Serial No. 55402 ASSIGNED

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 ~~OCT 23 1990~~ NEW PRIORITY DATE: MAY 29 2002

Returned to applicant for correction

Corrected application filed Map filed OCT 23 1990 under 55402

The applicant Phyllis and Alan S. Boyack

Mtn, City Highway (Street and No. or P.O. Box No.) of Elko (City or Town)

Nevada 89801 (State and Zip Code No.) hereby make s application for permission to change the

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

of water heretofore appropriated under Permit 43040 (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 .03 cfs (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Irrigation and Domestic (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Irrigation and Domestic (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 NW¼ NE¼ of Section 17, T34N, R55E, MDB&M., (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 N¼ corner of said Section 17 bears N 30° 46' 33" W, 943.43 feet.
6. The existing permitted point of diversion is located within SW¼ NW¼ of Section 8, T34N, R55E, (If point of diversion is not changed, do not answer.) MDB&M., at a point from which the W¼ corner of said Section 8 bears S 78° 51' 36" W, 996.39 feet.
7. Proposed place of use A portion of NW¼ NE¼ of Section 17, T34N, R55E, MDB&M. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.) 5.65 acres (see map Area no. 6)
8. Existing place of use A portion of SW¼ NW¼ of Section 8, T34N, R55E, 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.) Acreage to be removed from irrigation is 0.5 acres (see map Area no. 6)
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.) Well, Pipeline, Ditches 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 $10,000
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: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

By HIGH DESERT Engineering, Agent
s/Robert E. Morley
Robert E. Morley
515 South Fifth Street
Elko, Nevada 89801

Compared bc/ bc am/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 a portion of the waters of an underground source as heretofore granted under Permit 43040 is issued subject to the terms and conditions imposed in said Permit 43040 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.

The place of use of this permit is limited to the irrigation of 0.5 acres within the described place of use.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.03 cubic feet per second, and not to exceed 1.0 acre-feet annually, and not to exceed a yearly duty of 2.0 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 December 30, 1993

Proof of completion of work shall be filed before January 30, 1994

Application of water to beneficial use shall be made on or before December 30, 1996

Proof of the application of water to beneficial use shall be filed on or before January 30, 1997

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

Completion of work filed FEB 27 1995

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 30th day of December, A.D. 19 91

R. Michael Turnipseed P.E.
State Engineer

CANCELLED MAY 13 2002 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Turnipseed, P.E. STATE ENGINEER

Can. Rescinded 8/26/02

(O)-1108 (Rev. 6-81)