AMENDED

Serial No. 59675

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 JAN 0 6 1994

Returned to applicant for correction FEB 2 4 1994

Corrected application filed MAR 0 9 1994 Map filed MAR 0 9 1994

The applicant Robert & Brenda Phillips

P.O. Box 668 (Street and No. or P.O. Box No.) of Battle Mountain (City or Town)

Nevada 89820 (State and Zip Code No.) hereby make.... application for permission to change the

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

of water heretofore appropriated under Permit No. 27129, Certificate No. 8111 (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 0.43 c.f.s. (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)

3. The water to be used for irrigation purposes (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)

4. The water heretofore permitted for irrigation purposes (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 within the NE1/4 SW1/4 of Section 16, T.34N., R.45E., M.D.B. & M. or at a point from which the S1/4 corner of said Section 16 bears S 15° 22' E a distance of 2649.5 feet (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 NW1/4 SW1/4 of Section 16, T.34N., R.45E., M.D.B. & M. or at a point from which the S1/4 corner of said Section 16 bears S 45°44' E a distance of 1903.4 feet. (If point of diversion is not changed, do not answer.)

7. Proposed place of use 34.7 acres in the NE1/4 SW1/4 Sec. 16, T.34N., R.45E., M.D.B. & M. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use W1/2 of Section 16, T.34N., R.45E., M.D.B. & M. (301.2 acres); 34.7 acres in the NE1/4 SW1/4 of Section 16 to be removed from irrigation under existing water right. (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.) Drill well; install pump, motor, pipeline, and irrigation 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 in excess of $10,000

13. Estimated time required to construct works three (3) years

14. Estimated time required to complete the application of water to beneficial use five (5) years

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

The proposed point of diversion in this application is to be used to irrigate 34.7 acres in the NE1/4 SW1/4 of said Section 16, T.34N., R.45E., M.D.B. & M.

Desert-Mountain Surveying as agent
By John H. Milton III, P.L.S., S.W.R.S.
By s/ John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared jv/gkl 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 of a portion of the waters of an underground source as heretofore granted under Permit 27129, Certificate 8111 is issued subject to the terms and conditions imposed in said Permit 27129, Certificate 8111 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.

This permit is limited to the irrigation of 34.7 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 0.43 cubic feet per second, but not to exceed 138.8 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 April 12, 1998

Proof of completion of work shall be filed before May 12, 1998

Application of water to beneficial use shall be made on or before April 12, 2003

Proof of the application of water to beneficial use shall be filed on or before May 12, 2003

Map in support of proof of beneficial use shall be filed on or before May 12, 2003

Completion of work filed FEB 01 1999

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

R. Michael Turnipseed P.E.
State Engineer

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