

# TEMPORARY

NO. 72373T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAR 11 2005

Returned to applicant for correction MAR 29 2005

Corrected application filed \_\_\_\_\_

Map filed AUG 6 1981 under 44237

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The applicant **Frehner construction Company** hereby make application for permission to change the **Point of Diversion, Manner and place of use** of water heretofore appropriated under **Permit 59297 Certificate 14171**

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1. The source of water is **underground**
2. The amount of water to be changed **0.0416 CFS with a duty of 9.98 ACFT Annual**
3. The water to be used for **Mining and Milling (Dust control)**
4. The water heretofore permitted for **Irrigation & Domestic**
5. The water is to be diverted at the following point the **N E<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Section 21 T16N R21E MDB&M from which the NE corner of section 21 bears N 60°E a distance of 310 ft. (actual) Recorded map shows tie as S36°40'w 325' from the NE corner.**
6. The existing permitted point of diversion is located within **SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Section 17, T.17N., R.23E., MDB&M or at a point from which the E<sup>1</sup>/<sub>4</sub> corner of said section 17 bears S.53°19'22"E., a distance of 1942.0 feet.**
7. Proposed place of use **E Section 18 and the W of section 17 T16N R21E MDB&M. Within us mineral surveys #147, 147, 149, 3374 &4498 see Haywood Quarry paper map enclosed.**
8. Existing place of use **3.0 Acres in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 17, T17N, R23E MDB&M**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Existing well**
12. Estimated cost of works **\$25,000**
13. Estimated time required to construct works **Well log on File**
14. Estimated time required to complete the application of water to beneficial use **Immediate**

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15. Remarks: use map filed under 59297 for Existing  
 see Haywood Quarry map for proposed POU  
 see map filed under 44237 for POD

By s/ Wm. Michael Donovan, Jr.  
 P O Box 1  
 Silver City, NV 89428

Compared mt/gkl lt/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 temporary permit to change the Point of Diversion, Manner and Place of use of the waters of an underground source as heretofore granted under Permit 59297, Certificate 14171 is issued subject to the terms and conditions imposed in said Permit 59297, Certificate 14171 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and 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 the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This temporary permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on August 1, 2006 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0378 cubic feet per second, not to exceed 9.08 acre-feet annually

(Continued on Page 3)

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

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

Water must be placed to beneficial use on or before:

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

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

**TEMPORARY**

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 August A.D. 2005

  
State Engineer