NO. 65829

AMENDED

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 JAN 13 2000

Returned to applicant for correction

Corrected application filed

Map filed FEB 02 2000

****

The applicant **Winnemucca Farms, Inc.** hereby makes application for permission to change the **point of diversion and place of use** of water heretofore appropriated under **Permit 26748 Certificate 9121**

****

1. The source of water is **underground- -Well No. 3**

2. The amount of water to be changed **2.70 cfs**

3. The water to be used for **irrigation**

4. The water heretofore permitted for **irrigation**

5. The water is to be diverted at the following point **within the SE¼ SE¼ of Section 12, T.37N., R.39E., MDB&M or at a point from which the SE corner of said Section 12 bears S 43° 43' E 250.00 feet.**

6. The existing permitted point of diversion is located within **SW¼ SE¼ Section 36, T.39N., R.38E., MDB&M or at a point from which the SE corner of said Section 36 bears S 61° 31' 51" E a distance of 2760.14 feet.**

7. Proposed place of use **NE¼ and S½ of Section 12, all of Section 13, NE¼ and S½ of Section 14, NE¼ and S½ of Section 21, all of Section 22, all of Section 23, all of Section 27, NW¼ NW¼ of Section 28, and NE¼ and S½ of Section 29, all in T.37N., R.39E., MDB&M--3,300 acres.**

8. Existing place of use **39.82 acres in the NW¼ SE¼ of Section 36, T.39N., R.38E., MDB&M**
39.82 acres in the NE¼ SE¼ of Section 36, T.39N., R.38E., MDB&M
32.47 acres in the SE¼ SE¼ of Section 36, T.39N., R.38E., MDB&M
36.73 acres in the SW¼ SE¼ of Section 36, T.39N., R.38E., MDB&M
148.84 acres total

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 **drilled well, pipelines, and circular sprinklers**

12. Estimated cost of works **in excess of one million dollars ($1,000,000.00+)**

13. Estimated time required to construct works **3 years**

14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: **Applicant wishes to change the point of diversion and place of use to a new undeveloped area. Applicant has reduced the amount of cultivated acreage at the original farm site by utilizing low-volume circular sprinklers, resulting in an overall reduction of water usage. Applicant wishes to place an additional 3,300± acres of land, approximately 8 miles southeast of the present farm site, under cultivation utilizing 58.274 cfs of water from 38 existing permits to irrigate the proposed place of use. Please refer to February 1999 report from Cascade Earth Sciences, Ltd. for additional information concerning these transfers. See attachment per John Milton's letter.**

Desert Mountain Surveying as agent
By **John H. Milton III, PLS, SWRS**
s/ **John H. Milton III**
146 West Second Street
Winnemucca, NV 89445

Compared **gkl/cmf** _____ lt/ **gkl** _____

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 26748, Certificate 9121, is issued subject to the terms and conditions imposed in said Permit 26748, Certificate 9121, 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.

(Continued on Page 3)

AMENDED

65829

The total combined duty of water under:

Permit 24434, Certificate 7757; Permit 25652, Certificate 8681; Permit 25653, Certificate 8682; Permit 25654, Certificate 8683; Permit 25655, Certificate 8751; Permit 25656, Certificate 8684; Permit 25657, Certificate 8752; Permit 25658, Certificate 8685; Permit 25659, Certificate 8686; Permit 25926, Certificate 9102; Permit 25927, Certificate 9103; Permit 25941, Certificate 9104; Permit 25944, Certificate 9105; Permit 25945, Certificate 9106; Permit 25946, Certificate 9107; Permit 25947, Certificate 9108; Permit 25948, Certificate 9109; Permit 25949, Certificate 9110; Permit 25950, Certificate 9111; Permit 25951, Certificate 9112; Permit 27447, Certificate 9122; Permit 27448, Certificate 9148; Permit 28024, Certificate 9123; Permit 28025, Certificate 9124; Permit 28526, Certificate 9128; Permit 29003, Certificate 8687; Permit 29257, Certificate 9129; Permit 29258, Certificate 9130; Permit 29663, Certificate 8923; Permit 30343, Certificate 9134; Permit 30344, Certificate 9135; Permit 30597, Certificate 9594; Permit 31080, Certificate 9139; Permit 31081, Certificate 9140; Permit 34000, Certificate 9598; Permit 34001, Certificate 9599; Permit 34002, Certificate 9600; Permit 34003, Certificate 9601; Permit 34005, Certificate 9602; Permit 34006, Certificate 9603; Permit 34007, Certificate 9605; Permit 34008, Certificate 9610; Permit 36319, Certificate 10359; Permit 39590, Certificate 10361; Permit 42596, Certificate 10362; Permit 42597, Certificate 10363; Permit 45712, Certificate 13271; Permit 49321, Certificate 12803; Permit 55111, Certificate 13848; Permit 55112, Certificate 13849; Permits 65823 through 65832, inclusive; Permits 65835 through 65864, inclusive; Permit 69422 and Permit 69423

shall not exceed 36,261.22 acre-feet annually for the irrigation of 14,486.35 acres within the described places of use of the above listed permits and certificates. The duty attributed to consumptive use is 33,360.33 acre-feet annually and any future changes of these permits may be limited to this duty.

If Winnemucca Farms is unable to stay within the duty limitations of these amended permits, then the area irrigated must be reduced to satisfy the duty limitations.

When filing the proof of beneficial use (PBU) for Permits 65823 through 65832, inclusive; Permits 65835 through 65864, inclusive; Permit 69422 and Permit 69423, Winnemucca Farms must submit culture maps for both the New Farm and Old Farm.

An annual report covering both the New Farm and Old Farm in a format acceptable to the State Engineer shall be filed in accordance with the terms of paragraph 7.3 of the report prepared for Winnemucca Farms, Inc. by Cascade Earth Sciences Ltd., revised April, 2001.

(Continued on Page 4)

AMENDED

65829

(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **2.70** cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before:
July 26, 2003

Proof of completion of work shall be filed on or before:
August 26, 2003

Water must be placed to beneficial use on or before:
July 26, 2005

Proof of the application of water to beneficial use shall be filed on or before:
August 26, 2005

Map in support of proof of beneficial use shall be filed on or before:
August 26, 2005

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **28th** day of **July**, A.D. **2006**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Item 15.

Applicant has reduced the amount of cultivated acreage by installing low volume circular sprinklers. This, coupled with an increased efficiency and innovative irrigation techniques, has resulted in a decreased water usage at the present farm site. Applicant wishes to place an additional 3,300 acres of land, approximately 8 miles southeast of the present farm site, under cultivation. For more detailed information on this project, please refer to the February 1999 report prepared for Winnemucca Farms by Cascade Earth Sciences, Ltd. which, by reference, is made a part of this application.

see Amended NO. 65829

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 **JAN 13 2000**

Returned to applicant for correction

Corrected application filed

Map filed **FEB 02 2000** under 65823

****

The applicant **Winnemucca Farms, Inc.** hereby makes application for permission to change the **point of diversion and place of use** of water heretofore appropriated under **Permit 26748 Certificate 9121**

****

1. The source of water is **underground- -Well No. 3**

2. The amount of water to be changed **2.70 cfs**

3. The water to be used for **irrigation**

4. The water heretofore permitted for **irrigation**

5. The water is to be diverted at the following point **within the SE¼ SE¼ of Section 12, T.37N., R.39E., MDB&M or at a point from which the SE corner of said Section 12 bears S 43° 43' E 250.00 feet.**

6. The existing permitted point of diversion is located within **SW¼ SE¼ Section 36, T.39N., R.38E., MDB&M or at a point from which the SE corner of said Section 36 bears S 61° 31' 51" E a distance of 2760.14 feet.**

7. Proposed place of use **NE¼ and S½ of Section 12, all of Section 13, NE¼ and S½ of Section 14, NE¼ and S½ of Section 21, all of Section 22, all of Section 23, all of Section 27, NW¼ NW¼ of Section 28, and NE¼ and S½ of Section 29, all in T.37N., R.39E., MDB&M--3,300 acres.**

8. Existing place of use **39.82 acres in the NW¼ SE¼ of Section 36, T.39N., R.38E., MDB&M**
39.82 acres in the NE¼ SE¼ of Section 36, T.39N., R.38E., MDB&M
32.47 acres in the SE¼ SE¼ of Section 36, T.39N., R.38E., MDB&M
36.73 acres in the SW¼ SE¼ of Section 36, T.39N., R.38E., MDB&M
148.84 acres total

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 **drilled well, pipelines, and circular sprinklers**

12. Estimated cost of works **in excess of one million dollars ($1,000,000.00+)**

13. Estimated time required to construct works **3 years**

14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: **Applicant wishes to change the point of diversion and place of use to a new undeveloped area. Applicant has reduced the amount of cultivated acreage at the original**

farm site by utilizing low-volume circular sprinklers, resulting in an overall reduction of water usage. Applicant wishes to place an additional 3,300± acres of land, approximately 8 miles southeast of the present farm site, under cultivation utilizing 58.274 cfs of water from 38 existing permits to irrigate the proposed place of use. Please refer to February 1999 report from Cascade Earth Sciences, Ltd. for additional information concerning these transfers. See attachment per John Milton's letter.

Desert Mountain Surveying as agent
By **John H. Milton III, PLS, SWRS**
s/ **John H. Milton III**
146 West Second Street
Winnemucca, NV 89445

Compared **gkl/cmf** hf/cmf

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 26748, Certificate 9121 is issued subject to the terms and conditions imposed in said Permit 26748, Certificate 9121 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 total combined duty of water under Permits 65823 through 65864, inclusive, shall not exceed 4,125.0 acre-feet annually for the irrigation of 3,354.0 acres within the described place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Issuance of Permits 65823 through 65864, inclusive, shall limit the land irrigated by Winnemucca Farms, Inc., at the existing place of use to 13,344.13 acres. The amount of water allowed to be placed to beneficial use at the existing place of use is limited to 17,392.41 acre-feet annually.

An annual report covering both sites in a format acceptable to the State Engineer shall be filed in accordance with the terms of paragraph 7.3 of the report prepared for Winnemucca Farms, Inc. by Cascade Earth Sciences Ltd., revised February, 1999.

(CONTINUED ON PAGE 3)

65829

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **2.70** cubic feet per second.

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

July 26, 2003

Proof of completion of work shall be filed before:

August 26, 2003

Water must be placed to beneficial use on or before:

July 26, 2005

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

August 26, 2005

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

August 26, 2005

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 **28th** day of, **July** A.D. **2000**

R. Michael Turnipseed P.E.

State Engineer

Completion of work filed SEP 10 2003

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____