AMENDED **ASSIGNED** № 55784

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

Date of filing in State Engineer's Office FEB 08 1991

Returned to applicant for correction APR 03 1991

Corrected application filed MAY 24 1991

Map filed MAY 24 1991

The applicant Lands of Sierra, Inc.

50 West Liberty Street, Suite #720 (Street and No. or P.O. Box No.), of Reno (City or Town),

Nevada 89501 (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.) Incorporated May 12, 1964 - Nevada

1. The source of the proposed appropriation is underground (Division Canyon stock well) (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 0.037 c.f.s. (One second-foot equals 448.83 gals. per min.) second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for stockwatering and domestic (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 1,200 cattle

   (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 within the NE¼ SW¼ Section 7, (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.) T.43N., R.68E., M.D.M., from which the NW corner of Section 6, in said township, bears N. 13° 51' W., 8,660 ft. dist.

6. Place of use NE¼ SW¼ Section 7, T.43N., R.68E., M.D.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.) drilled well, casing, surface seal, (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.) submersible electric pump, generator, storage tank, plastic pipeline, valves, stock troughs

9. Estimated cost of works $18,000.00

55784

10. Estimated time required to construct works two years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use three years

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

Please send copies of notices and correspondence to the undersigned agent.

Concurrently with this application, a request is being submitted for a waiver to allow immediate commencement of exploration to determine availability of water at the proposed source (See N.R.S. 534.050,2,a)

By s/William A. Nisbet
421 Court Street
Elko, Nevada 89801

Compared bc/ bc ap/se

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 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. It is further understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to any other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. 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.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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 appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.037 cubic feet per second, or sufficient to water 1200 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before May 20, 1994

Proof of completion of work shall be filed on or before June 20, 1994

Application of water to beneficial use shall be made on or before May 20, 1997

Proof of the application of water to beneficial use shall be filed on or before June 20, 1997

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, I R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of May, A.D. 19 92

State Engineer

WITHDRAWN BY APPLICANT agent JUL 23 1997

STATE ENGINEER