

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

Date of filing in State Engineer's Office AUG 23 1978

Returned to applicant for correction

Corrected application filed Map filed MAR 28 1978 under 35227

The applicant Ether W. Westmoreland

P.O. Box F of Winnemucca Street and No. or P.O. Box No. City or Town

Nv 89445, hereby make application for permission to change the place of use State and Zip Code No.

of water heretofore appropriated under permit 17402 cert. 5841

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

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

2. The amount of water to be changed 0.4564 cfs Second feet, acre feet.

3. The water to be used for irrigation and domestic If for stock state number and kind of animals.

4. The water heretofore used for irrigation and domestic If for stock state number and kind of animals.

5. The water is to be diverted at the following point in the NE 1/4 SE 1/4 sec. 14, T35N, R37E, MDB&M; or a point from which the E 1/4 corner of said sec. 14 bears Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be N 22° 12' E, 1058.4 ft. stated.

6. The existing point of diversion is located within unchanged If point of diversion is not changed, do not answer.

7. Proposed place of use 5.17 ac. NW 1/4 SW 1/4, 40.0 ac. NE 1/4 SW 1/4, 40.0 ac. NW 1/4 SE 1/4, 23.16 ac. NE 1/4 SE 1/4, 15.33 ac. SE 1/4 SE 1/4, 27.27 ac. SW 1/4 SE 1/4, 27.27 ac. SE 1/4 SW 1/4, 0.14 ac. SW 1/4 SW 1/4, all in sec. 14, T35N, R37E, MDB&M, 178.34 total acres.

8. Existing place of use 17.9 ac. NE 1/4 SE 1/4, 40.0 ac. NW 1/4 SE 1/4, 39.2 ac. NE 1/4 SW 1/4, 27.8 ac. NW 1/4 SW 1/4, all in sec. 14, T35N, R37E, MDB&M, 124.9 total acres

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

10. Use has been from January 1 to December 31 of each year. Day and Month Day and Month

11. 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.) well, pump, pipelines, ditches and sprinkling system State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

- 12. Estimated cost of works..... excess of \$1000
- 13. Estimated time required to construct works..... 1 year
- 14. Estimated time required to complete the application of water to beneficial use..... 2 years
- 15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

No additional acreage will be put under cultivation, but the change in location will more effectively irrigate it.

Compared lp/ga cl/cms Applicant Ether W. Westmoreland
 By s/ J.R. Caldwell
Box 432
Winnemucca, Nv 89445

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 place of use of a portion of the waters of an underground source as heretofore granted under Permit 17402, Certificate 5841 is issued subject to the terms and conditions imposed in said Permit 17402, Certificate 5841 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter 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 the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. 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.
 (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.4564 cubic feet per second, but not to exceed 91.2 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before..... N/A

Proof of commencement of work shall be filed before..... N/A

Work must be prosecuted with reasonable diligence and be completed on or before..... August 8, 1997

Proof of completion of work shall be filed before..... September 8, 1997

Application of water to beneficial use shall be made on or before..... August 8, 1998

Proof of the application of water to beneficial use shall be filed on or before..... September 8, 1998

Map in support of proof of beneficial use shall be filed on or before..... September 8, 1998

Commencement of work filed.....
 Completion of work filed..... OCT 06 1999
 Proof of beneficial use filed.....
 Cultural map filed.....
 Certificate No..... Issued.....
 Recorded..... Bk..... Page.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 8th day of August
 A.D. 19 96
[Signature]
 State Engineer

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permits 17402 Certificate 5841; 18514, Certificate 5842; 35227, 35801, and Proof 02973 shall not exceed 742.56 acre-feet annually.

The total combined duty of water under Permits 8056 Certificate 2089; 17402 Certificate 5841; 18514 Certificate 5842; 25816 Certificate 9567; 35227, 35801, and Proof 02973 shall not exceed 1,175.19 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.