AMENDED

ASSIGNED

NO. 62607

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 NOV 20 1996

Returned to applicant for correction DEC 09 1996

Corrected application filed JAN 08 1997

Map filed JAN 08 1997

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The applicant D. C. Day, hereby makes application for permission to change the POINT OF DIVERSION & PLACE OF USE of water heretofore appropriated under Permit 41944

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1. The source of water is Underground

2. The amount of water to be changed .22 c.f.s.

3. The water to be used for Commercial

4. The water heretofore permitted for Commercial

5. The water is to be diverted at the following point within the NE¼ NW¼ Section 36, T 3 S, R 55 E, M D M at a point from which the W¼ Corner of said Section 36 bears South 50° 05' 36" West a distance of 2,202.35 feet.

6. The existing permitted point of diversion is located within the NW¼ NW¼ of Section 36, T 3 S, R 55 E, M D M, Lincoln County, Nevada, at a point from which the SE Corner of said Section 36 bears S 45° 07' 12" E a distance of 5,844.88 feet.

7. Proposed place of use 4.72 Acres within the NW¼ of Section 36, T 3 S., R 55 E, M D M.

8. Existing place of use NW¼ NW¼ of Section 36, T 3 S, R 55 E, M D M.

9. Use will be from January 1st to December 31st of each year.

10. Use was permitted from January 1st to December 31st of each year.

11. Description of proposed works Well Drilled and Cased

12. Estimated cost of works $30,000.00

13. Estimated time required to construct works Well drilled and cased and equipped with submersible pump to serve area

14. Estimated time required to complete the application of water to beneficial use 3 Months

15. Remarks: N/A

By s/Frank C. Hulse
Frank C. Hulse, Agent
Box 540
Pioche, Nevada 89043-0540

Compared my/bk lw/bk

Protested

62607

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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 41944 is issued subject to the terms and conditions imposed in said Permit 41944 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 appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.22** cubic feet per second, **but not to exceed 20.92 million gallons annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:
October 7, 1998

Proof of completion of work shall be filed before:
November 7, 1998

Application of water to beneficial use shall be filed on or before:
October 7, 1999

Proof of the application of water to beneficial use shall be filed on or before:
November 7, 1999

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

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 **7th** day of **April**, A.D. **1998**

State Engineer

Completion of work filed FEB 22 1999

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____