AMENDED Serial No. 59204

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 ~~SEP 1 1993~~ NEW PRIORITY DATE: JUNE 18, 1997

Returned to applicant for correction OCT 18 1993

Corrected application filed NOV 9 1993 Map filed DEC 16 1993

The applicant Garrett Van Diest, Inc.

P. O. Box 867 (Street and No. or P.O. Box No.) of Winnemucca (City or Town)

Nevada, 89446 (State and Zip Code No.) hereby make s application for permission to change the

Place of Use, Manner of Use and Point of Diversion of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit No. 45775 (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 12.32 AF or 0.0489 cfs (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Quasi Municipal (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 in the SE¼ SE¼ Section 29, T.34N., R.38E., (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.) M.D.B.&M., or at a point from which the SE corner of said Section 29 bears S. 76° 47' 40" E. a distance of 1068 feet.
6. The existing permitted point of diversion is located within SW¼ SE¼ of Section 7, T.34N., R.38E., (If point of diversion is not changed, do not answer.) M.D.B.&M., or at a point from which the SE corner of said Section 7 bears S. 61° 14' 12" E. a distance of 2266.62 feet.
7. Proposed place of use Portions of the SE¼ of Section 29, T.34N., R.38E., M.D.B.&M. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use SE¼ SW¼ and Lots 3 and 4, Section 7, T.34N., R.38E.; Portions of (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 and E½ SW¼ Section 12, T.34N., R.37E. To be transferred is a portion of Lot 3 of Section 7, T.34N., R.38E., M.D.B.&M. (3.08 Acres).
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, storage tanks, pipe lines. (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.
13. Estimated time required to construct works 2 years

14. Estimated time required to complete the application of water to beneficial use 5 yesrs

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

This transfer to quasi municipal use will serve 11 residential units.

By s/Ernest E. Muller, Sr.
Ernest E. Muller, Sr., SWRS 702
750 W. Pueblo St.
Reno, NV., 89509

Compared bc/bc jr/bk

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, manner and place of use of a portion of the waters of an underground source as heretofore granted under Permit 45775 is issued subject to the terms and conditions imposed in said Permit 45775 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 amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0489 cubic feet per second, but not to exceed 12.32 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before April 12, 1997

Proof of completion of work shall be filed before May 12, 1997

Application of water to beneficial use shall be made on or before April 12, 2000

Proof of the application of water to beneficial use shall be filed on or before May 12, 2000

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

Completion of work filed JUN 05 1998

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

~~CANCELLED AUG 05 1997 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH PROVISIONS OF PERMIT~~

~~R. Michael Turnipseed P.E. STATE ENGINEER~~

Can. Rescinded 10-17-97

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 12th day of April, A.D. 19 95

R. Michael Turnipseed P.E.
State Engineer

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