Serial No. 54259

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 DEC 19 1989

Returned to applicant for correction

Corrected application filed Map filed DEC 19 1989 under 53596

The applicant U.S. Fish and Wildlife Service

1002 NE Holladay Street (Street and No. or P.O. Box No.) of Portland (City or Town)

Oregon 97232-4181 (State and Zip Code No.) hereby makes application for permission to change the point of diversion, manner of use, and place of use of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Certificate Record No. 3796 (Permit No. 12152). (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 White Mound Spring (Seeps) (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 0.0007 c.f.s. (Second feet, acre feet. One second foot equals 448.3 gallons per minute.)
3. The water to be used for wildlife purposes. (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for domestic and stockwater (200 cattle, 20 horses). (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 NE¼ NE¼ Sec. 12., T.17S., R.50E., M.D.B.&M. (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 stated.) The northeast corner of Sec. 12, same Township and Range, bears N 34° 30' 17" E., at a distance of 1619 feet.
6. The existing permitted point of diversion is located within the NE¼ NE¼ Section 12, T.17S., R.50E., M.D.B.&M., or at a point from which the NE corner of said Section 12 bears N. 34° E., 1120.0 ft situated in Nye County, State of Nevada. (If point of diversion is not changed, do not answer)
7. Proposed place of use Ash Meadows National Wildlife Refuge (See Attachment A for legal description) (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use NE¼ NE¼ Section 12, T. 17 S., R. 50 E., M.D.B.&M. (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 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.
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.) As much as practicable, re-establish historical natural drainage patterns and wetlands. (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes, or drilled well, etc.)
12. Estimated cost of works $70,000 for entire refuge system.
13. Estimated time required to construct works four years.

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

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

Water will be used on Ash Meadows National Wildlife Refuge for wildlife purposes.

By s/Robert Oser, Agent
U.S. Fish and Wildlife Service
1002 NE Holladay Street
Portland, OR 97232-4181

Compared bc/se 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, manner and place of use of a portion of the waters of White Mound Spring(Seeps) as heretofore granted under Permit 12152, Certificate 3796 is issued subject to the terms and conditions imposed in said Permit 12152, Certificate 3796 and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

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 0.0007 cubic feet per second, but not to exceed 0.51 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before September 28, 1992

Proof of completion of work shall be filed before October 28, 1992

Application of water to beneficial use shall be made on or before September 28, 1995

Proof of the application of water to beneficial use shall be filed on or before October 28, 1995

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

Completion of work filed JUL 3 1 1992

Proof of beneficial use filed OCT 1 6 1995

Cultural map filed

Certificate No. 14394 Issued AUG 0 9 1996

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 28th day of September, A.D. 19 90

R. Michael Turnipseed P.E.
State Engineer

(Rev. 6-81)

(O) 1108

Attachment A

T. 17 S., R. 50 E.
Section 9 Lots 7 and 8, SE¼ NE¼, NE¼ SE¼, S½ SE¼;
10 S½;
12 NE¼ NE¼;
15 All;
16 All;
17 E½ E½;
19 SE¼ SE¼
20 E½, S½ SW¼
21 All;
22 All;
23 Lots 3 and 4, W½ NW¼;
26 S½;
27 All;
28 All;
29 All;
30 E½ E½;
32 E½, E½ W½;
33 All;
34 All;
35 All;
36 W½, S½ SE¼;

T. 17 S., R. 51 E.
Section 31 Lot 4, SE¼ NE¼, SE¼ SW¼, E½ SE¼, SW¼ SE¼;
32 S½ NW¼, SW¼;

T. 18 S., R. 50 E.
Section 1 All;
2 All;
3 All;
4 All;
9 E½, NW¼;
10 All;
11 All;
12 All;
13 All;
14 All;
15 All;
16 E½ E½;
23 All;
24 All;
25 N½;
26 NE¼;

T. 18 S., R. 51 E.
Section 5 All;
6 All;
7 All;
8 All;
17 W½ E½, W½;
18 All;
19 All;
20 W½ E½, W½;
29 W½ NE¼, NW¼;
30 N½.