

**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 23 1990

Returned to applicant for correction.....

Corrected application filed..... Map filed MAR 23 1990 under 54590

The applicant Stephen L. & Dorian V. Boyer

P.O. Box 927 of Wells  
Street and No. or P.O. Box No. City or Town

Nevada 89835 hereby make application for permission to change the  
State and Zip Code No.

Point of diversion of a portion  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit # 38523  
(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 1.89 cfs  
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 within the NE 1/4 SE 1/4 Section 5, T34N, R62E, MDM,  
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.  
at a point from which the E 1/4 corner of said section bears N 88° 19' E, 1,241 feet  
distance

6. The existing permitted point of diversion is located within the NE 1/4 SE 1/4 Section 5, T34N, R62E, MDM,  
If point of diversion is not changed, do not answer  
at a point from which the E 1/4 corner of said  
section bears N 88° 23' E, 1,291 feet distance.

7. Proposed place of use within the SE 1/4 Section 5, T34N, R62E, MDM 120 acres  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use within the SE 1/4 Section 5, T34N, R62E, MDM 160 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 to December 31 of each year.  
Month and Day Month and Day

10. Use was permitted from January 1 to December 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.) drill and case 16" well, equip with turbine pump and sprinkler 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 \$30,000.00

13. Estimated time required to construct works two 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.

This application is required as applicant was not able to develop the quantity of water permitted under Permit #38523. It is also necessary for the proper irrigation of the 160 acres from that source. Water from this new source will be co-mingled with that developed under Permit #34822. Please send copies of all correspondence and notices to undersigned agent.

By s/William A. Nisbet Agent  
421 Court Elko, Nevada 89801

Compared pm/ mv am/se

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 of a portion of the waters of an underground source as heretofore granted under Permit 38523 is issued subject to the terms and conditions imposed in said Permit 38523 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 measuring device must be installed in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 34822, 54590 and 54591 shall not exceed 640 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.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.89 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 March 13, 1992

Proof of completion of work shall be filed before April 13, 1992

Application of water to beneficial use shall be made on or before March 13, 1993

Proof of the application of water to beneficial use shall be filed on or before April 13, 1993

Map in support of proof of beneficial use shall be filed on or before April 13, 1993

Completion of work filed \_\_\_\_\_ IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E., State Engineer of Nevada, have herunto set my hand and the seal of my

Proof of beneficial use filed \_\_\_\_\_ office, this 20th day of December,

Cultural map filed \_\_\_\_\_ A.D. 19 91

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_ [Signature] State Engineer

[Signature] APR 8 1992  
STATE ENGINEER