

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

Date of filing in State Engineer's Office DEC 13 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed DEC 13 2004 under 72007

The applicant **Joseph C. Cumming and Kristi A. Cumming, Co-Trustees of the Joseph and Kristi Cumming Family Trust** 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 **Underground**
2. The amount of water applied for is **0.0125 cfs** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Stockwater purposes**
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 **400 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 **SE¼ SE¼ of Section 22, T.30N., R.56E., M.D.B.&M., at a point from which the Southeast corner of said Section 22, bears S 60° 14' 51" E, 720.55 feet.**
6. Place of Use **SE¼ SE¼ of said Section 22, S½ S½ of Section 23, S½ SW¼ of Section 24, all in T.30N. R.56E., 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, pump motor, pipe lines and troughs.**
9. Estimated cost of works **\$10,000.00**
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:

High Desert Engineering
By s/ **Robert E. Morley**
640 Idaho Street
Elko, Nevada 89801

Compared aem/sam 1t/gkl

Protested _____

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. It is further understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to any other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. 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.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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 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 0.0125 cubic feet per second, or sufficient to water 400 head of cattle.

Work must be prosecuted with reasonable diligence and be completed on or before:
September 16, 2007

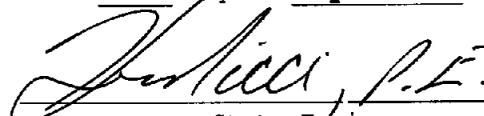
Proof of completion of work shall be filed on or before:
October 16, 2007

Water must be placed to beneficial use on or before:
September 16, 2009

Proof of the application of water to beneficial use shall be filed on or before:
October 16, 2009

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 16th day of September A.D. 2005



State Engineer

Completion of work filed _____
Proof of beneficial use filed _____
Cultural map filed N/A _____
Certificate No. _____ Issued _____