Serial No. 58425

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 DEC 24 1992

Returned to applicant for correction

Corrected application filed Map filed DEC 24 1992 under 58421

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

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

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

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 SW¼ NE¼ Section 2, T.4S., R.55E., (If point of diversion is not changed, do not answer.) MDM, from which the NE corner of Section 35, T.3S., R.55E., bears N. 11° 55' 26" E., 6,890.26 ft. dist.
7. Proposed place of use Lot 3 (NE¼ NW¼) Section 2, T.4S., R.55E., MDM, 31.42 acres (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use SW¼ NE¼ Section 2, T.4S., R.55E., MDM, (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 (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.) 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

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:

This permanent change application describes the same change of existing rights as those described in temporary change permit #57847.

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

Compared bc/bc pm/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 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 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 issuance of this permit expires Permit 57847-T.

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, and not to exceed a yearly duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources, but not to exceed 157.10 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before September 7, 1994

Proof of completion of work shall be filed before October 7, 1994

Application of water to beneficial use shall be made on or before September 7, 1996

Proof of the application of water to beneficial use shall be filed on or before October 7, 1996

Map in support of proof of beneficial use shall be filed on or before October 7, 1996

Completion of work filed DEC 22 1994

Proof of beneficial use filed MAR 28 1997

Cultural map filed DEC 24 1992

Certificate No. 14742 Issued OCT 24 1997

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 7th day of September, A.D. 19 93

R. Michael Turnipseed P.E.
State Engineer