AMENDED

№ 40393

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

Date of filing in State Engineer's Office JAN 23 1980

Returned to applicant for correction JUN 10 1980

Corrected application filed JUL 8 1980

Map filed JUL 8 1980

The applicant Eureka County

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.)

1. The source of the proposed appropriation is City of Eureka Sewage Effluent (Name of stream, lake or other source.)

2. The amount of water applied for is 1 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 to be determined under secondary permits (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)

   (c) Other use (describe fully under "No. 12. Remarks") Sewer Treatment Reservoirs

   (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 the SE¼ NE¼ of Section 35 T20N T53E MDM or at a point from which the S¼ corner of said Section 35 bears S27°03'W, 4207.8 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 to be determined under secondary permits (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.) pipelines will carry the effluent into the Sewage Treatment Plant. Treated effluent will then be piped to the evaporation perculation storage reservoirs. (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 $75,000.00

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.

Effluent from the City of Eureka will be stored in these evaporation/perculation storage reservoirs. In the future secondary permits may be applied for. Please send copies of all correspondence to the Eureka County Commissioners, c/o County Court House, Eureka, Nevada 89316

Applicant Eureka County

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

Compared bc/aa gk/bc

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 primary permit is issued under the authority of NRS 533.440 (Secondary Applications are required for the use of the appropriated effluent) and is only a temporary allowance and the quantity granted may exceed the effluent discharged. The final water right obtained will be dependent upon the amount of effluent actually placed to beneficial use under the secondary permits. Accurate measurements must be kept of effluent discharged. Granting of this permit is not intended in any way to waive or affect authority or requirements of appropriate water quality control agencies or regulations. This permit is further issued subject to the provisions of NRS 533.395 and the State retains the right to regulate the use of water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 724 acre-feet annually.

Actual construction work shall begin on or before September 4, 1981

Proof of commencement of work shall be filed before October 4, 1981

Work must be prosecuted with reasonable diligence and be completed on or before September 4, 1982

Proof of completion of work shall be filed before October 4, 1982

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

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

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

Commencement of work filed MAY 5 1981
Completion of work filed MAY 5 1981
Proof of beneficial use filed
Cultural map filed
Certificate No. Issued

IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 4th day of MARCH, A.D. 19 81

William J. Newman
State Engineer

218 (Rev.)