TEMPORARY

Serial No. 57579 T

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 MAY 1 - 1992

Returned to applicant for correction

Corrected application filed Map filed MAY 1 - 1992

The applicant Henry and Marian Filippini

Post Office Box 367 (Street and No. or P.O. Box No.) of Battle Mountain (City or Town)

Nevada 89820 (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 27089, Certificate 8723 (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 3.723 c.f.s., 520 acre-feet annually (Second feet, acre feet. One second foot equals 448.83 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 SW¼ NW¼ Section 28, T.29N., R.43E., 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.) or at a point from which the N¼ corner of said Section 28 bears North 41°22' East, 3463 feet
6. The existing permitted point of diversion is located within SW¼ SE¼ Section 17, T.29N., R.43E., (If point of diversion is not changed, do not answer.) MDB&M, or at a point from which the S¼ corner of said Section 17 bears South 45° 0' West, 141.40 feet
7. Proposed place of use 260 acres within the N½ Section 28, T.29N., R.43E., MDB&M (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use NW¼ NE¼ (40.00 ac.), NE¼ NE¼ (40.00 ac.), SW¼ NE¼ (40.00 ac.), (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.) SE¼ NE¼ (40.00 ac.), NW¼ SE¼ (40.00 ac.), NE¼ SE¼ (40.00 ac.), SW¼ SE¼ (40.00 ac.), SE¼ SE¼ (40.00 ac.) Section 17, T.29N., R.43E., MDB&M. 260 acres in the NE¼ (160 ac.), E½ SE¼ (80 ac.) and N½ NW¼ SE¼ (20 ac.) to be removed from irrigation as shown on the supporting map
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, pump, motor and center pivot (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.) irrigation system
12. Estimated cost of works in excess of $20,000.00
13. Estimated time required to construct works 3 months

14. Estimated time required to complete the application of water to beneficial use 2 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 for a temporary permit is being filed as a result of the 4/24/92 letter to Henry A. Filippini from Thomas K. Gallagher. The applicants were not aware that change applications to utilize the well under Permit 27090 had not been filed until they began drilling the replacement well.

By s/ Bruce R. Scott
Bruce R. Scott, Resource Concepts, Inc.
340 North Minnesota Street
Carson City, Nevada 89703

Compared ap/se ap/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 temporary 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 27089, Certificate 8723 is issued subject to the terms and conditions imposed in said Permit 27089, Certificate 8723 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 temporary 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 57578-T and 57579-T shall not exceed 1040 acre-feet annually for the irrigation of 260 acres within the N½, Section 28, T.29N., R.43E., M.D.B.&M.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.723 cubic feet per second, but not to exceed 520 acre-feet annually, 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

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

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

TEMPORARY

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

TEMPORARY

EXPIRED

DATE MAY 14 1993

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 15th day of May, A.D. 19 92

R. Michael Turnipseed P.E.
State Engineer

(PERMIT TERMS CONTINUED)

The issuance of Permits 57578-T and 57579-T will reduce the amount of land irrigated under Permit 27088, Certificate 8722 and Permit 27089, Certificate 8723 to 60 acres within the SW¼ SE¼ (40 acres) and the S½ NW¼ SE¼ (20 acres) all in Section 17, T.29N., R.43E., M.D.B.&M.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on May 14, 1993 at which time all rights herein granted shall revert to the right being changed by this temporary permit.