Permit No. 78779

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of Permittee:	**UNITED STATES OF AMERICA,**
	NATIONAL PARK SERVICE
Source:	**STREAM (LEHMAN CREEK)**
Basin:	**SNAKE VALLEY**
Manner of Use:	**WILDLIFE**
Period of Use:	**JANUARY 1ST THROUGH DECEMBER 31ST**
Priority Date:	**08/05/2009**

****

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 maximum flow rate of 9.9 cubic feet per second, 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 a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

Measuring devices shall be designed and a monitoring plan shall be submitted to and approved by the State Engineer prior to filing the proof of completion of work. The permittee shall be responsible for maintenance of stream flow gage(s) for the duration of the permit, including recalibration and development of a new rating curve, as field conditions warrant. Presence of the gage(s) will be deemed to represent the proof of completion of work. A monitoring program that establishes the measurement frequency and reporting requirement at the gage(s) will be jointly established by the National Park Service and the State Engineer. This plan must include monthly records of water use reported annually to the State Engineer no later than February 15 of each year.

This permit is issued as a non-consumptive use (in-stream flow) subject to State Engineer's Ruling 6324 and shall be left undiverted, remaining within the natural bed and banks of the source within the described place of use. Flow rates are limited to those shown in the application for the various periods of the year.

No change in manner of use or place of use will be allowed.

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.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 9.9 cubic feet per second, but not to exceed 3,842 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **December 23 2016**

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **December 23 2017**

Map in support of proof of beneficial use shall be filed on or before: **N/A**

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 23rd day of **December, 2015**

J. King, P.E.

State Engineer

AMENDED Application No. 78779

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 AUG 0 5 2009

Returned to applicant for correction AUG 1 2 2009

Corrected Application filed AUG 2 6 2009 Map filed AUG 2 6 2009

The applicant United States of America, National Park Service

1201 Oakridge Drive, Suite 250 (Street Address or P.O. Box) of Fort Collins (City or Town)

Colorado, 80525 (State and ZIP Code) hereby make(s) application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant incorporation; if a copartnership or association give names of members.)

---

1. The source of water is Lehman Creek
   Name of the stream, lake, underground, spring or other sources.
2. The amount of water applied for is See Response in Section 12, Remarks, Section 2
   One second foot equals 448.83 gallons per minute.
   (a) If stored in a reservoir give the number of acre-feet
3. The water is to be used for Recreation, including maintenance of aquatic habitat (In-stream flow)
   Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.
4. If use is for:
   (a) Irrigation, state number of acres to be irrigated
   (b) Stockwater, state number and kind of animals
   (c) Other use (describe fully in No. 12) See response in Section 13, Miscellaneous remarks, Section 4.
   (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: (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.)

The point of diversion, lying within the northwest quarter (NW1/4) of the southeast quater (SE1/4) of Section 10, Township 13 North, Range 69 East, M.D.B.&M. from which point the southeast corner of said section 10 bears south 47° 47' 55" East, 2647.10 feet. Said section is unsurveyed.

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

The point of use, lying within the bed and banks of Lehman Creek located within Section 9 and 10, Township 13 North, Range 69 East, M.D.B.&M. Said sections are unsurveyed.

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

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.)

Natural Channel

9. Estimated cost of works: $3,000

10. Estimated time required to construct works: Construction is completed
(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: Upon receipt of permit

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.)

Section 2 - A mean annual (MAF) of 4.9 cfs was estimated for Lehman Creek. Using the instream flow methodology by Tennant (1976), a non-consumptive flow of 3.0 cfs (60% MAF) is required from September through April for maintenance of optimum aquatic habitat and a non-consumptive flow of 9.9 cfs (200% MAF) is required from May through August for flushing the stream system.

13. Miscellaneous remarks:

Section 4 - Appropriated water would remain instream in support of wildlife, fisheries, reacreation and riparian vegetation. See attached summary of Lehman Creek attributes.

2009 AUG 25 PM 1:31

Charles W. Pettee
Type or print name clearly

Signature, applicant or agent

chuck_pettee@nps.gov
E-mail Address

970-225-3505
Phone No.

National Park Service, Water Resources Division
Company Name

1201 Oakridge Drive, Suite 250
Street Address or PO Box

Fort Collins, CO 80525
City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

Revised 07/09 $300 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Protested: October 28, 2009, by Southern Nevada Water Authority, October 29, 2009, by Baker Ranches, Inc.

Lehman Creek attributes

The Lehman Watershed is located on the east side of park and contains the second largest stream in the South Snake Range. Within the park, Lehman Creek flows for 6.5 miles. The watershed has 77 perennial springs. Of these, 48 are simple springs and 29 are spring complexes. Three alpine lakes are at the top of the watershed.

The stream contains populations of rainbow, brown and brook trout. Surveys have found that the total fish population for all three species is 2,050 trout/mile. Fishing is a major recreational use and attraction for park visitors..

Recreational infrastructure includes three campgrounds, a two area, four trailheads, 13 miles of hiking trails, and 3 interpretive natural trails nearly all of which are located adjacent to the stream. It is the most visited watershed in the National Park.

Lehman Creek and its tributaries provide approximately 15 miles of riparian vegetation communities covering 230 acres. There are 18.3 acres of Saturated Emergent Wetlands associated with spring systems adjacent to the creek. These riparian vegetation communities have been free from livestock grazing and are in relatively pristine condition.

Fifty-five mammal species and 150 bird species have been documented in the watershed, which are dependent on the riparian habitats and stream for part of their life cycles. Six of the mammal species are classified as riparian obligates. Four bat species have been document, all of which are National Park Service species of management concern. Neotropical migrants birds are typically riparian obligates or use riparian areas disproportionately greater than other vegetation communities. In total there are 15 wildlife species of management concern partially dependent upon the stream and riparian communities found in the watershed.

Reference for Tennant Method referred to in Section 12:

Tennant, D.L. 1976. Instream flow regimes for fish, wildlife, recreation, and related environmental resources. In: Instream flow needs, VOL II: Boise, ID. Proceedings of the symposium and specialty conference on instream flow needs. May 3-9, American Fisheries Society, p. 359-373.