



CORRECTED PERMIT

THE STATE OF NEVADA
PERMIT TO APPROPRIATE WATER

Name of applicant: THOMAS I. & ELLEN F. GARDNER
Source: UNDERGROUND
Basin: ANTELOPE VALLEY (EUREKA & NYE)
Manner of Use: IRRIGATION
Period of Use: January 1st to December 31st
Priority Date: 01/11/2007

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If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source.

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.

This permit is issued for the irrigation of 250.0 acres within the described place of use.

The point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.50 cubic feet per second or 1000.0 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

August 7, 2009

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

August 7, 2012

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

August 7, 2012

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 14th day of August, A.D. 2007

Handwritten signature of Tracy Taylor, P.E., State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____



See Corrected Permit

Permit No. 75251

THE STATE OF NEVADA
PERMIT TO APPROPRIATE WATER

Name of applicant: THOMAS I. & ELLEN F. GARDNER
Source: UNDERGROUND
Basin: ANTELOPE VALLEY (EUREKA & NYE)
Manner of Use: IRRIGATION
Period of Use: January 1st to December 31st
Priority Date: 01/11/2007

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.

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.

This permit is issued for the irrigation of 75.0 acres within the described place of use.

The point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.50 cubic feet per second or 1000.0 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

August 7, 2009

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

August 7, 2012

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

August 7, 2012

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 7th day of August, A.D. 2007

Tracy Taylor P.E. State Engineer

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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

Date of filing in State Engineer's Office JAN 11 2007

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 11 2007

The applicant **Thomas I. And Ellen F. Gardner** 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 **2.5 cfs** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **irrigation**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated **250 acres**
 - (b) Stockwater, state number and kinds of animals to be watered
 - (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 lot 1, Sec. 4, T.14N., R.50E., M.D.M. from which the NE corner of said Sec. 4 bears N.1°31'E., 1,100 feet distant.**
6. Place of Use **portions of the following described lands:**
T.14N., R.50E., Sec. 3: NW¼; Sec. 4: E½NE¼
T.15N., R.50E., Sec. 28: W½SE¼; Sec. 33: W½NE¼, SE¼NE¼, E½SE¼
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **drilled and cased well, pipe line system to wheel line sprinkler.**
9. Estimated cost of works **\$60,000.00**
10. Estimated time required to construct works **three years**
11. Estimated time required to complete the application of water to beneficial use **six years.**

No. 75251

12. Remarks: Applicant intends to augment irrigation now provided under permit #8942 and claims #09338 and #09340, and to expand acreage to be irrigated from the proposed new source of supply via pipe line network and sprinkler system.

By s/William A. Nisbet Agent
 421 Court Street
 Elko, NV 89801

Compared sg/dl_____

Protested _____
