AMENDED

No. 60187

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

Date of filing in State Engineer's Office JUL 0 1 1994

Returned to applicant for correction SEP 0 9 1994

Corrected application filed JAN 0 4 1995

Map filed JAN 0 4 1995 under 60184

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 (Name of stream, lake, spring, underground or other source) in distinct channels.

2. The amount of water applied for is 27.627 (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 Hydroelectric power generation (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 6,267,636

   (2) Point of return of water to stream NW¼ NW¼ SEC 18 T4S R64E MDM

5. The water is to be diverted from its source at the following point (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.) CALIENTE QUADRANGLE NV. AT A POINT 724 FT N 45° W TO THE NW CORNER OF SEC 18

6. Place of use NW¼ NW¼ SEC 18 T4S R64E MDM CALIENTE QUADRANGLE NV AT A (Describe by legal subdivision. If on unsurveyed land, it should be so stated.) POINT 724 FT N 45° W TO THE NW CORNER OF SEC 18

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 (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.) pipes, then syphon and gravity flow to power station/s.

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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/jv

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)