ASSIGNED

NO. 53469

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 29 1989

Returned to applicant for correction

Corrected application filed

Map filed JUL 29 1989 under 53467

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The applicants **Roy C. & Mary Annah Smith,** hereby make application for permission to change the **Place of Use of a portion** of water heretofore appropriated under **Permit No. 44544**

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1. The source of water is **McAffee Creek**

2. The amount of water to be changed **0.08 CFS, 44.4 AFS**

3. The water to be used for **Irrigation & Domestic**

4. The water heretofore permitted for **Irrigation & Domestic**

5. The water is to be diverted at the following point **NW¼ NW¼, Sec. 2, T.4S., R.35E., M.D.B.& M. or at a point from which the N¼ Cor. of said Sec. 2 bears N 58°59' E a distance of 2664.4 feet.**

6. The existing permitted point of diversion is located within **No change**

7. Proposed place of use **20 Acres within portions of SE¼ SW¼ and SW¼ SW¼, Sec. 25 and SE¼ SE¼, Sec. 26, T.3.S., R.35E., M.D.B. & M.**

8. Existing place of use **20 Acres in the NE¼ SW¼, Sec. 25, T.3S., R.35E., M.D.B. & M.**

9. Use will be from **Feb. 15** to **Nov. 15** of each year.

10. Use was permitted from **Feb. 15** to **Nov. 15** of each year.

11. Description of proposed works **Diversion box, ditches and pipeline**

12. Estimated cost of works **$20,000**

13. Estimated time required to construct works **3 years**

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

15. Remarks:

By **s/Bruce L. Rice**
P. O. Box 130
Smith, NV 89430

Compared dl/cmf hf/cmf

Protested

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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 McAffee Creek as heretofore granted under Permit 44544 is issued subject to the terms and conditions imposed in said Permit 44544 and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change 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.

The total combined duty of water under Permits 44546, 46372, 53467, 53468, and 53469 shall not exceed 894.0 acre-feet annually for the irrigation of 178.8 acres.

The total combined duty of water under Permits 53467, 53468, and 53469 shall not exceed 100.0 acre-feet annually.

(CONTINUED ON PAGE 3)

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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.08** cubic feet per second, **but not to exceed 44.4 acre-feet per season, and not to exceed a seasonal duty of 5.0 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:
September 15, 2002

Proof of completion of work shall be filed before:
October 15, 2002

Water must be placed to beneficial use on or before:
September 15, 2005

Proof of the application of water to beneficial use shall be filed on or before:
October 15, 2005

Map in support of proof of beneficial use shall be filed on or before:
October 15, 2005

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **15th** day of, **September** A.D. **2000**

Hugh Ricci, P.E.
State Engineer

WITHDRAWN BY AGENT JUN 25 2003

Completion of work filed _____

Proof of beneficial use filed _____

Hugh Ricci, P.E. STATE ENGINEER

Cultural map filed _____

Certificate No. _____ Issued _____