ASSIGNED

AMENDED

Serial No. 53018

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 14 1989

Returned to applicant for correction APR 05 1989

Corrected application filed APR 13 1989 Map filed APR 13 1989 under 35898

The applicant Bert T. Swanston, an undivided 1/3 interest; Robert Swanston, an undivided 1/3 interest; Robert Leal & Elysian Farms, Inc., as undivided 1/3 interest

500 "N" Street, Suite 23 (Street and No. or P.O. Box No.) of Sacramento (City or Town)

California 95814 (State and Zip Code No.) hereby make.... application for permission to change the

Point of Diversion and Place of Use of a Portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit 35898 (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 1.3 c.f.s. (Second feet, acre feet. One second foot equals 448.3 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 Lt. 4 (NW¼ NW¼) Section 1, T. 36 N., R. 66 E., (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.) M.D.B.&M., or at a point from which the NE corner of said Section 1 bears N. 88° 39' E., a distance of 5,017.00 feet.
6. The existing permitted point of diversion is located within NW¼ NE¼ Section 33, T. 36 N., R. 66 E., (If point of diversion is not changed, do not answer) M.D.B.&M., or at a point from which the S¼ corner of said Section 33 bears S. 1° 39' W., 4078 feet.
7. Proposed place of use Section 1, T. 36 N., R. 66 E., M.D.B.&M. 104 acres (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use Section 33 T. 36 N., R. 66 E., M.D.B.&M. Area to be removed - W½ 104 acres (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 January 1 (Month and Day) to December 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.) Drilled and cased well, pump motor and distribution system (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 $50,000.00
13. Estimated time required to construct works 2 years

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

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

Please use map filed in support of 35898 for existing Point of Diversion and existing Place of Use. 60 acres will remain with Section 33, T. 36 N., R.66 E., M.D.B.&M. under Permit 35898.

/s/ Jack D. Ferris
By THIEL, WINCHELL & ASSOCIATES, INC.
5151 So. Carson Street, Suite 301
Carson City, NV 89701

Compared kh/ se cl/bk

Protested

APPROVAL OF STATE ENGINEER

This is to certify 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 35898 is issued subject to the terms and conditions imposed in said Permit 35898 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 total combined duty of water under Permits 53018 and 53019 shall not exceed 1,040.0 acre-feet per year for the irrigation of 260 acres within the described place of use.

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

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.3 cubic feet per second, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before June 16, 1996

Proof of completion of work shall be filed before July 16, 1996

Application of water to beneficial use shall be made on or before December 16, 1997

Proof of the application of water to beneficial use shall be filed on or before January 16, 1998

Map in support of proof of beneficial use shall be filed on or before January 16, 1998

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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 4th day of January, A.D. 19 96

State Engineer

(Rev. 6-81)

(O)-1108