AMENDED

№ 45125

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

Date of filing in State Engineer's Office DEC 10 1981

Returned to applicant for correction MAR 8 1982

Corrected application filed APR 30 1982

Map filed APR 30 1982 under 45118

The applicant Frank Paxton & Family

JD Ranch (Street and No. or P.O. Box No.), of Carlin (City or Town),

Nevada 89822 (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 & Family, a partnership consisting of Franklin T. and Maurine C. Paxton, C. Tad Paxton and Genevieve P. Rawson, partners, and Frank Paxton

1. The source of the proposed appropriation is Upper Indian Spring #3
   (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 0.10 cfs second-feet
   (One second-foot equals 448.83 gals. per min.)

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

3. The water to be used for Stockwater & Domestic
   (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: 1,000 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: SW¼ NE¼ of Section 8, T24N, R49E, MDM, at a point from which the SE corner of Section 9, T24N, R49E, MDM bears S 61° 27' E 7627 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 so stated.)

6. Place of use SW¼ NE¼ of Section 8, T24N, R49E, MDM
   (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

7. Use will begin about January 1 (Month and Day) and end about December 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 the spring site to insure constant flow
   (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 $1,000.00

10. Estimated time required to construct works 2 years
If well completed, describe works.

11. Estimated time required to complete the application of water 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.

Improvements installed or contemplated at this point of diversion will not preclude casual use by wildlife

Please send copies of all correspondence and notices to undersigned agent.

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

Compared bc/js am/se

Protested

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.

This permit is issued subject to the State Engineer's Ruling No. 3768 dated December 21, 1990.

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 to water 1,000 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before January 18, 1993

Proof of completion of work shall be filed before February 18, 1993

Application of water to beneficial use shall be made on or before January 18, 1996

Proof of the application of water to beneficial use shall be filed on or before February 18, 1996

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

Completion of work filed MAR 12 1993

Proof of beneficial use filed MAR 17 1993

Cultural map filed

Certificate No. 13712 Issued AUG 24 1993

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 18th day of January, A.D. 19 91

R. Michael Turnipseed P.E.
State Engineer

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