Serial No. 59101

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 AUG 05 1993

Returned to applicant for correction

Corrected application filed Map filed SEP 10 1993

The applicant Henry A. Filippini & Mirian Filippini, Daniel Edward Filippini & Eddyann U. Filippini
PO Box 1083 (Street and No. or P.O. Box No.) of Battle Mountain (City or Town)
Nevada 89820 (State and Zip Code No.) hereby makes application for permission to change the
Place of Use and Manner of Use (Point of diversion, manner of use, and/or place of use)
of water heretofore appropriated under Permit #28213 - Certificate #9474 (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 4.0 c.f.s. (1220.8 ac-ft.) (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 (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 Lot 2 (NW¼NE¼) Section 6, T.29 N., R.44E., MDM, at a point from which the N¼ corner of said Section 6, bears N. 01°08'W., 1200.4 ft. dist. (If point of diversion is not changed, do not answer.)
7. Proposed place of use See Attachment Page 2 (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use Lot 4 (33.7ac), Lot 3 (38.8 ac) SE¼NW¼ (39.0 ac), Lot 5 (33.7 ac), Lot 2 (39.8 ac), Lot 1 (NE¼NE¼) (40.2 ac), SE¼NE¼ (40.2 ac), SW¼NE¼ (39.8 ac) all within Section 6, T.29N., R.44E., MDM. ~~Total 305.2 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 1st (Month and Day) to December 31st (Month and Day) of each year.
10. Use was permitted from January 1st (Month and Day) to December 1st (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.) drilled well casing, turbine pump with electrical motor, pipelines, sprinkler system (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 $10,000.00
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:

Water from this source will be co-mingled with that granted under Permit #13681-Certificate #4353. Permit #54539 and Proof #01563.

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

Compared cmg/jjs jr/vjw

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 and manner of use of the waters of an underground source as heretofore granted under Permit 28213, Certificate 9474 is issued subject to the terms and conditions imposed in said Permit 28213, Certificate 9474 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 measuring device must be installed in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. 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 total combined duty of water under Permits 59100, 59101 and 59102 shall not exceed 1,891.0 acre-feet annually.

The maximum area irrigated under Permits 59100, 59101 and 59102 shall not exceed 510.5 acres within the described place of use.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.0 cubic feet per second, but not to exceed 1,220.8 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 November 1, 1995

Proof of completion of work shall be filed before December 1, 1995

Application of water to beneficial use shall be made on or before November 1, 1998

Proof of the application of water to beneficial use shall be filed on or before December 1, 1998

Map in support of proof of beneficial use shall be filed on or before December 1, 1998

Completion of work filed DEC 22 1995

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 1st day of November, A.D. 19 94

State Engineer

Abrogated By 70301 4.0

(O)-1108 (Rev. 6-81)

7. Proposed place of use Lot 1 (40.2 ac); Lot 2 (39.8 ac); Lot 3 (38.8 ac); Lot 4 (33.7 ac); Lot 5 (33.7 ac);
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

SE¼NW¼ (39.0 ac); SW¼NE¼ (39.8 ac); SE¼NE¼ (40.2 ac); NE¼SE¼ (40.2 ac); all within Section 6, T. 29 N., R. 44 E., MDM. SE¼SW¼ (5.5 ac); SW¼SW¼ (38.0 ac); NW¼SW¼ (27.57 ac); SW¼NW¼ (16.66 ac); NW¼NW¼ (5.56 ac); Section 36, T. 30 N., R. 43 E., MDM. NE¼SE¼ (40.0 ac); SE¼SE¼ (38.0 ac); SW¼SE¼ (2.25 ac); NW¼SE¼ (8.83 ac); SW¼NE¼ (2.59 ac); SE¼NE¼ (39.80 ac); NE¼NE¼ (25.29 ac); Section 35, T. 30 N., R. 43 E., MDM. Total 595.45 acres.