

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

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

Returned to applicant for correction

Corrected application filed

Map filed NOV 08 1991 under 56908

The applicant Hollis L. and Joyce C. Harris

Box 244 of Pahrump City or Town

Nevada 89401 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 underground Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 3.81 second-feet (Not to exceed 679.5 Acre Feet per season) 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 irrigation 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 135.9

(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 within the NE 1/4 NW 1/4 of Section 21, T.19S., R.53E., M.D.M., from which the northeast corner of said Section 21 bears N 86° 21' 37" E a distance of 2710.78 Feet.

6. Place of use Portions of the NW 1/4 of Section 21, T.19S., R.53E., M.D.M., as follows: 40.0 Acres in NW 1/4 NW 1/4 40.0 Acres in NE 1/4 NW 1/4 40.0 Acres in SE 1/4 NW 1/4 15.9 Acres in SW 1/4 NW 1/4 Total 135.9 Acres

7. Use will begin about January 1 and end about December 31 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.) existing well, pipeline and irrigation ditches 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 existing
10. Estimated time required to construct works existing
If well completed, describe works.

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

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

This application is submitted pursuant to provisions of Order No. 955 issued by the State Engineer on October 26, 1987. See attachment for additional information.

By s/Milton L. Sharp Agent
2995 Skyline Blvd. #205
Reno, NV. 89509

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 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 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.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.81 cubic feet per second, but not to exceed 679.5 acre-feet annually, and not to exceed a yearly duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before June 17, 1993

Proof of completion of work shall be filed before July 17, 1993

Application of water to beneficial use shall be filed on or before June 17, 1994

Proof of the application of water to beneficial use shall be filed on or before July 17, 1994

Map in support of proof of beneficial use shall be filed on or before July 17, 1994

Completion of work filed AUG 20 1993

Proof of beneficial use filed AUG 16 1995

Cultural map filed AUG 16 1995

Certificate No. 1425A issued 12-04-95

Abrogated By Part 64575 1.43

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 17th day of June

A.D. 1993

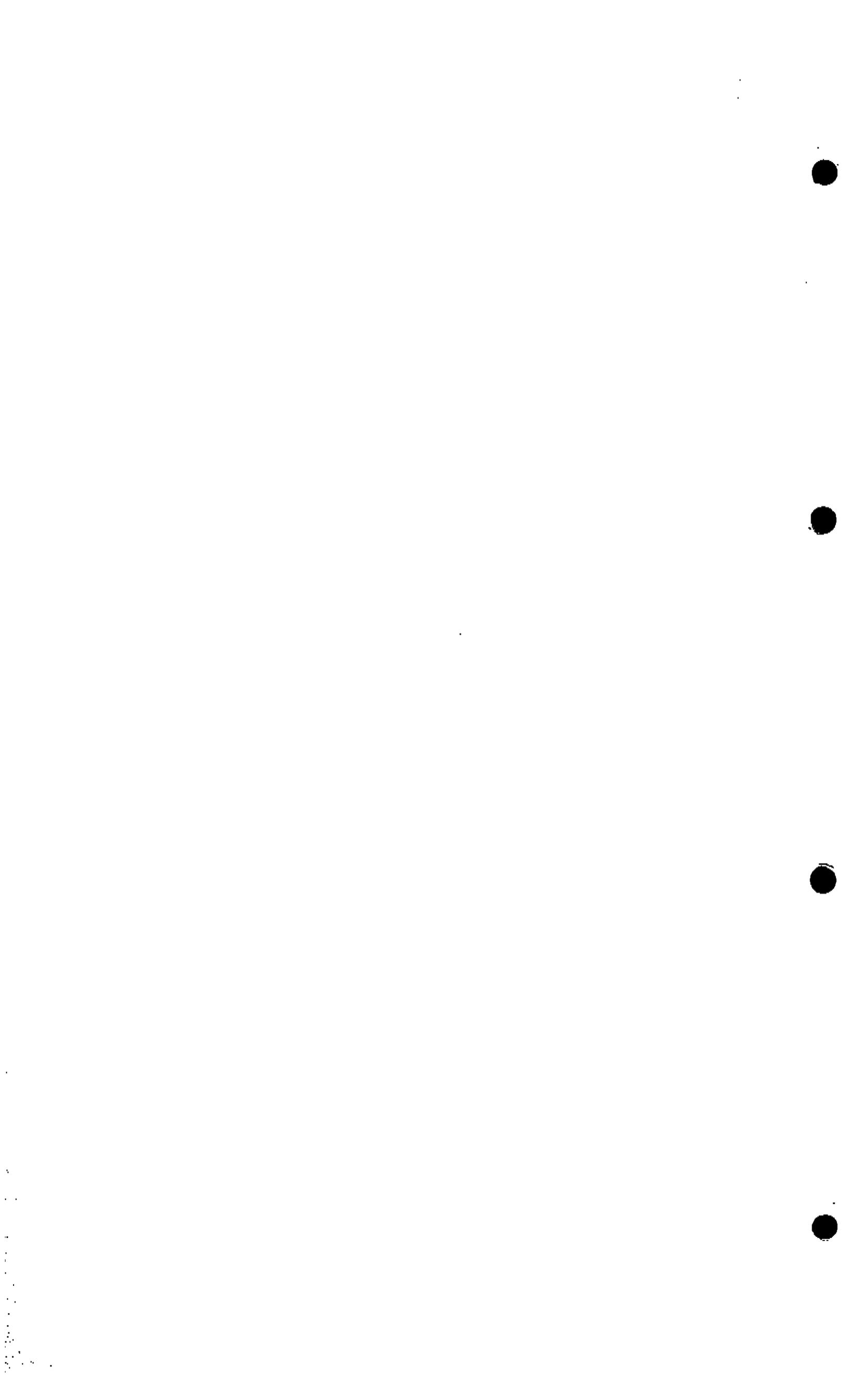
[Signature]
State Engineer

(PERMIT TERMS CONTINUED)

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 issued pursuant with the State Engineer's Order No. 955, dated October 26, 1987.

This permit is issued for irrigation of 135.9 acres of land within the prescribed place of use previously irrigated under Permit 11538, Certificate 4997 and Permit 23943, Certificate 7040 declared forfeited by State Engineer's Ruling No. 3829, dated September 13, 1991.



ATTACHMENT TO APPLICATION TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA, SOUTHWEST ONE-QUARTER OF SECTION 21; RESPONSE TO ITEM 12, REMARKS:

Order No. 955 states that the State Engineer will consider applications for appropriation of water for irrigation of lands in the Pahrump Valley that have had a certificated water right forfeited, where the forfeiture occurred prior to January 1, 1988 and provided that said applications for appropriation are filed with the State Engineer's office within 60 days of the date on which the certificated right had been declared forfeited.

Lands proposed to be irrigated had previously been irrigated under Certificate of Appropriation No. 4998, Permit No. 11539, and Certificate of Appropriation No. 7039, Permit No. 23942. The said certificated water rights have been declared forfeited by Ruling of the State Engineer dated September 13, 1991. The Ruling states that the forfeiture had occurred as a result of non-use of said certificated rights, appurtenant to lands identified as the place of use for this Application, prior to December 31, 1987.

The Ruling of the State Engineer states that Hollis Harris, one of the owners of the said certificated rights, during a public hearing on June 6, 1990 had offered no rebuttal to evidence that the said certificated rights had not been used and that the forfeiture had therefore occurred. Mr. Harris, at the time of the public hearing, had been aware of the terms and conditions of Order No. 955. He had never intended to completely abandon irrigation of the lands identified in this Application but had been forced to discontinue irrigation for an extended period because of personal health problems and adverse economic conditions. At the time of the public hearing, Mr. Harris believed that his intention to re-establish irrigation of the lands for which certificated rights were being considered for forfeiture would be best served by taking advantage of the opportunity presented by Order No. 955 at the appropriate time. Mr. Harris did not mention his intent to rely on Order No. 955 at the time of the public hearing in order to avoid introduction of a possible additional source of confusion and conflict into the proceedings. Mr. Harris did, subsequently, indicate his intention to file applications to appropriate water as provided by Order No. 955 (Order No. 381 amended October 26, 1987) in a letter addressed to Bill Quinn of the Southern Nevada Branch of the Division of Water Resources and dated December 13, 1990.

The Applicants, Hollis L. and Joyce C. Harris, are now requesting the opportunity to re-establish their previous agricultural operations on the lands identified as the proposed place of use in this Application and to re-establish certificated water rights to support those agricultural operations.

