

TEMPORARY

Serial No. 57847T

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 13 1992

Returned to applicant for correction

Corrected application filed JUL 20 1992 Map filed

The applicant R. Dirk Agee and Marta S. Agee (husband and wife)

Box 50 - Rachel of Alamo Street and No. or P.O. Box No. City or Town

Nevada 89001 hereby make application for permission to change the State and Zip Code No.

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

of water heretofore appropriated under permit #49217 (certificate #12241) 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 1.0 c.f.s. (157.10 acre-feet) 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 same as existing 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.

6. The existing permitted point of diversion is located within the SW 1/4 NE 1/4 Section 2, T.4S., R.55E., M.D.M., from which the NE corner of Sec. 35, T.3S., R.55E., bears N. 11° 55' 26" E., 6,890.26 ft. dist. If point of diversion is not changed, do not answer.

7. Proposed place of use Lot 3 (NE 1/4 NW 1/4) Sec. 2, T.4S., R.55E., M.D.M. 31.42 acres Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use SW 1/4 NE 1/4 Sec. 2, T.4S., R.55E., M.D.M. (31.42 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 31 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.) existing works; a pivot line will be moved to the proposed place of use, from the existing place of use. 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 \$5,000.00

13. Estimated time required to construct works one year Well completed as described under permit #49217

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

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

~~A companion change application is being filed for the simultaneous change of place of use of 97.5 acres of permit #45085 (certificate #12236), which strips a conflicting water right from Lot 3.~~

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

Compared gkl/jv 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 place of use of the waters of an underground source as heretofore granted under Permit 49217, Certificate 12241 is issued subject to the terms and conditions imposed in said Permit 49217, Certificate 12241 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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on September 8, 1993 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 157.10 acre-feet annually.

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.....

Completion of work filed.....

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 9th day of September,

A.D. 19 92

R. Michael Turnipseed
State Engineer

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EXPIRED

DATE SEP 8 1993