

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 MAY 31 1994 NEW PRIORITY DATE: MAR 25 2000

Returned to applicant for correction.....

Corrected application filed..... Map filed AUG 18 1994 under 60105

The applicant Brown Sand, Inc.

12241 Pioneer Way of Fallon
Street and No. or P.O. Box No. City or Town

Nevada 89406 hereby make.s. application for permission to change the
State and Zip Code No.

Point of Diversion and Place of Use
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 48421 (Certificate 12692)
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 0.24 CFS, but not to exceed 170.9 AFA.
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 within the NW 1/4 SE 1/4 of Section 29, T.19N.,
Describe as being within a 40-acre subdivision of public survey and by course and
R.27E., M.D.B. & M., or at a point from which the West one-quarter (W 1/4) corner
distance to a section corner. If on unsurveyed land, it should be stated.
bears South 89°37'13" West, a distance of 2,826 feet.

6. The existing permitted point of diversion is located within Lot 1 of Section 31, T.19N., R.27E.,
If point of diversion is not changed, do not answer.
M.D.B. & M., or at a point from which the Northwest (NW) corner of said
Section 31 bears North 85°51'42" West, a distance of 1,235.19 feet.

7. Proposed place of use portions of Section 29 & 31; see attached list
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use portions of Section 31; see attached list
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 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

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, pump, motor, underground
State manner in which water is to be diverted, i.e. diversion structure.
pipelines and sprinkler systems.
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$50,000

13. Estimated time required to construct works Well is complete. Refer to attached well log
for description.

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:

(See attached remarks)

By s/Robert O. Anderson
Robert O. Anderson, P.E.
P.O. Box 2294
Minden, Nevada 89423

Compared jr/ jv 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 point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 48421, Certificate 12692 is issued subject to the terms and conditions imposed in said Permit 48421, Certificate 12692 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 60105, 60106, 60107, 60108, 60109, 60110, 60113, 60114 and 60115 shall not exceed 2724.1 acre-feet annually for the irrigation of 693.1 acres.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.24 cubic feet per second but not to exceed 170.9 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 December 22, 1996

Proof of completion of work shall be filed before January 22, 1997

Application of water to beneficial use shall be made on or before December 22, 1999

Proof of the application of water to beneficial use shall be filed on or before January 22, 2000

Map in support of proof of beneficial use shall be filed on or before January 22, 2000

Completion of work filed JUL 10 1997

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 22nd day of December

A.D. 19 94

[Signature]
State Engineer

CANCELLED APR 04 2000 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

[Signature]
STATE ENGINEER

Can rescinded

Abrogated By 67001 0.24 out 12/17/01

(PERMIT TERMS CONTINUED)

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

15. Remarks:

1. The purpose of this Application is to adjust the existing Permit to reflect farming practices of the Permittee and adjustments which have been made since they acquired the properties.
2. This Permit is being filed to change the base Permit to the Permittee's existing well in Section 29 such that the water could be beneficially used in that location.
4. Waters from this Application will be commingled with waters from Permit 40431 (Certificate 11562) to affect the irrigation of an additional 61.5 acres in Section 29, T.19N., R.27N., M.D.B. & M..

08-17-1994 09:55AM FROM R.O. ANDERSON ENGINEERING TO

6876972 P.02

AMENDED
SUMMARY OF PLACE OF USE
(SECTION 31, T.19N., R.27E., M.D.B. & M.)

| DESCRIPTION | EXISTING PERMITTED AREA (AC.) | PROPOSED PLACE OF USE (AC.) |
|-------------------|----------------------------------|--------------------------------|
| LOT 1 | 34.1 | 24.8 |
| NE\NW\ | 39.0 | 24.0 |
| LOT 2 | 34.1 | 32.1 |
| SE\NW\ | 39.0 | 30.2 |
| LOT 3 | 34.1 | 28.3 |
| NE\SW\ | 39.1 | 26.5 |
| LOT 4 | 30.7 | 30.6 |
| SE\SW\ | 29.9 | 27.7 |
| NE\NE\ | 30.7 | 28.8 |
| SW\NE\ | 30.7 | 31.1 |
| SE\NE\ | 30.7 | 28.4 |
| NW\NE\ | 30.7 | 30.6 |
| NE\SE\ | 30.5 | 30.6 |
| NW\SE\ | 30.7 | 32.3 |
| SW\SE\ | 30.5 | 30.1 |
| SE\SE\ | 30.6 | 27.5 |
| SUBTOTAL | 525.1 | 463.6 |

SUMMARY OF PLACE OF USE
(SECTION 29, T.19N., R.27E., M.D.B. & M.)

| DESCRIPTION | EXISTING PERMITTED AREA (AC.) | PROPOSED PLACE OF USE (AC.) |
|-----------------------------------|----------------------------------|--------------------------------|
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 0.0 | 33.2 |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 0.0 | 15.5 |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 38.8 | 38.8 |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 0.0 | 14.4 |
| NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 33.0 | 36.1 |
| SE $\frac{1}{4}$ SW $\frac{1}{4}$ | 31.6 | 29.1 |
| NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 33.0 | 32.1 |
| SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 31.6 | 30.3 |
| SUBTOTAL | 168.0 | 229.5 |