NO. 69359T

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 03 2002**

Returned to applicant for correction _____

Corrected application filed _____

Map filed **DEC 05 2002 under 69357T**

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The applicant **Josef F. and Mathilde J. Wagner** hereby make application for permission to change the **Point of Diversion, Manner and Place of Use** of water heretofore appropriated under **Permit No. 29578, Certificate No. 9946**

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1. The source of water is **Underground**

2. The amount of water to be changed **0.078 cfs – 4.377 million gallon annually**

3. The water to be used for **Quasi-Municipal**

4. The water heretofore permitted for **Commercial and Domestic Use**

5. The water is to be diverted at the following point **Within the SE¼ SE¼ of Section 36, T17S, R55E, MDM or at a point from which the SE corner of said Section 36 bears S 20° 43' 14" E, a distance of 860.14 feet.**

6. The existing permitted point of diversion is located within **Tract 43, T16S, R56E, MDM, or at a point from which the SW corner of Tract 43, bears S 25° 22' 00" W, a distance of 340.00 feet. Ref to supporting map filed under Permit No. 29578, Certificate No. 9946.**

7. Proposed place of use **Within the SE¼ SE¼ of Section 36, T17S, R55E, MDM., also refer to Clark County Assessor's Parcel Nos. 092-36-801-007, 092-36-801-008 and 092-36-801-011.**

8. Existing place of use **A portion of Tract No. 43, within portions of Sections 8 and 9, T16S, R56E, MDM.**

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 **Existing**

12. Estimated cost of works **Existing**

13. Estimated time required to construct works **Existing**

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

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15. Remarks: **Water to be used for a kids retreat – a small pond for fishing approx. 100' dia. 10 to 15 feet deep, 5 to 7 horses, three (3) cottages, irrigation and tree break along property line. SEE ATTACHMENT**

s/ Dennis Brazzanovich
By **Dennis Brazzanovich – Summit Engineering Corp.**
5405 Mae Anne Avenue
Reno, NV 89523

Compared **jal**/gkl

Protested

WITHDRAWN BY ~~APPLICANT~~ AGENT MAR 2 6 2003

Justice, P.E. STATE ENGINEER

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ATTACHMENT

ADDENDUM TO ITEM 15

of

Application for Permission to *Temporarily* Change Point of Diversion, etc. of Permit No. 29578, Certificate 9946

3. This Application for *temporarily* change has been filed to allow the *immediate* use of the water rights referenced above on the property of John H. Koot, the ultimate transferee of the title to above-referenced Permit and Certificate as shown in the Report of Conveyance which has been filed concurrently with this Application.

4. An "Application for Permission to *Permanently* Change Point of Diversion, etc." of the above-referenced Permit and Certificate has been filed concurrently with this Application, and reference to the Map attached thereto may be made for this Application.

5. This Application is made in the name of the current holders of the above-referenced Permit and Certificate as shown in the records of the State Engineer, Joseph F. Wagner and Mathilde J. Wagner, by Summit Engineering Corp. as agent pursuant to authorization contained in that certain Water Rights Purchase Agreement dated September 30, 2002, and recorded in the Recorder's Office of Clark County.

6. Contacts regarding this Application are:
   Dennis Brazzanovich, Summit Engineering Corp. in Reno at (775) 747-8550
   David A. Hornbeck, Esq., attorney for Dr. Koot, in Reno at (775) 323-6655