SECOND AMENDED

№ 44500

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

Date of filing in State Engineer's Office SEP 24 1981

Returned to applicant for correction JAN 22 1982

Corrected application filed MAR 4 1982

Map filed MAR 4 1982 under 44487

The applicant N.J. Ranches

Post Office Box 117, of Orovada,
Street and No. or P.O. Box No. City or Town

Nevada 89425, hereby makes 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.)

March 9, 1966, in Kansas

1. The source of the proposed appropriation is China Garden Spring No. 1
Name of stream, lake or other source.

2. The amount of water applied for is .0156 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) 500 cows

(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: NE¼ SE¼ of Section 7, T.38N., R.38E., M.D.B.&M., or at a point from which the Northwest corner of said Section 7 bears N 58° 27' W, a distance of 4,929 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 NE¼ SE¼ of Section 7, T.38N., R.38E., M.D.B.&M., Humboldt County, Nevada
Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 and end about December 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.) Spring box, pipeline and trough

State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works $3,000.00

10. Estimated time required to construct works 3 years
If well completed, describe works.

11. Estimated time required to complete the application to beneficial use 5 years

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

Pro. 5/24/82 by James R. Murdock
Pro.W/D-6-20-84, by James R. Murdock By s/Roy A. Hatcher, Jr.
Signature, applicant or agent
Roy A. Hatcher, Jr., VASEY ENGINEERING CO., INC.
Post Office Box 1164, Minden, Nevada 89423

Compared bc/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 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 have 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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0156 cubic feet per second, or sufficient to water 500 head of cattle.

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 April 17, 1989

Proof of completion of work shall be filed before May 17, 1989

Application of water to beneficial use shall be made on or before April 17, 1992

Proof of the application of water to beneficial use shall be filed on or before May 17, 1992

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

Commencement of work filed
Completion of work filed JAN 08 1996
Proof of beneficial use filed JAN 08 1996
Cultural map filed
Certificate No. 14496 Issued DEC 24 1996

IN TESTIMONY WHEREOF, I PETER G. MORROS State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of April, A.D. 19 87.

State Engineer

218 (Rev. 9-80)