

TEMPORARY

NO. 70226-T

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 JUL 14 2003

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 24 2002 under 68899

The applicant **Garrett Van Diest, Inc.** hereby makes application for permission to change the **place of use and manner of use of a portion of water heretofore appropriated under Permit No. 60316**

1. The source of water is **underground**
2. The amount of water to be changed **0.338 cfs**
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 **in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T. 33 N., R. 38 E., MDB &M., or at a point from which the SE corner of said Section 7 bears S. 44°56' E. a distance of 106 feet.**
6. The existing permitted point of diversion is located within **in the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T. 33 N., R. 38 E., MDB &M., or at a point from which the SE corner of said Section 7 bears S. 44°56' E. a distance of 106 feet.**
7. Proposed place of use **a portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, T. 33 N., R. 38 E., MDB &M. 30.30 acres**
8. Existing place of use **Portions of the SE $\frac{1}{4}$ of Section 7, T. 33 N., R. 38 E., MDB &M. 3.10 acres from the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ 15.84 acres from the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ 11.36 acres from the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **April 1 to October 1** of each year.
11. Description of proposed works. **pipe lines and ditches for irrigation.**
12. Estimated cost of works **\$15,000.00**
13. Estimated time required to construct works
14. Estimated time required to complete the application of water to beneficial use **3 years**
15. Remarks: **The map was presented under application No. 68899, which was cancelled and the map was used again under application 69733 and which will be used under this temporary application to re-apply for the same water rights and same place of use.**

Ernest E. Muller, Sr.
By s/Ernest E. Muller, Sr.
750 W. Pueblo St.
Reno, NV., 89509

Compared lb/cmf lb/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 temporary permit to change the place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 60316 is issued subject to the terms and conditions imposed in said Permit 60316 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 temporary 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 60316 and Temporary Permit 70226-T shall not exceed 623.04 acre-feet annually.

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **September 1, 2004** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.338 cubic feet per second, but not to exceed 121.2 acre-feet annually, 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:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

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

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

TEMPORARY

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

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

this 2nd day of September, A.D. 2003.

Hugh Ricci, P.E.
State Engineer

EXPIRED
DATE SEP 01 2004

