№ 45764

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

Date of filing in State Engineer's Office JUN 9 1982

Returned to applicant for correction

Corrected application filed

Map filed JUN 9 1982

The applicant JERREL D. and LUCILLE H. SMITH

Star Route, Box 144 (Street and No. or P.O. Box No.), of Orovada (City or Town),

Nevada 89425 (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 underground. (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 3.87 c.f.s. (One second-foot equals 448.83 gals. per min.) second-feet

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

3. The water to be used for irrigation and 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: 319.04 acres

   (b) Stockwater, state number and kinds of animals to be watered:

   (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: within Lot 2, Section 5, T.44N., R.34E., M.D.B.&M., or at a point from which the Northeast corner of said Section 5 bears N87°15'E 2,490'. (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 40 acres Lot 2 of Sec. 5,T.44N., R.34E., M.D.B.&M. (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)
   40 acres Lot 1 of Sec. 5, T.44N., R.34E., M.D.B.&M.
   40 acres in the SE¼NE¼ of Sec. 5, T.44N., R.34E., M.D.B.&M.
   40 acres in the SW¼NE¼ of Sec. 5, T.44N., R.34E., M.D.B.&M.
   40 acres in the NW¼SE¼ of Sec. 5, T.44N., R.34E., M.D.B.&M.
   40 acres in the NE¼SE¼ of Sec. 5, T.44N., R.34E., M.D.B.&M.
   40 acres in the SE¼SE¼ of Sec. 5, T.44N., R.34E., M.D.B.&M.
   39.04 acres in the SW¼SE¼ of Sec. 5, T.44N., R.34E., M.D.B.&M.
   319.04 acres total.

7. Use will begin about January 1st (Month and Day) and end about December 31st (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.) Drill well, install pump and motor, and pipelines. (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 in excess of $10,000.00

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

11. Estimated time required to complete the application of water to beneficial use five (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.

This Application to Appropriate is being submitted to supplement the water heretofore granted under Permit No. 29727, Certificate Number 8745.

ROBERT N. CALDWELL, R.L.S., S.W.R.S., AGENT
By s/Robert N. Caldwell
146 West Second Street
Winnemucca, Nevada 89445 - 3493

Compared js/ bl jr/bk

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 existing rights. 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 amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.
(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.87 cubic feet per second and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before August 23, 1997

Proof of completion of work shall be filed before September 23, 1997

Application of water to beneficial use shall be made on or before August 23, 2000

Proof of the application of water to beneficial use shall be filed on or before September 23, 2000

Map in support of proof of beneficial use shall be filed on or before September 23, 2000

Completion of work filed SEP 0 8 1998

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, R. MICHAEL TURNIPSEED, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 23rd day of August, A.D. 1995

R. Michael Turnipseed P.E.
State Engineer

218 (Rev.)

(PERMIT TERMS CONTINUED)

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.

The total combined duty of water under Permits 29727 and 45764 shall not exceed 1276.16 acre-feet annually.