Serial No. 45841

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 JUN 16 1982

Returned to applicant for correction AUG 16 1982

Corrected application filed _____ Map filed SEP 3 1982 under 45834

The applicant White Pine County

P O Box 659 of Ely
Street and No. or P.O. Box No. City or Town

Nevada 89301 hereby make~~s~~ application for permission to change ~~the~~
State and Zip Code No.

a portion of the Point Of Diversion and Place Of Use.
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Application No. 35542
(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 Sources - Well No. ST 1-3
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 3.0 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Industrial Purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Industrial Purposes
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point in the SW¼ SW¼ of Section 30, T.20 N.,
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 stated.
R.64 E., M.D.B.& M., whence the Southeast Corner of Section 31, T.20 N., R.64 E., M.D.B.& M. bears S.39°43'38"E., 7,396.61 feet distant.

6. The existing permitted point of diversion is located within the SE¼ SE¼ of Section 14, T.21 N.,
If point of diversion is not changed, do not answer.
R.63 E., M.D.B.& M., whence the Southeast Corner of said Section 14 bears S.42°33'10"E., 935.29 feet distant.

7. Proposed place of use Sections 2, 3, 4, 9, 10 & 11, T.24 N., R.64 E., M.D.B.& M.;
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
Sections 33, 34 & 35, T.25 N., R.64 E., M.D.B.& M.

8. Existing place of use Sections 2 through 11, 14 through 23, and 27 through 30, T.21 N.,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.
R.63 E., M.D.B.& M., Sections 19 through 22, and 26 through 35, T.22 N., R.63 E., M.D.B.& M.

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

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

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.) The water will be diverted through 12" to 24" pipelines to the Proposed Place Of Use.
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works $25,000.00

13. Estimated time required to construct works 5 years

14. Estimated time required to complete the application of water to beneficial use 10 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This Application is being filed in conjunction with twenty-one (21) other Applications for a total yearly draw of 51,982.81 acre feet per year for a Power Generating Plant.

By s/Richard W. Forman
Richard W. Forman, Agent
P O Box 150
Ely NV 89301

Compared bl/vjw pr/bc

Protested 12/3/82 by William G. Davidson, Steptoe Ranch Co., Inc.
Protest upheld: See hearing transcript of August 17, 1983

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 a portion of the waters of an underground source as heretofore granted under Permit 35542 is issued subject to the terms and conditions imposed in said Permit 35542 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.

The total combined duty of water under Permits 45834 through 45855, inclusive, shall not exceed 25,000 acre-feet annually.

The issuance of this permit is subject to the terms and conditions of the State Engineer's ruling issued August 17, 1983.

This permit is issued as a preferred use of the limited resource as authorized by NRS 534.120 (2) and set forth in the State Engineer's Order No. 821 issued on August 23, 1983.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.0 cubic feet per second, but not to exceed 2172 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before September 19, 1985

Proof of completion of work shall be filed before October 19, 1985

Application of water to beneficial use shall be made on or before September 19, 1990

Proof of the application of water to beneficial use shall be filed on or before October 19, 1990

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

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 12th day of October, A.D. 19 84

Peter G. Morros
State Engineer

2407 (Rev. 6-81)