

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office. MAY 18 1988

Returned to applicant for correction. JUN 6 1988

Corrected application filed. AUG 3 1988 Map filed. AUG 3 1988 under 52103

The applicant H. H. Land & Cattle Company
Jay Hunt

P. O. box 32 of Enterprise
Street and No. or P.O. Box No. City or Town

Utah 84725 hereby make application for permission to change the
State and Zip Code No.

Place of use manner of use and point of diversion.
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Proof 01549
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

identify right in Decree.)

1. The source of water is Rabbit Springs
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed. .20 c.f.s.
Second feet, acre feet. One second foot equals 448.3 gallons per minute.

3. The water to be used for. Stockwatering 20 head of cattle.
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for. Stockwatering 20 head of cattle.
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point. at a point located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21,
Describe as being within a 40-acre subdivision of public survey and by course and
T. 3 S., R. 65 E. M.D.B. & M. or at a point from which the SW Corner of Section
distance to a section corner. If on unsurveyed land, it should be stated.
19, T. 3 S., R. 65 E., M.D.B. & M. bears S. 74°18' W., at 14,100 feet.

6. The existing permitted point of diversion is located within. N 12°W. 15,840 feet, SE Corner of T.
If point of diversion is not changed, do not answer
3 S., R. 65 E. M.D.B. & M. The works are located at Spring in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section
24 (unsurveyed).

7. Proposed place of use. See attached #7
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24 (not sectionized)
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from April to November of each year.
Month and Day Month and Day

11. 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.) An existing horizontal well diverts water from
State manner in which water is to be diverted, i.e., diversion structure, ditches,
the spring site into a pipeline.
pipes and flumes, or drilled well, etc.

12. Estimated cost of works. existing

13. Estimated time required to construct works. existing

14. Estimated time required to complete the application of water to beneficial use..... 1 year

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

* 9. Time of use changed of necessity to accomodate the required rotation of the grazing season by grazing permit. It is a year-round grazing allotment used at different time each year, utilizing the same water requirement. There are no other owners and no other livestock users utilizing this source. This application also serves to correct the recorded point of diversion.

s/ Richard E. Fonger
By..... Richard E. Fonger
P. O. Box 491
Ely, Nevada 89301

Compared..... pm/ kh..... pm/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:
This permit to change place of use of the waters of Rabbit Spring heretofore appropriated under claim of vested right as evidenced by Proof of Appropriation of Water 01549 is issued with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed at or near the point of diversion to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times. This permit is issued subject to any determination of the waters of Rabbit Spring that may be made under adjudication proceedings under NRS 533.090 through 533.320. 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.

The total combined duty of water under Permits 52103 through 52118 inclusive and 52366 shall not exceed sufficient water for 900 head of cattle.

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 changed shall be limited to the amount which can be applied to beneficial use, and not to

exceed..... 0.028..... cubic feet per second..... or sufficient to water 20..... head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before..... May 17, 1991

Proof of completion of work shall be filed before..... June 17, 1991

Application of water to beneficial use shall be made on or before..... May 17, 1993

Proof of the application of water to beneficial use shall be filed on or before..... June 17, 1993

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

Completion of work filed..... AUG 2 2 1991

Proof of beneficial use filed..... JUL 1 6 1993

Cultural map filed.....

Certificate No. 13776 Issued NOV 22 1993

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 May

A.D. 19 89..... [Signature] State Engineer

- Township 2 South R. 63 E. Portions of Sections 11, 12, 15; Sections 13, 22 thru 26, 35, 36 (unsurveyed).
- Township 2 South, R. 64 E.: Portions of $S\frac{1}{2}$ Sections 7, 8, & 9; Portion of Sections 15, 22, 23, 25, & 26; Sections 16 thru 21, 27 thru 36.
- Township 2 South R. 65 E. Section 31, portion of Sections 29, 30, 32, & 33.
- Township 3 South R. 63 E. Sections 1, 2, 11 thru 14, 12 thru 26, 35 & 36.
- Township 3 South R. 64 E. ALL
- Township 3 South R. 65 E. Sections 4 thru 9, 16 thru 21, 28 thru 33.
- Township 4 South R. 63 E. Sections 1, 2, 11 thru 14, 23 thru 26; 35, 36.
- Township 4 South R. 64 E. ALL
- Township 4 South R. 65 E. Sections 4 thru 9, W. $\frac{1}{2}$ of 10, 17 thru 21, 28 thru 33.
- Township 5 South R. 63 East Sections 1, 2, 11 thru 14, 23 thru 27 & 34 thru 36.
- Township 5 South R. 64 E. ALL SECTIONS
- Township 5 South R. 65 E. Sections 5 thru 8, 17 thru 20, 29 thru 32.
- Township 6 South R. 63 E. Sections 1 portions of 2, 3, 11 and 12.
- Township 6 South R. 64 E. Sections 1 thru 6, portions of 7 thru 11 & 12.
- Township 6 South R. 65 E. Sections 5 thru 8, 17, 18, 20.

Township 2 South R. 63 E. Section 14 (portion)
 Township 2 South R. 64 E. Section 10 (portion) *[Signature]*

All in M.D.B. & M.

