

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

THIS SPACE FOR OFFICE USE ONLY	
Date of Filing in State Engineer's Office	<u>JUL 29 2009</u>
Returned to applicant for correction	_____
Corrected Application filed	Map filed <u>MAY 24 1994</u> under <u>59767</u>

The applicant USDI - Bureau of Land Management
HC 33 Box 33500 of Ely
Street Address or P.O. Box City or Town

Nevada 89301-9408 hereby make(s) application for permission to appropriate the
State and ZIP Code
 public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

- The source of water is an underground source, Shoshone Well No. 2.
Name of the stream, lake, underground, spring or other sources.
- The amount of water applied for is 0.067482 cfs.
One second foot equals 448.83 gallons per minute.
 (a) If stored in a reservoir give the number of acre-feet _____
- The water is to be used for wildlife.
Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.
- If use is for:
 - Irrigation, state number of acres to be irrigated _____
 - Stockwater, state number and kind of animals _____
 - Other use (describe fully in No. 12) maintain endangered and sensitive species and their habitat.
 - Power:
 - Horsepower developed _____
 - Point of return of water to stream _____

184-247

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

NW1/4SW1/4NE1/4, Section 2, T12N, R67E, M.D.B. & M. or at a point from which the SE corner of said section 2 bears S 31 degrees 05 minutes 13 seconds E a distance of 4543.5 feet.

Map filed with application number 59767.

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated)

Lot 7, NW1/4SW1/4NE1/4, SE1/4NE1/4NW1/4, NE1/4SE1/4NW1/4 of section 2, T12N, R67E, M.D.B. & M.

Existing map filed under application number 59767.

7. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with a pump and motor, etc.)

An existing artesian well would have a two-valve manifold attached to allocate water to spring brook and new pool habitat (permit 60086). Manifold and well would be housed in a concrete box with a hinged, lockable cover.

9. Estimated cost of works: \$10,000

10. Estimated time required to construct works: six months

(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: six months

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

Existing artesian well is flowing an average of about 56.47 AFA to a spring brook 169 feet in length which supports a viable population of Pahump poolfish (Empetrichthys latos), an ESA listed endangered species. The spring brook also supports and maintains a 10 acre wetland which is utilized by the Northern Leopard Frog (Rana pipiens), a Nevada sensitive species. (Continued on Attachment 1)

13. Miscellaneous remarks:

Existing artesian well was drilled by the Civilian Conservation Corps in the 1930s; ownership is now held by the BLM (Bureau of Land Management). BLM received a permit (No. 60086) in 2007 for a portion of water from Shoshone Well No. 2 (7.57 AFA). (Continued on Attachment 1)

Michael Herder@blm.gov
E-mail Address

775-289-1800
Phone No.

APPLICATION MUST BE SIGNED
 BY THE APPLICANT OR AGENT

For Michael J. Herder, District Manager
Type or print name clearly

[Signature]
Signature, applicant or agent

USDI - BLM, Ely District Office
Company Name

HC 33 Box 33500
Street Address or PO Box

Ely, Nevada 89301-9408
City, State, ZIP Code

Attachment 1

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

The project would construct a protective box, housing two valves for distribution of water from Shoshone Well No. 2. One valve would be used for water (permit 60086 - 7.57 AFA) to create a pond which would be used for Pahrump poolfish habitat; pond outflow would return water to the wetland complex. The second valve would be used to provide and protect flows to the spring brook and maintain the wetland wildlife habitat. Total balance of water from Shoshone Well No. 2 is necessary to assure maintenance and protection of habitat occupied by endangered and sensitive species and thus, maintenance of the endangered and sensitive aquatic and wetland dependent species. Any permitted water less than in the amount asked for in this application would have negative impacts to both lentic and lotic habitat occupied by the endangered and sensitive species. Purpose of the project and reason for the application to appropriate waters is to protect the public interest by the maintenance and protection of an uncommon complex of wetland and spring brook habitats and riparian dependent wildlife species.

13. Miscellaneous remarks:

Surveys in 2008 refined the delineation of habitat needed to support and maintain aquatic species and also found a heretofore unrecognized population of Pahrump poolfish in the spring brook immediately downstream of Shoshone Well No. 2. In May 2009 BLM was given an extension of time for POC and PBU for permit 60086 to coordinate all work at Well 2.