, Nevada 89801
Street and No. or P.O. Box No. City or Town
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.) Boies Ranches (a Nevada Corporation) December 30, 1959, Nevada

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

2. The amount of water applied for is 0.5 cfs second-foot
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 Stockwater
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) 1000 Cattle
(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: SW 1/4 NE 1/4 Section 4, T 41 N, R 62 E, MDB & M., at a point from which the NE Corner of said Section 4 bears N 41° 00' 00" E 2965.65 feet.
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 SW 1/4 NE 1/4 Section 4, T 41 N, R 62 E, MDB & M.
Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 and end about December 31, 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.) Improve spring

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.....\$1000.....
- 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 Boies Ranches
Pro. 3/25/80 by B.L.M.

Pro. Overruled 3-1-99 See Ruling #4706
Compared 1p/ga dl/cms

By /s/ Alan S. Boyack
Alan S. Boyack
515 South Fifth Street
Elko, Nevada 89801

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 period of use and the average number of livestock served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

This permit is issued subject to the State Engineer's Ruling No. 4706 issued March 1, 1999.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0312 cubic feet per second, or sufficient to water 1,000 head of cattle.

Actual construction work shall begin on or before.....

Proof of commencement of work shall be filed before.....

Work must be prosecuted with reasonable diligence and be completed on or before April 7, 2002

Proof of completion of work shall be filed before May 7, 2002

Application of water to beneficial use shall be made on or before April 7, 2004

Proof of the application of water to beneficial use shall be filed on or before May 7, 2004

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

Commencement of work filed MAY 23 2002
Completion of work filed
Proof of beneficial use filed 5/26/04
Cultural map filed
Certificate No. 16407 Issued 11/10/04
Recorded Bk. Page
County Recorder

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 7th day of April

A.D. 19 99

Christine Thiel
by Christine Thiel, P.E. State Engineer
Deputy State Engineer