No. 70721

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 07 2004

Returned to applicant for correction JAN 23 2004

Corrected application filed

Map filed FEB 09 2004 under 70719

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The applicant **Rockview Dairies, inc.**, hereby makes application for permission to change the **Point of Diversion** of water heretofore appropriated under **Permit 66788**

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1. The source of water is **an underground source in Nye County, Nv**

2. The amount of water to be changed **0.336 CFS., not to exceed 111 AFA.**

3. The water to be used for **Irrigation and Domestic purposes**

4. The water heretofore permitted for **Irrigation and Domestic purposes**

5. The water is to be diverted at the following point **within the NE.¼ of the SE.¼ of Section 9, T.17S., R.49E., M.D.M., or at a point from which the SE. corner of said Section 9 bears S. 39°27'00" E., a distance of 1876.8 feet**

6. The existing permitted point of diversion is located within **the NW.¼ of the NW.¼ of Section 15, T.17S., R.49E., M.D.M., or at a point from which the NW. corner of said Section 15 bears N. 46°14'00" W., a distance of 142 feet**

7. Proposed place of use **113.8 acres within the NW.¼ of Section 15, T.17S., R.49E., M.D.M.**

8. Existing place of use **113.8 acres within the NW.¼ of Section 15, T.17S., R.49E., M.D.M.**

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 **a 14" dia. X 300' deep driven well, cased all the way with a 100 hp. submersible pump, pipe & wire**

12. Estimated cost of works **$50,000**

13. Estimated time required to construct works **2 years, presently completed, item 11**

14. Estimated time required to complete the application of water to beneficial use **4 years**

15. Remarks: **This Change in Point of Diversion is needed because the well driven at the specified point of diversion did not produce a sufficient volume of water. The well located at the proposed P.O.D. is a proven well which will serve adequately.**

By **Lisle Lowe**
s/Lisle Lowe (agent)
HCR. 69, Box 400 E
Amargosa Valley, Nv, 89020

Compared cmf/sam lb/gkl

Protested

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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 an underground source as heretofore granted under Permit 66788 is issued subject to the terms and conditions imposed in said Permit 66788 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 68218, 70719, 70720, 70721 and 70722 shall not exceed 574.38 acre-feet annually.

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

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on April 5th of each year.

(CONTINUED ON PAGE 3)

70721

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.336** cubic feet per second, **but not to exceed 111.0 acre-feet annually, and not to exceed a yearly duty of 5.0 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:

April 5, 2006

Proof of completion of work shall be filed before:

May 5, 2006

Water must be placed to beneficial use on or before:

April 5, 2009

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

May 5, 2009

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

May 5, 2009

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **5th** day of **April,** A.D. **2005**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____