

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

Date of filing in State Engineer's Office. FEB 21 1991

Returned to applicant for correction. APR 16 1991

Corrected application filed. APR 22 1991

Map filed. APR 22 1991

The applicant Silver Bear Development, Inc.

Montgomery Lodge c/o Benton, Ca., of Benton, City or Town

Calif. 93512, 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.)

Date of Incorporation Oct. 1, 1963 - Nevada

1. The source of the proposed appropriation is Underground Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.5 cfs second-foot 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 Quasi-municipal 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.

(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 located in Lot 2, Sec. 32, T1N, R32E; MDB&M from said point the NE corner of said Sec. 32 bears N 63°08'59" E a distance of 1573.42 feet.

6. Place of use Lot 2, Lot 3, & NE 1/4 of NE 1/4, Sec. 32, T1N, R32E, MDB&M and SW 1/4 of SE 1/4, Sec. 29, T1N, R32E, MDB&M.

7. Use will begin about Jan 1st and end about Dec. 31st, 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.) Complete designed water system to service 406 lots & a Casino and Restaurant.

9. Estimated cost of works..... \$30,000.00

10. Estimated time required to construct works..... 2 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... 3 years

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

406 single family units, casino & restaurant

By..... Lowell D. Emery SWRS 536
s/ Lowell D. Emery
P.O. Box 84
Fallon, Nv. 89406

Compared..... cl/jk cl/cms

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 following limitations and conditions:

This permit is issued subject to existing rights. 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 amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins or before the Proof of Completion of Work is filed.

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 amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second, but not to exceed 121.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before June 28, 1998

Proof of completion of work shall be filed before July 28, 1998

Application of water to beneficial use shall be filed on or before June 28, 2001

Proof of the application of water to beneficial use shall be filed on or before July 28, 2001

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 28th day of June

A.D. 1998

[Signature]
State Engineer

CANCELLED JAN 28 2004 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT
[Signature]
STATE ENGINEER

AMENDED

No. 55857

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

Date of filing in State Engineer's Office FEB 21 1991

Returned to applicant for correction APR 16 1991

Corrected application filed APR 22 1991

Map filed APR 22 1991

The applicant Silver Bear Development, Inc.

Montgomery Lodge c/o Benton, Ca., of Benton, City or Town

Calif. 93512, 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.)

Date of Incorporation Oct. 1, 1963 - Nevada

1. The source of the proposed appropriation is Underground Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.5 cfs 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 Quasi-municipal 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

(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 located in Lot 2, Sec. 32, Describe as being within a 40-acre subdivision of public

T 1 N., R 32 E; MDB&M from said point the NE corner of said Sec. 32 bears survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

N 63° 08' 59" E a distance of 1573.42 feet.

6. Place of use Lot 2, Lot 3, & NE 1/4 of NE 1/4, Sec. 32, T 1 N., R 32 E, MDB&M and Describe by legal subdivision. If on unsurveyed land, it should be so stated.

SW 1/4 of SE 1/4, Sec. 29, T 1 N., R 32 E, MDB&M.

7. Use will begin about Jan 1st and end about Dec. 31st, of each year. Month and Day

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.) Complete designed water system to

State manner in which water is to be diverted, i.e. diversion structure, ditches and service 406 lots & a Casino and Restaurant. flumes, drilled well with pump and motor, etc.

9. Estimated cost of works..... \$30,000.00

10. Estimated time required to construct works..... 2 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... 3 years

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

406 single family units, casino & restaurant

Lowell D. Emery SWRS 536
s/ Lowell D. Emery
P. O. Box 84
Fallon, Nv. 89406

Compared..... am/cc

Protested.....

DENIAL OF STATE ENGINEER

deny

This is to certify that I have examined the foregoing application, and do hereby ~~grant~~ deny the same, subject to the following limitations and conditions:

This application is hereby denied on the ground that the applicant has not submitted the information requested by the State Engineer's Office and, therefore, the granting of said application without the additional information requested would not be in the public interest.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed..... cubic feet per second

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be filed on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

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

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 5th day of October

A.D. 95

[Signature]
State Engineer

Rescinded
11-29-95
see Ruling No. 4248