

## THE STATE OF NEVADA

### PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: JAMES D. CURRIVAN  
Source: ACKLER CREEK  
Basin: STARR VALLEY AREA  
Manner of Use: AS DECREED  
Period of Use: AS DECREED  
Priority Date: AS DECREED

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#### 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 Ackler Creek, being a portion of Proof DHR00507 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

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.

This permit is issued subject to State Engineer's Ruling 5893, dated September 26, 2008.

The point of diversion and place of use are as described on the submitted application to support this permit.

(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 1.139 cubic feet per second or 277.5 acre-feet per season as decreed, and not to exceed a seasonal duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

December 17, 2009

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

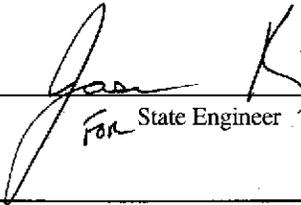
December 17, 2010

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

December 17, 2010

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of **December**, A.D. **2008**

  
\_\_\_\_\_  
For State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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**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 JUN 30 2003

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed JUN 30 2003

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The applicant **James D. Currivan**, hereby make application for permission to change the **point of diversion of a portion of water heretofore appropriated under Humbolt River decree claim #00507**

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1. The source of water is **Ackler Creek**
2. The amount of water to be changed up to **1.139 c.f.n. (277.5 acre-feet), on 92.5 acres [on "bracketed" lands]**
3. The water to be used for **as decreed**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **within Lot 1 Section 15, T.36 N., R. 60E., M.D.M., from which the NW corner of Section 10, in said township, bears N39°53'W., 7,676 feet distant**
6. The existing permitted point of diversion is located within **SE¼SE¼ Section 10, T. 36N., R60E., M.D.M., from which the NW corner of Section 14, T. 36N., R. 60E., bears S52°30'E., 1,260 feet distant**
7. Proposed place of use **as decreed (92.50 acres within portions of E½, SW¼ and S½ SE¼ NW¼ Sec. 10, T.36N., R.60E., M.D.M.)**
8. Existing place of use **as decreed (92.50 acres within portions of E½, SW¼ and S½ SE¼ NW¼ Sec. 10, T.36N., R.60E., M.D.M.)**
9. Use will be from **as decreed.**
10. Use was permitted from **as decreed.**
11. Description of proposed works **14" CMP and headgate, ditch-approximately 1 foot deep, 3 feet wide on bottom and 5 feet wide on top, at a grade of 1 foot per 50 feet**
12. Estimated cost of works **\$2,000.00**
13. Estimated time required to construct works **already completed**
14. Estimated time required to complete the application of water to beneficial use

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15. Remarks: This application to change point of diversion is made necessary due to prior wash-out of original diversion structure in a flash flood. The lands being irrigated are not changed. The proposed point of diversion is one of five which aid in diversion of water onto the land described in the decree.

By **s/William A. Nisbet**  
**William A. Nisbet, Agent**  
**421 Court Street**  
**Elko, NV 89801**

Compared hmv/ cmf

Protested \_\_\_\_\_