

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 NOV 07 2003

Returned to applicant for correction _____

Corrected application filed _____

Map filed NOV 07 2003 under 70613

The applicant **SOMERSETT, L.L.C.**, A NEVADA LIMITED LIABILITY COMPANY hereby make application for permission to change the **POINT OF DIVERSION AND PLACE OF USE OF A PORTION** of water heretofore appropriated under **APPLICATION NO. 67234**

1. The source of water is **UNDERGROUND**
2. The amount of water to be changed **PRO RATA OF DIVERSION RATE – 148.01 ACRE FEET ANNUALLY**
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 **SE¼ SW¼ OF SECTION 10, T19N, R18E, MDM, OR AT A POINT FROM WHICH THE NORTHWEST CORNER OF SECTION 3 T19N, R18E, MDM. BEARS N 10° 25' 37" W, A DISTANCE OF 9873.20 FEET. (SAME POINT OF DIVERSION AS CANCELLED PERMIT NO. 42654)**
6. The existing permitted point of diversion is located within **NW¼ NE¼ OF SECTION 10, T19N, R18E, MDM, OR AT A POINT FROM WHICH THE NORTHWEST CORNER OF SECTION 3 T19N, R18E, MDM BEARS N 28° 40' 02" W, A DISTANCE OF 7782.99 FEET. REF TO SUPPORTING MAP FILED UNDER PERMIT NO. 67234**
7. Proposed place of use **WITHIN THE SE¼ SE¼ OF SECTION 35 T20N, R18E, MDM AND PORTIONS OF THE FOLLOWING SECTIONS: S ½ SECTION 1, SECTION 2, SECTION 3, SECTION 10, SECTION 11, SECTION 12 & N ½ NE ¼ SECTION 13 T19N, R18E, MDM. REF TO SUPPORTING MAP. (SEE REMARKS)**
8. Existing place of use **WITHIN THE SE ¼ SE ¼ OF SECTION 35 T20N, R18E, MDM AND PORTIONS OF THE FOLLOWING SECTIONS: S ½ SECTION 1, SECTION 2, SECTION 3, SECTION 10, SECTION 11, SECTION 12 & N ½ NE ¼ SECTION 13 T19N, R18E, MDM. REF TO SUPPORTING MAP.(SEE REMARKS) REF TO SUPPORTING MAP FILED UNDER APPLICATION NO. 67234**
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 **DRILLED AND CASED WELL EQUIPPED WITH PUMP, MOTOR, TOTALIZING METER AND PIPELINE TO PLACE OF USE.**
12. Estimated cost of works **\$65,000.00**
13. Estimated time required to construct works **2 YEARS**
14. Estimated time required to complete the application of water to beneficial use **15 YEARS**

15. Remarks: W 1/2 SW 1/4 SECTION 10 T19N, R18E, MDM, HAS BEEN ADDED TO THE PROPOSED PLACE OF USE. 50.00 ACRE FEET TO REMAIN AT POINT OF DIVERSION UNDER APPLICATION NO. 67234

By **s/Michael D. Buschelman**
MICHAEL D. BUSCHELMAN
 5405 Mae Anne Avenue
 Reno, NV 89523

Compared sc/cmf ag/sam

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 67234 is issued subject to the terms and conditions imposed in said Permit 67234 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 67234, 67235, 67236, 70614 and 70675 shall not exceed 70.387 million gallons annually.

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

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 0.3330 cubic feet per second, **but not to exceed 48.229 million gallons annually.**

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

August 17, 2005

Proof of completion of work shall be filed on or before:

September 17, 2005

Water must be placed to beneficial use on or before:

August 17, 2007

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

September 17, 2007

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

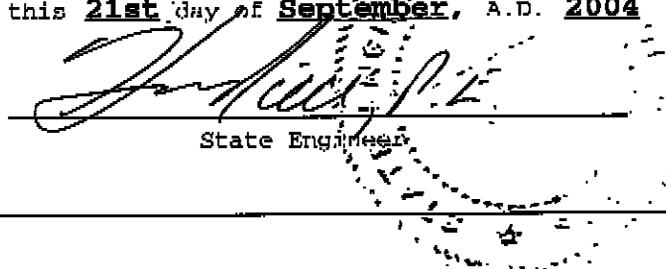
N/A

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 21st day of September, A.D. 2004



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____

