

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

Date of filing in State Engineer's Office. JUL 05 1995

Returned to applicant for correction.....

Corrected application filed.....

Map filed. JUL 05 1995

The applicant Malin F., Marilyn F., Melvin H. and Belya Gardner

2805 S. Hwy. 18, HC 76 Box 45, of Beryl
Street and No. or P.O. Box No. City or Town

Utah 84714
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 Sources (Well No. 1)
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 1.34 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 Irrigation 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 80 acres

(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 in the NE 1/4 SW 1/4 of Section 25,
Describe as being within a 40-acre subdivision of public

T. 10 N., R. 70 E., M.D.B. & M., whence the Northwest Corner of Section
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

24, T. 10 N., R. 70 E., M.D.B. & M., bears N. 09° 39' 14" W., 9,017.70 feet
distant.

6. Place of use NE 1/4 SW 1/4, NW 1/4 SE 1/4 of Section 25, T. 10 N., R. 70 E., M.D.B. & M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about January 1st and end about December 31st, of each year.
Month and Day 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.) Drilled well, pump and sprinkler system.
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 \$25,000.00
- 10. Estimated time required to construct works 3 years
If well completed, describe works.
- 11. Estimated time required to complete the application of water to beneficial use 5 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

By s/Dean Neubauer
 Dean Neubauer Agent
 P.O. Box 150
 Ely, NV 89301

Compared to df gkl cl/cms

Protested September 26, 1995 USDI-National Park Service

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.
 (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 1.34 cubic feet per second, but not to exceed 240.0 acre-feet annually, and not to exceed a yearly duty of 3.0 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 July 18, 2000

Proof of completion of work shall be filed before August 18, 2000

Application of water to beneficial use shall be filed on or before July 18, 2002

Proof of the application of water to beneficial use shall be filed on or before August 18, 2002

Map in support of proof of beneficial use shall be filed on or before August 18, 2002

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 18th day of July,

A.D. 1997

R. Michael Turnipseed P.E.
 State Engineer

Approved 63668 0.67
63669 0.67

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permit 26735 Certificate 9480 and Permit 61372 shall not exceed 426.06 acre-feet annually.

Should Las Vegas Valley Water District Applications 54022 through 54030 be considered in the future, the amount of water available in Snake Valley would be reduced by the amount already appropriated, and that this "amount already appropriated" will include appropriations under Applications 61372 through 61376.