

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 DEC 12 2000 NEW PRIORITY DATE: SEP 27 2007
Returned to applicant for correction DEC 28 2000
Corrected application filed JAN 29 2001
Map filed JAN 29 2001

The applicant Richard H. and Carol J. Egger, trustees, Richard H. Egger Living Trust - 42% Richard H. and Carol J. Egger, trustees, Carol J. Egger Living Trust - 42% Stephan R. Egger - 7.5% Stacy B. Egger - 7.5% Egger Enterprises, L.L.C. - 1% hereby make application for permission to change the Point of Diversion of water heretofore appropriated under Permit 35894, Certificate 13302

- 1. The source of water is Underground
2. The amount of water to be changed 2.70 c.f.s., 640 ac.ft/yr
3. The water to be used for Irrigation and Domestic
4. The water heretofore permitted for Irrigation and Domestic
5. The water is to be diverted at the following point NE 1/4 SE 1/4, Sec.2, T.43N, R.31E, M.D.B&M or at a point from which the NE Cor of said Sec.2 bears N 01°23'E a distance of 3,218 ft.
6. The existing permitted point of diversion is located within NW 1/4 SE 1/4, Sec.2, T.43N, R.31E, M.D.B&M or at a point from which the SE Corner of said Sec.2 bears S44°50'E, a distance of 1,888.00 feet.
7. Proposed place of use SE 1/4, Sec.2, T.43N, R.31E, M.D.B&M
8. Existing place of use No change
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 and irrigation system
12. Estimated cost of works \$30,000.00
13. Estimated time required to construct works 2 years
14. Estimated time required to complete the application of water to beneficial use 5 years
15. Remarks:

By Bruce L. Rice
s/ Bruce L. Rice
4300-B Water Canyon Road
Winnemucca, NV 89445

Compared cm/cmF dr/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 of the waters of an underground source as heretofore granted under Permit 35894, Certificate 13302 is issued subject to the terms and conditions imposed in said Permit 35894, Certificate 13302 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 25228, Certificate 8444; 27563, Certificate 8456; 45190, Certificate 11790; 46721, Certificate 11794; 46724, Certificate 11795; 46725, Certificate 11796; 46729, Certificate 11797; 46730, Certificate 11798; 46731, Certificate 11799; 46732, Certificate 11800; 46733, Certificate 11801; and Permits 60886 and 67017 is limited to 37.7 cubic feet per second and the total combined duty shall not exceed 9754.4 acre-feet annually.

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)

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, **but not to exceed 640 acre-feet yearly, 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:

April 23, 2004

Proof of completion of work shall be filed before:

May 23, 2004

Water must be placed to beneficial use on or before:

April 23, 2005

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

May 23, 2005

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

May 23, 2005

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 4th day of November, A.D. 2002


State Engineer

Completion of work filed JUN 24 2004

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

~~CANCELLED SEP 07 2007 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~
~~Tony T... P.E. STATE ENGINEER~~
~~(Can Rescinded 3-4-2008)~~