ASSIGNED

Serial No. 58314

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 NOV 09 1992

Returned to applicant for correction

Corrected application filed Map filed MAY 09 1985 under 49040

The applicant Ardyth G. Smith

P.O. Box 443 (Street and No. or P.O. Box No.) of Caliente (City or Town)

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

point of diversion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under permit 49040 (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 2.7 c.f.s. (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 SE¼ section 7, T.1N., R.68E., M.D.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.)
   the NW corner of said section 7 bears N. 47° 51' 55" W. at 3964.97 ft.
   together with permit 49041.
6. The existing permitted point of diversion is located within SW¼ NE¼ section 7, T.1N., R.68E., M.D.M. (If point of diversion is not changed, do not answer.)
   the NW corner of said section 7 bears N, 71° 04' 20" W. at 4131.03 feet.
7. Proposed place of use the same as previous; SE¼ SW¼, S½ SE¼ sec. 6; N½, W½ SE¼ in (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
   section 7; W½ NW¼ section 8, all in T.1N., R.68E., M.D.M.
8. Existing place of use SE¼ SW¼, S½ SE¼ section 6; N½, W½ SE¼ section 7; W½ NW¼ (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.)
   section 8, all in T.1N., R68E., M.D.M.
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.) an existing well with proposed pump and (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)
    motor to be installed
12. Estimated cost of works $20,000
13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use three 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 permit is to be used for a desert land entry where two applications were made for enough water for the 320 acres. After drilling and testing the one well, it tested to be enough for both permits. Therefore this application is to divert all water from one point of diversion.

By s/Ardyth G. Smith
~~Ardyth G. Smith~~
Box 443
Caliente, Nevada 89008

Compared bc/bc

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 of the waters of an underground source as heretofore granted under Permit 49040 is issued subject to the terms and conditions imposed in said Permit 49040 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. 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 total combined duty of water under Permits 49041 and 58314 shall not exceed 1280.0 acre-feet annually for the irrigation of 320.0 acres of land as described under Desert Land Entry Decision N-23612, dated January 25, 1990.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.7 cubic feet per second, but not to exceed 640.0 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 September 19, 1994

Proof of completion of work shall be filed before October 19, 1994

Application of water to beneficial use shall be made on or before March 12, 1995

Proof of the application of water to beneficial use shall be filed on or before April 12, 1995

Map in support of proof of beneficial use shall be filed on or before April 12, 1995

Completion of work filed MAY 22 1995

Proof of beneficial use filed JUN 12 1995

Cultural map filed

Certificate No. 14152 Issued JUL 06 1995

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 19th day of April, A.D. 19 94

R. Michael Turnipseed
State Engineer