

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 24 2001

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 24 2001

The applicant **The City of Elko, Nevada** hereby makes application for permission to change the **Point of Diversion and Place of Use of a Portion** of water heretofore appropriated under **Permit No. 54142 (Well 38)**

1. The source of water is **Underground (Well 31)**
2. The amount of water to be changed **1.168 cfs**
3. The water to be used for **Municipal**
4. The water heretofore permitted for **Municipal**
5. The water is to be diverted at the following point **Lot 1 (NE¼ NE¼) of Section 1, T.34N., R.55E., MDB&M., at a point from which the Northeast corner of said Section 1 bears N 88° 43' 35" E, 1310.60 feet.**
6. The existing permitted point of diversion is located within **SW¼ NW¼ of Section 31, T.35N., R.56E., M.D.B.&M. at a point from which the West ¼ corner of said Section 31 bears, S 32° 48' 56" W, 348.51 feet.**
7. Proposed place of use **All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, T.34N., R.55E., MDB&M., all of Sections 25 and 36, T.35N., R.55E., MDB&M., all of Section 6, T.34N., R.56E., MDB&M., all of Sections 30 and 31, T.35N., R.56E., MDB&M.**
8. Existing place of use **See Attached**
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 **a drilled well, pump and pipelines**
12. Estimated cost of works **\$10,000.00**
13. Estimated time required to construct works **3 yrs.**
14. Estimated time required to complete the application of water to beneficial use **5 yrs.**

15. Remarks: **The estimated annual consumptive use will be 147,410,000 gallons.**

HIGH DESERT Engineering, Agent
By s/ Robert E. Morley
640 Idaho Street
Elko, NV 89801

Compared gkl/cm^f ds/cm^f

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 54142, is issued subject to the terms and conditions imposed in said Permit 54142, 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 7381, Certificate 1207; 9446, Certificate 2494; 10185, Certificate 2744; 14474, Certificate 4824; 14475, Certificate 4825; 14476, Certificate 4469; 14477, Certificate 4470; 15979, Certificate 5370; 23985, Certificate 9848; 24801, Certificate 7513; 26326, Certificate 9790; 29061, Certificate 8791; 36626, 37221, Certificate 11134; 43373, 43374, 44073, 48277, Certificate 13798; 49515, 49617, Certificate 13044; 51994, 51995, 52854, 54142, 56588, 56589, 56590, 59766, 61712, 61714, 62908, 64180 and Permit 67161 shall not exceed 18,000 acre-feet annually.

The permittee shall report to the State Engineer on a quarterly basis the effect of pumping the well under this permit on other previously existing wells that are located within 2,500 feet of the well under this permit.

Any pumping of water under this permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well under this permit, unless the holder of this permit and the owner of the domestic well have agreed to alternative measures that mitigate adverse effects.

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 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 1.168 cubic feet per second, but not to exceed 147.41 million gallons annually.

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

January 8, 2002

Proof of completion of work shall be filed before:

February 8, 2002

Water must be placed to beneficial use on or before:

January 8, 2006

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

February 8, 2006

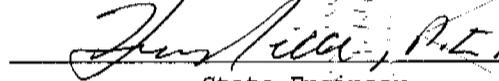
Map in support of proof of beneficial use shall be filed on or before:

N/A

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

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 3rd day of, December A.D. 2001



State Engineer

Completion of work filed FEB 19 2002

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

Question 8. Existing Place of Use, Permit No. 54142

Portions of the W1/2 SE1/4, E1/2 SW1/4, of Section 30 and portions of the NW1/4, W1/2 SW1/4, NE1/4 SW1/4 of Section 31, T.35 N., R. 56 E., MDB& M.; A portion of the E1/2 SE1/4, W1/2 SE1/4, SE1/4 SW1/4 of Section 36, T.35 N., R.55 E., MDB& M.; A portion of the NW1/4 NW1/4 of Section 6, T.34 N., R.56 E., MDB& M.; The NW1/4, NW1/4 SW1/4, NE1/4 portions of the S1/2 SW1/4, NE1/4 SW1/4, NW1/4 SE1/4 of Section 1; Portions of the NE1/4 SE1/4, S1/2 SE1/4, SW1/4 SW1/4 of Section 2; The SW1/4, W1/2 SE1/4, SE1/4 SE1/4 and a portion of the NE1/4 SE1/4 of Section 3; The SE1/4 of Section 4; A portion of the SE1/4 SE1/4 of Section 8; All of Sections 9, 10 and 11; A portion of the NW1/4 NW1/4 of Section 12; All of Sections 13, 14, 15 and 16; The E1/2, S1/2 SW1/4 and a portion of the N1/2 SW1/4 of Section 17; The N1/2 NE1/4 and portions of the S1/2 NE1/4, SE1/4 NW1/4 of Section 20; The NE1/4 and portions of the NW1/4, N1/2 SW1/4 of Section 21; The N1/2, N1/2 SW1/4 of Section 22; The N1/2 of Section 23; The NW1/4 of Section 24, all in T.34 N., R.55 E., MDB& M.