No. 72247

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

Date of filing in State Engineer's Office **FEB 24 2005**

Returned to applicant for correction **MAR 22 2005**

Corrected application filed

Map filed **MAR 30 2005**

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The applicant **James M. Porter and Myrna Dorothea Porter** 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 source from Pahrump Basin # 162**

2 The amount of water applied for is **2.02 AFA .0046 CFS** second-feet

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

3 The water to be used for **Commercial 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") **See Item #12**

(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 NW¼ of the NE¼ of Section 34, T.19S., R.53E., M.D.B.&M., Nye County, Nevada at a point from which the NE corner of said Section 34 bears N 65° 48' 59" E a distance of 2850.17' feet – see attached Exhibit "A"**

6. Place of Use **2.21 acres within the NW¼ of the NE¼ and the SW¼ of the NE¼ of Section 34, T.19S., R.53E., M.D.B&M., Nye County, Nevada also known as A.P.N.#29-631-01 or lot-6, Block "B" of "Record of Survey" Doc. # 20689 dated 11-10-70 in the Nye County Recorders Office, Nye County, Nevada**

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

8. Description of proposed works **Proposed well casing, submersible pump, presure tank, 10,000 gal. storeage tank and distribution system**

9 Estimated cost of works **$20,000**

10. Estimated time required to construct works **2 – years**

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

12. Remarks: **This proposed water system will provide service to a proposed commercial office complex consisting of a 16,800 S.F. building w/10 units; 4 @ 1500 S.F. and 6 @ 1800 S.F., a 10,000 gallon water storeage tank for fire protection and landscaping see attached fixture count.**

Ronnie M. Phillips Agent
By **s/ Ronnie M Phillips**
1240 E. State Street, Suite #101
Pahrump, Nevada 89048

Compared **gkl/sc dl/gkl**

Protested

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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.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

Permit 72247 is granted to provide water service to one lot described as Nye County Assessor's Parcel Number (APN) 29-631-01.

Upon cessation of pumping for commercial purposes at this place of use, water under this permit shall return to the source and no application to change or relinquishment will be allowed.

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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.0046** cubic feet per second, **and not to exceed 1.6 acre-feet annually.**

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

May 2, 2008

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

June 2, 2008

Water must be placed to beneficial use on or before:

May 2, 2011

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

June 2, 2011

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 **2nd** day of **May,** A.D. **2006**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____