

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 JUL 09 1991

Returned to applicant for correction

Corrected application filed Map filed JUL 09 1991

The applicant Benjamin A. Miller as Trustee for the Benjamin A. Miller Trust (CU/T/A: September 29, 1989)

P.O. Box 439 of Winona City or Town

Minnesota 55987 State and Zip Code No. hereby make application for permission to change the

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

of water heretofore appropriated under Permit 21474 Certificate 6877 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 0.390 c.f.s. (50 Acre Feet) Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Industrial 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 SE 1/4 SW 1/4 Section 19, T.16N., R.22E., M.D.B.&M. Describe as being within a 40-acre subdivision of public survey and by course and

or at a point from which the SW corner of said Section 19 T.16N., R.22E., distance to a section corner. If on unsurveyed land, it should be stated.

M.D.B.&M. bears S. 83° 42' 51" W. a distance of 2126.23 feet

6. The existing permitted point of diversion is located within SW 1/4 NW 1/4, Section 9, T.16N., R.22E., If point of diversion is not changed, do not answer.

M.D.B.&M., or at a point from which the N 1/4 corner of said Section 9 bears N.

56° 03' E a distance of 3,134.04 feet.

7. Proposed place of use Portion of the SE 1/4 SW 1/4, Section 19, T.16N., R.22E., M.D.B.&M. Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

and a portion of the SW 1/4 SE 1/4, Section 19, T.16N., R.22E., M.D.B.&M.

8. Existing place of use 38.0 acres in the SW 1/4 NW 1/4; 38.0 acres in the NW 1/4 SW 1/4 and 36.0 Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

acres in the SW 1/4 SW 1/4 all within Section 9, T.16N., R.22E., M.D.B.&M. For manner of use of irrigation permit, describe acreage to be removed from irrigation.

area being removed from Irrigation please refer to Exhibit "A".

9. Use will be from January 1 to December 31 of each year. Month and Day

10. Use was permitted from January 1 to December 31 of each year. 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.) drilled well, pump motor to distribution State manner in which water is to be diverted, i.e. diversion structure,

system. ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$25,000.00

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:

Provided herewith is an agreement between Dayton Utilities and Benjamin Miller for the construction of a well within the Districts Boundary and placement and subsequent use of transferred water rights.

By: Jack D. Ferris
THIEL, WINCHELL & ASSOCIATES, INC.
34 Lakes Blvd., Suite 101
Dayton, Nevada 89403

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, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 21474, Certificate 6877 is issued subject to the terms and conditions imposed in said Permit 21474, Certificate 6877 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.39cubic feet per second, but not to exceed 50 acre-
..... feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... May 8, 1994

Proof of completion of work shall be filed before..... June 8, 1994

Application of water to beneficial use shall be made on or before..... May 8, 1997

Proof of the application of water to beneficial use shall be filed on or before..... June 8, 1997

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

Completion of work filed..... APR 27 1997

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 herunto set my hand and the seal of my

office, this 8th day of May

A.D. 19 92

[Signature]
State Engineer

Abrogated By: 70042 0.39