AMENDED

No. 60185

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

Date of filing in State Engineer's Office JUL 01 1995

Returned to applicant for correction SEP 09 1995

Corrected application filed JAN 04 1995

Map filed JAN 04 1995

The applicant Robert Wallace Spencer

816 Glen Molly Dr (Street and No. or P.O. Box No.), of Sparks (City or Town),

Nevada 89431 (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 Spencer River, an underground river flowing in (Name of stream, lake, spring, underground or other source) distinct channels.

2. The amount of water applied for is 27.627 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 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 SE¼ SW¼ SEC 24 T4S R63E MDM CALIENTE QUADRANGLE, NV. AT A POINT 5,872 FT N 39° 30' E TO THE NW CORNER OF SEC 24. (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.)

6. Place of use Lincoln County as defined in NRS 243.210 thru NRS 243.225. And, in Clark County as defined in NRS 243.035 thru NRS 243.040. (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.) Excavate to channels; divert water into pipes, then transport by syphon and gravity flow. (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

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9. Estimated cost of works $1.2 Billion ($1,200,000,000.00)

10. Estimated time required to construct works Five (5) years.
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use Six (6) 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 one (1) of sixteen (16) applications for the combined total of 27,627 sec-ft. for all applications. The intent is to first generate hydroelectric power and then use the water for quasi-municipal purposes. See applications numbers 60179 thru 60194.

By s/Robert W. Spencer
816 GLEN MOLLY DR
SPARKS, NV. 89431

Compared pm/cm

Protested 11/7/94 by: US Fish & Wildlife 3/8/95 BLM

DENIAL OF STATE ENGINEER

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 grounds that the granting of this application would not be in the public interest. No ruling is made on the merits of the protests.

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 27th day of January, A.D. 1999.

R. Michael Turnipseed P.E.
State Engineer

(O)-2145 (Rev. 9-89)