Permit No. 80955

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of Permittee:	**HENRY C. VOGLER, IV**
Source:	**UPPER BILLY SPRING**
Basin:	**STEPTOE VALLEY**
Manner of Use:	**STOCKWATERING**
Period of Use:	**JANUARY 1ST TO DECEMBER 31ST**
Priority Date:	**07/07/2011**

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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 permit is issued subject to all existing rights on the source. 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 period of use and the average number of livestock served from the waters of this source. 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 total combined duty of water under Permits 80954 and 80955 shall not exceed 33.8 acre-feet annually or sufficient to water 5,000 sheep, 500 cows and 10 horses.

This permit is subject to the condition that the permittee must ensure that wildlife which has customarily used such water will have access thereto, NRS 533.367.

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 0.047 cubic feet per second, sufficient to water 5,000 sheep, 500 cows and 10 horses, but not to exceed 33.8 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**November** 3 **2012**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**November** 3 **2014**
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 3rd day of **November**, A.D. **2011**

for State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Application No. 80955

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 JUL 0 7 2011

Returned to applicant for correction _____

Corrected Application filed _____ Map filed JUL 7 2011 under 80954

The applicant Henry C. Vogler IV

HC 33, Box 33920, Ely, Nevada 89301 of Ely
Street Address or P.O. Box — City or Town

Nevada 89301 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.)

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1. The source of water is Spring, known as Upper Billy Spring
   Name of the stream, lake, underground, spring or other sources.
2. The amount of water applied for is 0.0467 cfs
   One second foot equals 448.83 gallons per minute.
   (a) If stored in a reservoir give the number of acre-feet N.A
3. The water is to be used for Stock Water
   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 N/A
   (b) Stockwater, state number and kind of animals 5000 Sheep; 500 Cows; 10 Horses
   (c) Other use (describe fully in No. 12) N/A
   (d) Power:
      (1) Horsepower developed N/A
      (2) Point of return of water to stream No Stream, Water drains from pond and sinks into natural ground

Revised 07/09

179_MP

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.)

SW1/4SW1/4 Section 29 T.25N.R.66E. MDM or at a point from which the West 1/4 corner of Section 32, T.25N. R.66E. MDM bears S 07°22'22" W. 3430.72 feet.

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

SW1/4SW1/4 Section 29, T.25N.R.66E. MDM

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.)

Existing spring and pond, future troughs may be added a later date.

9. Estimated cost of works: $10,000

10. Estimated time required to construct works: Spring and Pond currently exist, 3 years for troughs
(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: 5 years

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.)

This water source will be utilized for animals currently allowed on the Chin Creek Grazing Allotment, this area had a fire and now water and addtional feed is available in this portion of the allotment.

13. Miscellaneous remarks:

mtnhigh1996@att.net
E-mail Address

775-289-6722
Phone No. Ext.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

David E. Provost, PLS, WRS Agent
Type or print name clearly

Signature, applicant or agent

Mountain High Surveying
Company Name

1500 Murry Street
Street Address or PO Box

Ely, NV 89301
City, State, ZIP Code

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