Permit No. 82107

THE STATE OF NEVADA

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

Name of Permittee:	**GARDNER L. DAVIS AND JANELLE E. DAVIS**
Source:	**UNDERGROUND**
Basin:	**THOUSAND SPRINGS VALLEY-TOANO-ROCK SPRING AREA**
Manner of Use:	**QUASI-MUNICIPAL**
Period of Use:	**JANUARY 1ST THROUGH DECEMBER 31ST**
Priority Date:	**12/14/2007**

****

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 to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 76535 is issued subject to the terms and conditions imposed in said Permit 76535 and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water. A separate and distinct totalizing meter measuring only the waters issued under this permit 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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 0.2 cubic feet per second or 5.47 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**June 26 2014**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**June 26 2018**
Map in support of proof of beneficial use shall be filed on or before:	**June 26 2018**

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26th day of **June, 2013**

P.E.

State Engineer

Application No. 82107

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 SEP 1 1 2012

Returned to applicant for correction

Corrected application filed Map filed SEP 1 1 2012

The applicant Gardner L. Davis and Janelle E. Davis

8655 Iriquois Trail (Street Address or PO Box) of Silver Springs (City or Town)

Nevada 89429 (State and ZIP Code) hereby make(s) application for permission to change the

☑ 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 76535

1. The source of water is Underground
   Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.2 cfs or 5.47 acre-feet annually
   Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Quasi-Municipal and Domestic
   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 Quasi-Municipal and Domestic
   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.)
   Within Lot 1 of Section 6, T.39N., R.65E., MDM or at a point from which the SE corner of Section 36, T.40N., R.64E., MDM, bears North 89 degrees 05 minutes 11 seconds West, a distance of 2,720.57 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   Within Lot 2 of Section 6, T.39N., R.65E., MDM or at a point from which the SE corner of Section 36, T.40N., R.64E., MDM, bears North 62 degrees 47 minutes 31 seconds West, a distance of 1,759.58 feet.

189B-EL

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

S½ Section 1, T.39N., R.64E., MDM, being further described as APN's 009-14A-003 and -004, Elko County, Nevada; Lots 1, 2, 3, 4, 5 & 6, S½ NE¼ & N½ SE¼ Section 6, T.39N., R.65E., MDM., being further described as APN 009-36E-001, Elko County, Nevada.

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.)

Lots 1, 2, 3, 4, 5 & 6, S½ NE¼ & N½ SE¼ Section 6, T.39N., R.65E., MDM., being further described as APN 009-36E-001, Elko County, Nevada.

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

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

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.)

Drilled well 500 feet deep, 6-inch diameter casing with a 102 foot surface seal (No NDWR Well Log No. yet. See NOI 68230) and attached copy of well log. Need to install pump, meters and pipelines to buildings, etc. (See Attachment "A")

12. Estimated cost of works $75,000

13. Estimated time required to construct works 4 years, well is completed (see Item 11 and Attachment "A")
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Five (5) years

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.)

See Attachment "A"

RECEIVED
2012 SEP 11 AM 11:32
STATE ENGINEERS OFFICE

16. Miscellaneous remarks:

GARTWELL DAVIES
Type or print name clearly

E-mail Address

775-843-7720
Phone No. Ext.

Signature, applicant or agent

Company Name

8655 IROQUOIS TRAIL
Street Address or PO Box

Silver Springs NV. 89429
City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

Revised 07/09 $200 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

ATTACHMENT "A"

Gardner L Davis and Janelle E. Davis applications to change the POD and POU of Permits 76535 and 76536

Applicants have existing water rights in good standing for QM & DOM and for WLD & DOM purposes from a proposed well filed under the above-referenced permits, respectively. As stated in the attachment to Extensions of Time filed January 24, 2012 for these permits, there was found (witched) to be no significant water at an economic depth or of substantial volume to complete a viable well at the proposed POD under these applications.

We contracted with Fertig Drilling Company to drill a well at a location favored by our water witch. The well was drilled as a domestic well to a depth of 500 feet and was completed on July 27, 2012 (See attached well log, NOI No. 68320, no NDWR Well Log could be located on NDWR Website).

The intent of these change applications is to correct the POD to the as-built location of this existing domestic well. In addition, we are expanding the place of use to include additional contiguous land newly acquired, owned or controlled by the applicant.

The applicant expended in excess of $26,000 drilling this well. As this area is very remote, a substantial secure well house, variable speed pump with controls and a solar power system, storage tank with booster pump, fenced enclosure, totalizing meters and pipelines need to be installed prior to the filing of the Proof of Completion of Work (POC). Since this infrastructure will be of considerable capital expenditure, the applicant kindly requests four (4) years to file the POC's for these applications. After the pipes and meters are installed, the applicant should only need one (1) additional season to file beneficial use (PBU) on the Wildlife permit, unless it is a very wet year. Building the cabins and filing PBU under the QM permit will take longer due to the additional capital expense.

The place of use change for the QM permit will allow for placement of the cabins, brood houses, game processing facility and for any landscaping and/or planting of additional windbreak / roosting tress or for the irrigation of existing native trees, which are stressed during times of drought, anywhere within the expanded place of use described under this application.

The majority of the expanded place of use of the applicants property is sub-irrigated meadow / riparian area with multiple water sources, seeps, depressions, impoundments and drainage channels where various wildlife customarily water. During dry or drought periods many of these sources are without water. Much of the surrounding area is heavily grazed with cattle and therefore, the applicant's fenced property provides a valuable source of forage and water for a wide variety of wildlife (see photos and documentation in base right file Permits 76535 and 76536).

Applicants plan to install many underground pipelines to these existing impoundments (without any other alteration to said impoundments) under the WLD permit to supplement these water sources during dry periods and <u>may</u> include the installation of additional troughs or watering stations. Foremost, the applicant will adhere to all of the terms of the existing permits, including maintenance of the water level in the existing impoundment and to install a pipeline to the property line on Medicine Creek, which will be separately metered, to fully satisfy the existing rights on Medicine Creek, as allowing sufficient flow from this impoundment usually percolates into the ground prior to reaching the property line.