

NO. 64043

**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 APR 17 1998

Returned to applicant for correction _____

Corrected application filed _____

Map filed FEB 16 1994 under 59604

The applicant Desert Utilities, Inc., hereby makes application for permission to change the Point of Diversion, Place and Manner of Use of a portion of water heretofore appropriated under Permit 61404

1. The source of water is Underground
2. The amount of water to be changed 0.033 c.f.s., 17.6 acre-feet annually
3. The water to be used for Municipal
4. The water heretofore permitted for Irrigation
5. The water is to be diverted at the following point NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T.19S., R.53E., MDM, or at a point from which the NE corner of said Section 21 bears North 45^o East, 3833.00 feet
6. The existing permitted point of diversion is located within NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, T.19S., R.53E., MDM, or at a point from which the NW corner of said Section 28 bears North 88^o 21' West, 2604 feet
7. Proposed place of use SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15; all of Section 21; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, NE $\frac{1}{4}$ excluding all lands located Westerly from the East right-of-way line of State Hwy 160, Section 22; all of Section 28 excluding the SW $\frac{1}{4}$ SE $\frac{1}{4}$; N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27; T.19S., R.53E., MDM
8. Existing place of use within the N $\frac{1}{2}$ NW $\frac{1}{4}$ (67.6 ac) and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ (1.2 ac) Section 28, T.19S., R.53E., MDM (68.8 acres total), 3.52 acres to be removed from irrigation for this application
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works well, pump, motor and water distribution system
12. Estimated cost of works \$260,000
13. Estimated time required to construct works 1 year
14. Estimated time required to complete the application of water to beneficial use 10 years
15. Remarks: This water is being transferred to Desert Utilities, Inc. on behalf of The Terry Group, LLC. Please use maps on file at the Division

64043

of Water Resources under Application 59604 to support the proposed point of diversion and place of use and under Application 61403 to support the existing point of diversion and place of use.

By Bruce R. Scott, Resource Concepts, Inc.
s/Bruce R. Scott
340 North Minnesota Street
Carson City, Nevada 89703

Compared my/cms dl/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, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 61404 is issued subject to the terms and conditions imposed in said Permit 61404 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 59604, 59605, 59606, 64043 and 64044 shall not exceed 710.35 acre-feet annually.

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.

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.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.033 cubic feet per second, **but not to exceed 17.6 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

January 6, 1999

Proof of completion of work shall be filed before:

February 6, 1999

Application of water to beneficial use shall be filed on or before:

January 6, 2003

Proof of the application of water to beneficial use shall be filed on or before:

February 6, 2003

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 26th day of August, A.D. 1998



State Engineer

Completion of work filed FEB 03 1999

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____