№ 52807

AMENDED

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

Date of filing in State Engineer's Office DEC 22 1988

Returned to applicant for correction JAN 27 1989

Corrected application filed MAR 24 1989

Map filed MAR 24 1989 under 52806

The applicant Joe B. Fallini, Jr., Helen L. Fallini and Susan L. Fallini

_____ (Street and No. or P.O. Box No.), of Twin Springs via Tonopah (City or Town),

Nevada 89049 (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 Lower McCribben Spring (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 0.032 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 1000 cattle, 25 horses

   (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, Sec. 21, T.2N., R.50E., M.D.B. & M., or at a point from which the NE Cor. Sec. 4, T.1N., R.50E., M.D.B. & M. bears S 09°05' E a distance of 14,400 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, Sec. 21, T.2N., R.50E., M.D.B. & M. (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.) spring source (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 completed
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 2 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 /s/ Bruce L. Rice
P.O. Box 130
Smith, Nevada 89430

Compared kh/pas am/se

Protested 6-9-89 by U.S.D.I.-B.L.M.
Pro. Overruled 1/23/90, Ruling #3672

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the followng 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 subject to State Engineer's Ruling No. 3672 dated January 23, 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 0.032 cubic feet per second, or sufficient to water 1000 head of cattle and 25 horses.

Work must be prosecuted with reasonable diligence and be completed on or before December 31, 1992

Proof of completion of work shall be filed on or before January 31, 1993

Application of water to beneficial use shall be made on or before December 31, 1994

Proof of the application of water to beneficial use shall be filed on or before January 31, 1995

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

Completion of work filed MAR 8 - 1993

Proof of beneficial use filed FEB 10 1995

Cultural map filed

Certificate No. 14128 Issued JUN 13 1995

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 31st day of December, A.D. 19 90

R. Michael Turnipseed P.E.
State Engineer

(O)-5314 (Rev.)