

AMENDED

Serial No. **53282**

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 1989~~ NEW PRIORITY DATE: AUG 16 2007

Returned to applicant for correction..... JUN 19 1989

Corrected application filed..... AUG 7 1989 Map filed..... AUG 7 1989

The applicant Town of Kingston

Kingston Village of Austin
Street and No. or P.O. Box No. City or Town

Nevada, 89310 hereby make s. application for permission to change the
State and Zip Code No.

the Point of Diversion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit No. 38620
(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 Underground Sources
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 5.57 cfs
Second feet, acre feet. One second foot equals 448.3 gallons per minute.

3. The water to be used for Quasi-Municipal & Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Quasi-Municipal & Domestic
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 in the SW 1/4 NW 1/4 of Section 36, T.16 N., R.43
Describe as being within a 40-acre subdivision of public survey and by course and
E., M.D.B. & M., whence the Southeast Corner of said Section 36 bears S. 55°10'35" E.,
distance to a section corner. If on unsurveyed land, it should be stated.
5,895.04 feet distant.

6. The existing permitted point of diversion is located within the NE 1/4 SW 1/4 of Section 36, T.16 N.,
If point of diversion is not changed, do not answer
R.43 E., M.D.B. & M., whence the Southeast Corner of said Section 36 bears S.47°
10'48"E., 3,651.60 feet distant, at a point 250 feet South of Kingston Creek.

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

8. Existing place of use E 1/2 NE 1/4 of Section 35; S 1/2 N 1/2, N 1/2 S 1/2 of Section 36, T.16 N., R.43
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
E., M.D.B. & M.; S 1/2 NW 1/4, N 1/2 SW 1/4, NE 1/4 of Section 31; SE 1/4 SE 1/4 of Section 30; W 1/2 SW 1/4,
manner of use of irrigation permit, describe acreage to be removed from irrigation.
NE 1/4 SW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4 of Section 29, T.16 N., R.44 E., M.D.B. & M. This land
comprises the Town of Kingston which is subdivided into 1,066 homesites.

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

10. Use was permitted from January 1st to December 31st 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.) Water will be pumped from the well to storage
State manner in which water is to be diverted, i.e., diversion structure, ditches,
tanks and then piped to the place of use.
pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$20,000.00

13. Estimated time required to construct works 3 years

14. Estimated time required to complete the application of water to beneficial use 5 years

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

Besides furnishing water for the 1,066 homesites in the Town of Kingston, a part of this water will be used for irrigation of green belts, parks, and esthetic purposes (apporximately 80 acres).

s/ Richard W. Forman
By Richard W. Forman Agent
P. O. Box 150
Ely, Nevada 89301

Compared pm/ bp bp/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 the point of diversion of the waters of an underground source as heretofore granted under Permit 38620 is issued subject to the terms and conditions imposed in said Permit 38620 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and 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 the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. 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.

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 45863 and 53282 shall not exceed 500 acre feet annually.

This permit is issued subject to the stipulation executed between J. Chester Young, the Town of Kingston and the State Engineer, State of Nevada. This stipulation is attached hereto and by this reference made part hereof.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.57 cubic feet per second, but not to exceed 268.2 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before May 17, 1990

Proof of completion of work shall be filed before June 17, 1990

Application of water to beneficial use shall be made on or before May 17, 1995

Proof of the application of water to beneficial use shall be filed on or before June 17, 1995

Map in support of proof of beneficial use shall be filed on or before June 17, 1995

Completion of work filed AUG 24 1990 IN TESTIMONY WHEREOF, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set my hand and the seal of my

Proof of beneficial use filed _____ office, this 29th day of March,

Cultural map filed _____ A.D. 19 90

Certificate No. _____ Issued _____
Richard Turnipseed P.E.
State Engineer

~~CANCELLED AUG 20 2007 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~

~~Jerry T. Taylor P.E. STATE ENGINEER
Can. Rescinded 9-27-2007~~