

TEMPORARY

72705-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 MAY 05 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 05 2005

The applicant **Paul and JoAnn Miller** hereby make application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **Permit 36316 Cert. 12137**

1. The source of water is **Underground**
2. The amount of water to be changed **2.43 cfs**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.36N., R.37E., M.D.B.&M. or at a point from which the NW corner of said Section 33 bears N.44°13'W., a distance of 2264.00 feet.**
6. The existing permitted point of diversion is located within **the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T.35N., R.36E., M.D.B.&M. or at a point from which the S $\frac{1}{4}$ corner of said Section 22 bears S.1°37'12"E., a distance of 1553.7 feet.**
7. Proposed place of use **All that portion of Section 33, T. 36N., R. 37E., M.D.B.&M. lying North of the Union Pacific Railroad, 144.60 ac.**
8. Existing place of use **SW $\frac{1}{4}$ of Section 22, T. 35N., R. 36E., M.D.B.&M, 144.60 ac.**
9. Use will be from **March 1st to November 15th** of each year.
10. Use was permitted from **March 1st to November 15th** of each year.
11. Description of proposed works **drilled well, pipelines and irrigation system.**
12. Estimated cost of works **\$50,000.00±**
13. Estimated time required to construct works **1 year**
14. Estimated time required to complete the application of water to beneficial use **3 years**

15. Remarks: The existing well under Permit 36316 is pumping water high in Boron. The applicants wish to drill a new well to find a water source without a high Boron content.

John H. Milton III as Agent
By s/ John H. Milton III
146 West Second Street
Winnemucca, NV 89445

Compared lt/gkl lt/gkl
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 point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 36316, Certificate 12137 is issued subject to the terms and conditions imposed in said Permit 36316, Certificate 12137 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 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 **August 1, 2006** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **2.43 cubic feet per second, but not to exceed 578.40 acre-feet per season, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.**

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

Proof of completion of work shall be filed on or 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 August A.D. 2005



State Engineer