

TEMPORARY

THE STATE OF NEVADA

PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: DIANNE AFFLERBACH
Source: COLD CREEK
Basin: INDIAN SPRINGS VALLEY
Manner of Use: WILDLIFE
Period of Use: January 1st to December 31st
Priority Date: 07/12/1995

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, place and manner of use of a portion of the waters of Cold Creek as heretofore granted under Permit 61400, Certificate 15724, is issued subject to the terms and conditions imposed in said Permit 61400, Certificate 15724, and with the understanding that no other rights on the source will be affected by the change proposed herein. This temporary permit is for evaporative losses only.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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 0.00006 cubic feet per second, or 0.04 acre-feet annually.

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

N/A

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

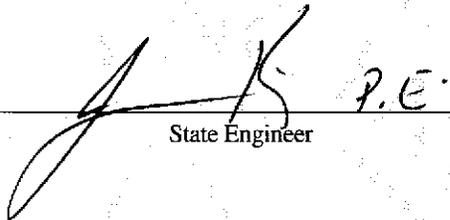
N/A

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

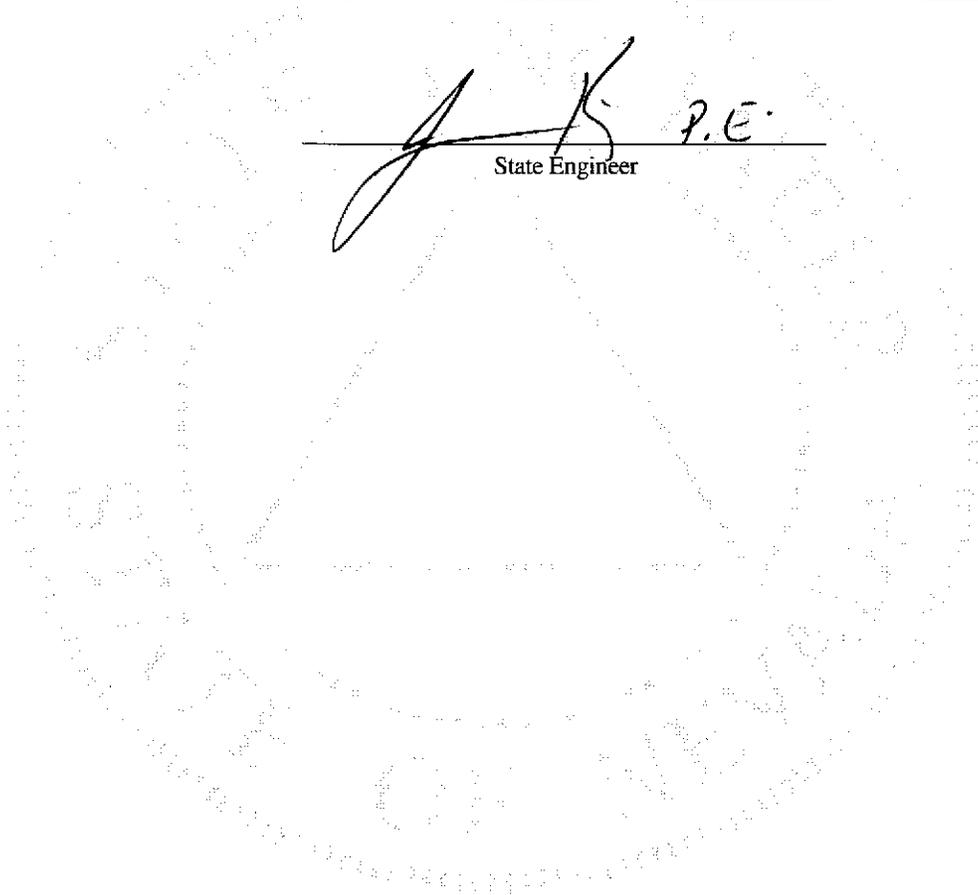
N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 8th day of September, A.D. 2010



State Engineer



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

THIS SPACE FOR OFFICE USE ONLY
Date of filing in State Engineer's Office MAY 10 2010
Returned to applicant for correction _____
Corrected application filed _____ Map filed MAY 27 2010 under **79 82 8 T**

The applicant *Dianne* ~~Diane (Jan)~~ Afflerbach of Cold Creek, NV or mailing address:
245 North 20th Street of Las Vegas
Street Address or PO Box City or Town
Nevada, 89101 State and ZIP Code
hereby make(s) application for permission to change the

REL per Affidavit of Identity 5-17-10

- Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit #61400, Certificate #15724.
(Note that under this application, water rights will be leased to Brad Smuckler, HCR 855, Cold Creek, NV (mailing address: 7108 Deep River Circle, Las Vegas, NV 89129))

1. The source of water is a natural stream source called Cold Creek in the Spring Mountain Range
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed consumptive amount = .04 acre ft. diverted to pond & back into creek ~~0.053 a.f.s.~~
My duty is the evaporative loss & the water diverted is .800 C.F.S. One second foot equals 448.83 gallons per minute.
3. The water to be used for fish propagation / resources for wildlife.
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
4. The water heretofore used for irrigation.
If for stock, state number and kind of animals.
5. The water is to be diverted 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 stated.)
SE 1/4 of SE 1/4 of Section 36, T. 17S., R.55E., M.D.B.M., Clark County, Nevada at a point in Cold Creek, from which the SE corner of said Section 36 bears south 22°44'22" east a distance of 1337.15 ft.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
The NE 1/4 of SE 1/4 of Section 36, T. 17S., R.55E., M.D.B.M., at a point from which the E 1/4 corner of said Section 36 bears N. 44°32'18" E., a distance of 697.95 feet. situated in Clark County, State of Nevada. See map filed under Permit No. 61400.

REL per FAX

16d-cc

REL
per
FAX

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

APN Parcel #092-36-801-003&004 - The N 1/2 of ~~N 1/2~~ of SE 1/4 of SE 1/4 of Section 36, T. 17S., R. 55E., M.D.B.M., Clark County, Nevada.

NE 1/4

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Located within the E1/2 NW1/4 NE1/4 SE1/4, Section 36, T.17S., R.55E., M.D.B.M.; Also see map filed under Permit No. 61400.

9. Proposed use will be from January 1st to December 31st of each year.
Month and Day Month and Day

10. Existing use permitted from January 1st to December 31st of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision 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, pipes and flumes or drilled well, pump and motor, etc.)

A 12-inch rock dam in Cold Creek raises the water level to flow into a 6-inch PVC pipe for 20 feet into man-made cement lined pond before it fully discharges back into Cold Creek stream and flows northward in its natural channel.

12. Estimated cost of works Complete

13. Estimated time required to construct works Complete

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use N/A

15. 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.)

APN Parcel #092-36-801-003 located in Clark County located along Cold Creek stream. Approximately 50% of the water flow during the summer & lower % in winter, spring & fall will be diverted 20 feet thru a 6" PVC intake into a 22' round man-made cement lined pond before discharging back into Cold Creek stream without any noticeable use or consumption. Trout inhabit the man made pond & small trout swim thru the pond's discharge back into Cold Creek. Since Cold Creek is fenced & screened south of the diversion, trout can no longer naturally inhabit the lower portion of the stream. Evaporation approximates .04 acre feet (surface area of 380 sq. ft. / 43,560 = .0087 acres x 5 = .04 acre ft. of evaporation).

16. Miscellaneous remarks:

I have created a new habitat for trout and their numbers are increasing. The pond is available to the Fire Department for wildfire suppression and for other wildlife (birds, horses, deer & elk). Since 1992 I have greatly improved the riparian area & enhanced the beauty along the creek and canyon by planting 100's of drought resistant plants and trees.

bsmuckler@ufc.com
E-mail Address
702-588-5510 or 702-379-3820
Phone No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Brad Smuckler
Type or print name clearly
Brad Smuckler, AGENT
Signature, applicant or agent
7108 Deep River
Company Name
Street Address or PO Box
Las Vegas, NV 89129
City, State, ZIP Code

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