ASSIGNED

№ 38641

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

Date of filing in State Engineer's Office JUN 23 1979

Returned to applicant for correction APR 28 1980

Corrected application filed JUN 13 1980

Map filed JUN 13 1980

The applicant Frank Paxton & Family

c/o Chilton Engineering (Street and No. or P.O. Box No.), of 421 Court Street, Elko (City or Town),

Nevada 89801 (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.) Frank Paxton & Family, a partnership consisting of Franklin T. Paxton, aka Taft Paxton, C. Tad Paxton and Genevieve P. Rawson, Partners, and Maurine C. Paxton, wife of Franklin T. Paxton

1. The source of the proposed appropriation is Indian Spring No. 2 (Name of stream, lake or other source.)

2. The amount of water applied for is 0.2 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) 31.5 ac. (See application #3209) (Certificate #1120)

   (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: within SW¼ NE¼ Section 16 T24N, R49E M.D.M. or at a point from which the E¼ corner of said Section 16 bears S. 89° 49' E. 1602 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 Portions of S½ SW¼ Section 10, N½ NW¼ Section 15, T24N R49E M.D.M.
   (Describe by legal subdivision, if on unsurveyed land it should be so stated.)

7. Use will begin about Jan. 1 (Day and Month) and end about Dec. 31 (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.) Construct ditch connecting spring source with ditches built to carry water under certificate #1120
   (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 $1,000.00

10. Estimated time required to construct works 2 years

11. Estimated time required to complete the application to beneficial use 3 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water developed under this application will be co-mingled with permit No. 3209 and the map filed under #3209 is made a part thereof. Please send copies of all correspondence to: Frank Paxton, Carlin, Nevada 89822

Applicant Frank Paxton & Family

PRO: 11/2/79 by U.S. Govt., BLM, Battle Mtn. NV.

By /s/ William A. Nisbet Agent
421 Court Street
Elko, Nevada 89801

Compared vw/lp

DENIAL 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 application is hereby denied on the grounds that its issuance would threaten to prove detrimental to the public interest.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed ..... cubic feet per second

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

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

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 HUGH RICCI, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 9th day of March, A.D. ~~19~~2006

Hugh Ricci, P.E.
State Engineer

218 (Rev.)