

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

Date of filing in State Engineer's Office JUL 20 1979

Returned to applicant for correction NOV 9 1979

Corrected application filed JAN 4 1980

Map filed JAN 4 1980

The applicant Town of Kingston

Kingston Village, of Austin, Nevada

89310, hereby make S. 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 Sources

Name of stream, lake or other source.

2. The amount of water applied for is 5.57 cfs 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 Quasi-Municipal and Domestic

Irrigation, power, mining, manufacturing, domestic, or other use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated) 80 acres (See no. 12)

(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 NE 1/4 SW 1/4 of Section 36, T.16N., R.43E., MDB&M, whence the Southeast corner of said section 36 bears S. 47° 10' 48" E., 3651.60 feet distant, at a point

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

250 feet South of Kingston Creek.

it should be stated.

6. Place of use E 1/2 NE 1/4, Section 35; S 1/2 N 1/2, N 1/2 S 1/2, Section 36, T.16N., R.43E.,

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

MDB&M, S 1/2 NW 1/4, N 1/2 SW 1/4, NE 1/4, Section 31; SE 1/4 SE 1/4, Section 30; W 1/2 SW 1/4, NE 1/4

SW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4, Section 29, T.16N., R.44E., MDB&M. This land

comprises the Town of Kingston, which is subdivided into 1066 home-sites.

7. Use will begin about 1st of January and end about 31st of December 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.) Water will be pumped from the well to storage tanks and then piped to the 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..... \$20,000.00
- 10. Estimated time required to construct works..... 2 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.

Besides furnishing water for the 1066 homesites in the Town of Kingston, a part of this water will be used for irrigation of green belts, parks, and esthetic purposes (approximately 80 acres).

Applicant Town of Kingston
 Pro. 5/8/80 by J. Chester Young
 Pro. wdn. 3/21/83

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

Compared 1p/ga ja/br

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 permit is issued subject to the stipulation executed between J. Chester Young, the Town of Kingston, and the State Engineer, State of Nevada. This stipulation is attached hereto and by this reference made part hereof.

The total combined duty of water under this permit and Permit 45863 shall not exceed 500 acre-feet per year.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.57 cubic feet per second, but not to exceed 268.2 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..... May 17, 1985
- Proof of completion of work shall be filed before..... June 17, 1985
- Application of water to beneficial use shall be made on or before..... May 17, 1988
- Proof of the application of water to beneficial use shall be filed on or before..... June 17, 1988
- Map in support of proof of beneficial use shall be filed on or before..... June 17, 1988

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 17th day of MAY

A.D. 19 83

 State Engineer

1 Permits 34444, 34445 and 34446. The total annual duty of waters
2 granted pursuant to any such application to change the point of
3 diversion shall not exceed 268.2 acre-feet per year.

4 6. The parties are aware that the appeal taken to the
5 Nevada Supreme Court by Gordon C. Shelley, individually and on
6 behalf of Syndicated Investors, Ltd., a Nevada corporation, and
7 Kingston Management Association, Inc., a non-profit Nevada home-
8 owners association has been withdrawn. This Stipulation is executed
9 by all parties herein irrespective of the fact the decision of the
10 Honorable Richard J. Legarza, District Judge, entered October 12,
11 1982, is binding upon all parties.

12 7. Each party hereto agrees to execute or sign the
13 necessary additional documents to carry out the purpose and intent
14 of this Stipulation.

15 8. This Stipulation shall not be effective until the
16 signatures of all parties named hereto shall be first affixed.

17 9. This Stipulation shall bind all of the parties
18 hereto, their agents, employees, heirs, successors, assigns and
19 vendees.

20 10. J. Chester Young agrees that he will not, in the
21 future, apply for any water or water right held by the Town of
22 Kingston, whether or not the town shall show beneficial use of any
23 such water or water right.

24 11. J. Chester Young agrees to allow a sufficient quan-
25 tity of water to pass by his point of diversion so as to insure
26 that the town of Kingston shall receive its prior water right,
27 assigned claim number 02435, being 1.35 cubic feet per second with
28 an annual duty of 231.8 acre-feet.

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Date: 3/21/83 Ross E. de Lipkau
Ross de Lipkau, Esq.
Hill, Cassas, de Lipkau & Erwin
Attorneys for J Chester Young

Date: 3/21/83 George Benesch
George Benesch, Esq.
Deputy Attorney General for
Peter G. Morros
Successor in interest to
William J. Newman

Date: 3-31-83 Hy Forgeron
Hy Forgeron, District Attorney
Attorney for Town of Kingston

Date: 3-31-83 D.M. Matteucci
D. M. Matteucci, Chairman
Kingston Town Board