

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office APR 23 1985

Returned to applicant for correction

Corrected application filed

Map filed APR 23 1985 under 49005

The applicant Don & Martha Sims

P.O. Box 36 of Deeth Nevada 89823

Street and No. or P.O. Box No. City or Town 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 (Muttleberry Well) Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 1-0 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 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 150 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 NE 1/4 NE 1/4 Sec. 10, T. 26 N., R. 33 E. MDM or at a point from which point the NE 1/4 corner of said Sec. 10 bears N. 79° 07' 45" W. a distance of 1950.57 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 NE 1/4 NE 1/4 Sec. 10, T. 26 N., R. 33 E. MDM. Describe by legal subdivision. If on unsurveyed land, it should be so stated.

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.) Drilled well, pump with windmill, and water troughs. 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 \$ 10,000

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

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

By..... Lumos and Assoc.
s/David M. Boyer
3100 Mill St., Suite 114
Reno, NV 89502

Compared..... mc/f f /gkl

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. It is further understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to any other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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 49005 and 49006 shall be the amount sufficient to water 150 head of cattle.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0046 cubic feet per second, or sufficient to water 150 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before:

July 13, 2008

Proof of completion of work shall be filed on or before:

August 13, 2008

Water must be placed to beneficial use on or before:

July 13, 2011

Proof of the application of water to beneficial use shall be filed on or before:

August 13, 2011

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

N/A

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office,

this 13th day of July A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____