AMENDED **NO. 73239**

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 **SEP 09 2005**

Returned to applicant for correction **OCT 20 2005**

Corrected application filed **NOV 4 2005**

Map filed **NOV 4 2005 under 73238**

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The applicant **Otto L. and Patti A. Lehmkuhl** hereby makes application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **a portion of Permit No. 53242**

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1. The source of water is **underground**

2. The amount of water to be changed **0.04 cfs, 4.00 acre feet annually**

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 **within the SE ¼ of the NE ¼ of Section 25, T.22N., R.21E., M.D.M., or at a point from which the northeast corner of said Section 25 bears North 21°18'East a distance of 2,044 feet.**

6. The existing permitted point of diversion is located within **the SE ¼ of the NW ¼ of Section 13, T.22N., R.21E., M.D.M., or at a point from which the west ¼ corner of said Section 13 bears South 79°39'West a distance of 1,716 feet. See map supporting Permit No. 53242.**

7. Proposed place of use **within the S ½ of the NE ¼ of Section 25, T. 22N., R. 21E., M.D.M. the exact location to be determined later. APN 077-160-17**

8. Existing place of use **1.00 acre within the SW ¼ of the NW ¼ of Section 13, T.22N., R.21E., M.D.M., per Permit 53242.**

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 **Existing well, pump, pipeline and separate water meter.**

12. Estimated cost of works **in excess of $7500**

13. Estimated time required to construct works **3 years**

14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks: **This Permit would allow use of the existing well on property owned by John W. & Ellen J. Baird. This application and another moving 6 acre feet of water from the Lehmkuhl property would reduce the water remaining to be beneficially used to 10 acre feet between the two remaining points of diversion.**

By s/ **Gordon G. Lindesmith**
Gordon G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared **mt/ gkl** **lt/ 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 and place of use of a portion of the waters of an underground source as heretofore granted under Permit 53242 is issued subject to the terms and conditions imposed in said Permit 53242 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 issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permit 73238 shall not exceed 10.0 acre-feet annually.

This permit is issued for the irrigation of 1.0 acre within the described place of use.

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(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.04** cubic feet per second, **but not to exceed 4.0 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:

February 13, 2008

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

March 13, 2008

Water must be placed to beneficial use on or before:

February 13, 2011

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

March 13, 2011

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

March 13, 2011

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **13th** day of **February** A.D. **2006**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____