Permit No. 40297

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant:	**KENNETH R. BUCKINGHAM**
Source:	**TONKIN BASIN SPRING NO. 2**
Basin:	**PINE VALLEY**
Manner of Use:	**STOCKWATERING**
Period of Use:	**January 1st to December 31st**
Priority Date:	**01/11/1980**

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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.

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

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 issued with the express understanding and on the condition that existing grazing use of the public range by authorized users or permittees will not be impaired or adversely affected by approval and issuance of this permit.

The point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.10 cubic feet per second, or sufficient to water 1000 head of cattle.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**August 21, 2009**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**August 21, 2010**
Map in support of proof of beneficial use shall be filed on or before:	**N/A**

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 21st day of **August**, A.D. **2007**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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ABSTRACTED

№ 40297

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

Date of filing in State Engineer's Office JAN 11 1980

Returned to applicant for correction MAY 21 1980

Corrected application filed

Map filed JAN 11 1980 Under 38633

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 and 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 Tonkin Basin Spring No. 2 (Name of stream, lake or other source.)

2. The amount of water applied for is 0.1 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 Stockwater (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one 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 Head 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: w/in NE1/4NE1/4 Section 2, T. 23 N., R. 49 E., M.D.M., or at a point from which the N1/4 corner of said Section 2 bears N. 79°42' W., 1,747 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 NE1/4NE1/4 Section 2, T. 23 N., R. 49 E., M.D.M. (Describe by legal subdivision, if on unsurveyed land it should be so stated.)

7. Use will begin about Jan. 1 (Month and Day) and end about Dec. 31 (Month and Day), 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.) Clean and improve spring area to insure constant flow of water
   (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 $1,000

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.

Please send copies of all correspondence to

Frank Paxton, Carlin, NV 89822

Applicant Frank Paxton & Family

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

Compared bl/aa
Pro. 5/12/80 by BLM
Pro. Overruled 4/27/2007 See Ruling ~~#5729~~

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:

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 .....

IN TESTIMONY WHEREOF, I ..... State Engineer of Nevada, have hereunto set my hand and the seal of my office, this ..... day of ....., A.D. 19.....

State Engineer