

THIRD AMENDED
APPLICATION FOR PERMIT

Nº 40628

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... FEB 25 1980
Returned to applicant for correction..... JUN 12 1980
Corrected application filed..... SEP 29 1980
Map filed..... SEP 29 1980

The applicant..... Evan A. and Tillie A. Zimmerman
Rte 2 Box 13..... of..... Round Mountain
Street and No. or P.O. Box No. City or Town
Nv 89045....., hereby make... application for permission to appropriate the public
State and Zip Code No.
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..... Frances Creek
Name of stream, lake or other source.

2. The amount of water applied for is..... .10..... 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..... stockwatering
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)..... 500-1000 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: in the NW¼ NW¼ Sec. 24, T47N.,
R.34E. MDB&M; or a point from which the NW corner of said Sec. 24 bears N. 0°09' E.
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
1295 ft.
it should be stated.

6. Place of use..... portions of the N½ N½, SW¼ NW¼, and Lots 1 & 2 of Sec. 24, T.47N.,
Describe by legal subdivision, if on unsurveyed land it should be so stated.
R.34E. E½ NW¼, Lot 2 Sec. 19, T.47N., R.35E.; and SE¼ SW¼, W½ SE¼, S½ NE¼ Sec. 18,
T.47N., R.35E. MDB&M

7. Use will begin about Jan. 1..... and end about Dec. 31....., of each year.
Month and Day Month and Day

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.)..... none

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..... none.....
- 10. Estimated time required to construct works..... completed.....
- 11. Estimated time required to complete the application to beneficial use..... completed.....
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

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Applicant.....

Pro. 12/16/80 by BLM
Pro. withdrawn 7/26/82.

By..... s/J. R. Caldwell
J R Caldwell
P O Box 432
Winnemucca, NV. 89445

Compared. bc/bl..... bt/ja.....

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 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.

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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 water to water 1,000 head of cattle.

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..... April 12, 1983.....

Proof of completion of work shall be filed before..... May 12, 1983.....

Application of water to beneficial use shall be made on or before..... April 12, 1984.....

Proof of the application of water to beneficial use shall be filed on or before..... May 12, 1984.....

Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed.....
 Completion of work filed..... MAY 20 1983
 Proof of beneficial use filed..... JUN 7 1984
 Cultural map filed.....
 Certificate No. 10994 Issued JUL 31 1984

IN TESTIMONY WHEREOF, I..... PETER G. MORROS
 State Engineer of Nevada, have hereunto set my hand and the seal of my office, this..... 12th..... day of..... OCTOBER.....

A.D. 19 82


State Engineer