Permit No. 71731

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant:	**DANIEL M. & TONI J. TOMKINS**
Source:	**UNDERGROUND**
Basin:	**WINNEMUCCA SEGMENT**
Manner of Use:	**COMMERCIAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**10/01/2004**

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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.

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

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source.

The point of diversion and place of use are as described on the submitted application to support this permit.

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.167 cubic feet per second or 1.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **May 18, 2011**

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **May 18, 2014**

Map in support of proof of beneficial use shall be filed on or before: **N/A**

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 18th day of **May**, A.D. **2009**

K. L. Hall P.E.
for State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

NO. 71731

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

Date of filing in State Engineer's Office OCT 01 2004

Returned to applicant for correction

Corrected application filed

Map filed OCT 01 2004

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The applicant **Daniel M. & Toni J. Tomkins** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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1. The source of the proposed appropriation is **underground**

2. The amount of water applied for is **.167 CFS** second feet.

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for **Commercial & Domestic**

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kind of animals to be watered

   (c) Other use (describe fully under No. 12. "Remarks") **Commercial & Domestic**

   (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 ¼ SE¼ of Section 9, T.35N., R.37E., M.D.B&M. or at a point from which the SE corner of said Section 9 bears S26°25'E, a distance of 1760.00 feet**

6. Place of Use **2.5 acres lying within the NE¼ SE¼ of Section 9, T.35N., R.37E., M.D.B.&M.**

7. Use will begin about **January 1st** and end about **December 31st** of each year.

8. Description of proposed works **drilled well and water distribution system**

9. Estimated cost of works **$30,000±**

10. Estimated time required to construct works **3 years**

11. Estimated time required to complete the application of water to beneficial use **5 years**

12. Remarks: **Annual consumptive use will not exceed 2.02 acre feet. Water will be used for a commercial building, landscaping, dust control and domestic use.**

By

John H. Milton III
s/ John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared sg/ sc

Protested 12/20/04 by: Pershing County Water Conservation District

71731

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