ASSIGNED

Serial No. 59812

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 MAR 1 0 1994

Returned to applicant for correction

Corrected application filed Map filed MAR 2 1 1994

The applicant Robert E. Burnham

Diamond Valley Route, Box 33 (Street and No. or P.O. Box No.) of Eureka (City or Town)

Nevada 89316 (State and Zip Code No.) hereby make s application for permission to change the

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

of water heretofore appropriated under Permit 49186 (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 0.145 c.f.s. (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for commercial 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 SE¼ NE¼Sec. 6, T.21N., R.53E., M.D.B.&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.) or at a point from which the NW corner of said Sec. 6 bears N 75°17' W a distance of 4,077.08 feet.
6. The existing permitted point of diversion is located within SW¼ NW¼ Sec. 29, T.23N., R.54E., (If point of diversion is not changed, do not answer.) M.D.B.&M., or at a point from which the W¼ corner of said Sec. 29 bears S 45° W a distance of 500 feet.
7. Proposed place of use NE¼ Sec. 6, T.21N., R.53E., M.D.B.&M. 8.58 acres (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use NE¼ SW¼ Sec. 29, T.23N., R.54E., M.D.B.&M. 8.58 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.) Well, pump and distribution 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 $30,000
13. Estimated time required to construct works 3 years

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

Water to be used for mobille home park, R.V. park and commercial purposes

By s/ Katherine A. Rice
~~P.O. Box 130~~
Smith NV 89430

Compared cl/nsr cl/cms

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, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 49186 is issued subject to the terms and conditions imposed in said Permit 49186 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 total combined duty of water under Permits 59810, 59811 and 59812 shall not exceed 101.08 acre-feet annually.

Permits 59810, 59811 and 59812 shall be limited to serving a maximum of 70 mobile home sites, 50 recreational vehicle sites and one convenience store. Any water not used for the above purpose shall revert to the source.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.145 cubic feet per second but not to exceed 34.32 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before October 18, 1997

Proof of completion of work shall be filed before November 18, 1997

Application of water to beneficial use shall be made on or before October 18, 1998

Proof of the application of water to beneficial use shall be filed on or before November 18, 1998

Map in support of proof of beneficial use shall be filed on or before November 18, 1998

Completion of work filed

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 18th day of October, A.D. 19 96

State Engineer

Abrogated By: Port. 65877-003 cert 0.03 cfs 11/15/02
Port. 65770 0.12

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