

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

Date of filing in State Engineer's Office MAY 24 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 24 2002 under 68838

The applicant **Vaughn M. & Arda S. Higbee**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Higbee Spring #2**
2. The amount of water applied for is **0.0062 c.f.s.** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Stockwatering**
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 **200 head cattle**
 - (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 Government Lot 3, Section 6, T.1S., R.61E., M.D.M. or at a point from which the USC & G Benchmark "Diablo 60" bears N 86° 37' 22" W 10,554.7' in unsurveyed territory, and using the BLM protraction of June 21, 1965.**
6. Place of Use **In Gov't Lots 2, 3, 4, 5, 6 & 7, the SE¼ NW¼, SE¼ SW¼, NE¼ SW¼, and SW¼ NE¼, all of Section 6, T.1S., R.61E., M.D.M., and all of Sections 1, 2, 3, 10, 11, 14, 15, 22 and 23 of T.1S., R.60E., M.D.M.**
7. Use will begin about **November 1** and end about **May 30** of each year.
8. Description of proposed works **Spring to be developed with horizontal drilling and installation of perforated pipe, concr. collection box and about 6 miles of 1 ¼ to 1 ¾ plastic pipe to 6 troughs and one large holding tank.**
9. Estimated cost of works **\$10,000**
10. Estimated time required to construct works **3 years**
11. Estimated time required to complete the application of water to beneficial use **4 years**

12. Remarks: To be intermingled with waters of application for Higbee Spring #1 being submitted with this application.

Leonard D. Smith
By s/ Leonard D. Smith
PO Box 443
Caliente, Nevada 89008

Compared cam/cm f ag/sam

Protested 9/6/02 by USDI BLM; W/D 3/23/04

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 all existing rights on the source. 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 period of use and the average number of livestock served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 68838 and 68839 shall not exceed 0.0062 cubic feet per second or sufficient to water 200 head of cattle.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0062 cubic feet per second, or sufficient to water 200 head of cattle.

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

August 9, 2007

Proof of completion of work shall be filed on or before:

September 9, 2007

Water must be placed to beneficial use on or before:

August 9, 2008

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

September 9, 2008

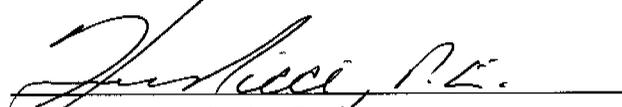
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 9th day, of August, A.D. 2004


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____ N/A _____

Certificate No. _____ Issued _____