Serial No. 50714

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 MAR 20 1987

Returned to applicant for correction

Corrected application filed Map filed MAR 20 1987

The applicant Joe & Dorothy Burton

Box 403 (Street and No. or P.O. Box No.) of Panaca (City or Town)

Nevada 89402 (State and Zip Code No.) hereby make application for permission to change 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 45875 (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, underground spring or other source.)
2. The amount of water to be changed .71 c.f.s. (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Irrigation (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Irrigation (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 within the SW¼ of the NE¼ of Sec. 35, T 2 S, R 67 E, MDB & M, from which the South ¼ Cor of said Section 35 bears S 12° 48' 21" W a distance of 3,822.74 feet. (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.)
6. The existing permitted point of diversion is located within the NW¼ of the SW¼ of Section 2, T 3 S, R 67 E, MDB & M, from which the North ¼ Corner of said Section 2 bears N 34° 08' E a distance of 3,861.54 feet. (Note: Corners described in Items 5 & 6 above are a common corner.) (If point of diversion is not changed, do not answer.)
7. Proposed place of use is that portion of the SW¼ of the NE¼ of Section 35, T 2 S, R 67 E, MDB & M, which lies westerly of the Right-of-way of U. S. Highway 93 containing some 23 acres. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use E½ of the NW¼ of the SW¼ of the SW¼; and the S½ of the SE¼ of the NW¼ of the SW¼; and the E½ of the SW¼ of the NW¼ of the SW¼ (8 acres), all within Section 2, Township 3 South, Range 67 East, MDB & M. (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.)
9. Use will be from March 1 (Month and Day) to October 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.
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 and casing are in place. Pump and conduit necessary to move the water will be installed upon approval. (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 $10,000
13. Estimated time required to construct works 6 months

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.

By s/ Frank C. Hulse #722
Frank C. Hulse (Agent)
State Water Right Surveyor #722
Box 510
Pioche, Nevada 89043

Compared pm/se pm/se

Protested

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 45875 is issued subject to the terms and conditions imposed in said Permit 45875 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.

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

This permit is limited to the irrigation of 8 acres within the place of use shown on the supporting map.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.71 cubic feet per second, but not to exceed a yearly duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources and not to exceed 40 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before October 12, 1988

Proof of completion of work shall be filed before November 12, 1988

Application of water to beneficial use shall be made on or before October 12, 1989

Proof of the application of water to beneficial use shall be filed on or before November 12, 1989

Map in support of proof of beneficial use shall be filed on or before November 12, 1989

Completion of work filed JUL 29 1991

Proof of beneficial use filed JAN 26 1993

Cultural map filed JAN 26 1993

Certificate No. 13652 Issued JUN 11 1993

IN TESTIMONY WHEREOF, I PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 25th day of May, A.D. 19 88

Peter G. Morros
State Engineer

2407 (Rev. 6-81)

CANCELLED FEB 28 1990 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

[signature] P.E. STATE ENGINEER

can. rescinded 6-25-90