AMENDED Serial No. 60529

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 26 1994

Returned to applicant for correction DEC 09 1994

Corrected application filed JAN 10 1995 Map filed JAN 10 1995

The applicant James R. Rogers and Kimberly J. Rogers

HCR 65 Box 73369 (Street and No. or P.O. Box No.) of Pahrump (City or Town)

Nevada 89041 (State and Zip Code No.) hereby make.... application for permission to change the

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 #17776 Certificate #8372 (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 source (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 0.006 C.F.S. but not to exceed 2 ac. feet (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 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 within the SW4 SE4 Sec. 5, T21S, R 54 E M.D.B& M. or at a point from which the SE corner of said Sec. 5 bears S 79 56'00" E a distance of 1488.40 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 NE4 SW4 Sec. 33, T 19 S, R 53 E M.D.B. & M. or at a point from which the W4 corner of said Sec. 33 bears N 87 15' 00" W a distance of 2545.00 feet (If point of diversion is not changed, do not answer.)
7. Proposed place of use within the SW4 SE4 Sec. 5, T 21 S, R 54 E M.D.B. &M. 2.5 Acres to be irrigated (trees) (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use NW4 SW4 and NE4 SW4 Sec. 33, T 19 S, R 53 E M.D.B. & M. 79 acres irrigated, 2 acre feet to be removed, a strip 39.77 feet wide by 1320 feet long. (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.) 8" well with pressure tank with plastic service 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 $ 30,000.00
13. Estimated time required to construct works 2 years existing pressure tank and well

14. Estimated time required to complete the application of water to beneficial use 4 years

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

s/Richard L. Hafen Agent
By Richard L. Hafen, Agent
2383 Gateway Road
Las Vegas, Nevada 89115

Compared pm/jk cl/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 and place of use of a portion of the waters of an underground source as heretofore granted under Permit 17776 Certificate 8372 is issued subject to the terms and conditions imposed in said Permit 17776 Certificate 8372 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.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.006 cubic feet per second, but not to exceed 2.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 18, 1998

Proof of completion of work shall be filed before April 18, 1998

Application of water to beneficial use shall be made on or before March 18, 2001

Proof of the application of water to beneficial use shall be filed on or before April 18, 2001

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

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

CANCELLED JUL 1 0 1998 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

R. Michael Turnipseed P.E.
STATE ENGINEER

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 March, A.D. 19 97

R. Michael Turnipseed P.E.
State Engineer

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