AMENDED

NO. 40637

APPLICATION FOR PERMIT 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 AUG 08 1980

Map filed AUG 08 1980 under 40629

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The applicant **Evan A. and Tillie A. Zimmerman**, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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1. The source of the proposed appropriation is **unnamed spring**

2. The amount of water applied for is **.01 c.f.s.** second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for **stockwatering**

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 **50 - 200 head of 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 SE¼ NE¼ of Section 7, T.47N., R.34E., M.D.B.&M., or at a point from which the Southeast corner of said Section 7 bears S 13°44' E 3,395'.**

6. Place of Use **the SE¼ NE¼ of Section 7, T.47N., R.34E., M.D.B.&M.**

7. Use will begin about **January 1st** and end about **December 31st** of each year.

8. Description of proposed works **clean out spring and install a watering trough.**

9. Estimated cost of works **excess of $100.00**

10. Estimated time required to construct works **2 years**

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

12. Remarks: **Excess water can be utilized for the benefit of wildlife, etc.**

By **s/J. R. Caldwell**
J. R. Caldwell, R.L.S. (agent)
P.O. Box 432
Winnemucca, Nevada 89445

Compared **dl/bk** dl/bk

Protested 10-16-80 by U.S. Bureau of Land Management; Pro Overruled 3-11-99
See Ruling 4709

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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.

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

This permit is specifically issued subject to any prior reserved rights of the United States if in fact these rights exist and the sources meet the proper criteria.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.0062** cubic feet per second, **or sufficient to water 200 head of cattle.**

Work must be prosecuted with reasonable diligence and be completed on or before:
August 11, 2001

Proof of completion of work shall be filed before:
September 11, 2001

Water must be placed to beneficial use on or before:
August 11, 2002

Proof of the application of water to beneficial use shall be filed on or before:
September 11, 2002

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

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this **11th** day of **August**, A.D. **1999**

R. Michael Turnipseed P.E.
State Engineer

Completion of work filed OCT 09 2002

Proof of beneficial use filed OCT 09 2002

Cultural map filed N/A

Certificate No. 16293 Issued FEB 27 2004