AMENDED

№ 49981

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JUL 15 1986

Returned to applicant for correction JUL 25 1986

Corrected application filed SEP 23 1986

Map filed SEP 23 1986 under 49978

The applicant Michael J. Weinstock

10300 North Torrey Pines Road (Street and No. or P.O. Box No.), of LaJolla (City or Town),

California 92037 (State and Zip Code No.), hereby makes 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 2.0 c.f.s., 1447.93 AF/yr 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 Industrial (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

   (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 SE¼NE¼ of Section 10, T.12S., R.63E., M.D.B. & M., or at a point from which the NW corner of said Section 10 bears N.63°45'52" W., 5125 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 See attached (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.) Drilled well, pump and motor, and distribution system (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 $50,000-$100,000

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 20 years

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

The annual duty of water under this application is supplemental to the total duty applied for under pending Application 49414, 49660, 49661 and 49662, not to exceed 4300 acre-feet per year. Same point of diversion as pending Application 49661.

By s/ Brian A. Randall
Brian A. Randall, Resource Concepts, Inc.
340 North Minnesota Street
Carson City, Nevada 89701

Compared js/se cl/cms

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 2.0 cubic feet per second, but not to exceed 1,447.93 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before November 12, 2000

Proof of completion of work shall be filed on or before December 12, 2000

Application of water to beneficial use shall be made on or before November 12, 2005

Proof of the application of water to beneficial use shall be filed on or before December 12, 2005

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

Completion of work filed

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 12th day of November, A.D. 19 1997.

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.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

This permit is issued with the requirement that a comprehensive monitoring plan be submitted to the State Engineer for approval within ninety (90) days from the date of the issuance of this permit. The plan shall be submitted and approved by the State Engineer prior to any pumping of the well.

The permittee is required to submit an annual report of the monitoring results. Upon review of the annual monitoring results the State Engineer will retain the right to reduce the pumping from this well or to take any other action that may be necessary to protect the public interests or to prevent conflicts with prior existing rights.

The total combined duty of water under Permits 49414, 49660, 49661, 49662, 49978, 49979, 49980, 49981, 49982, 49983 and 49984 shall not exceed 8,600.0 acre-feet annually.

PLACE OF USE

All of Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23 and 24; the E 1/2 and the E 1/2 of the W 1/2 of Section 8; the E 1/2 of Sections 17 and 20; and the N 1/2 of Sections 25 and 26, in Township 13 South, Range 63 East, M.D.M., Clark County, Nevada.

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, 34, 35, and 36; the W 1/2 of Sections 13 and 24; the E 1/2 of Sections 18, 19, 30, and 31; and the W 1/2 of the W 1/2 of Section 12, in Township 12 South, Range 63 East, M.D.M., Lincoln County, Nevada.

All of Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, in Township 11 South, Range 63 East, M.D.M., Lincoln County, Nevada.

All of Sections 18 and 19; the N 1/2 of Section 30; the W 1/2 and the W 1/2 of the SE 1/4 of Section 7; and the W 1/2 of Section 6, in the unsurveyed Township 13 South, Range 64 East, M.D.M., Clark County, Nevada.

The W 1/2 of the SW 1/4 of Section 31, in the unsurveyed Township 12 South, Range 64 East, M.D.M., Lincoln County, Nevada.