Permit No. 73820

# THE STATE OF NEVADA
## PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

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| **Name of applicant:** | **ELKO SUMMIT LIMITED** |
| **Source:** | **UNDERGROUND** |
| **Basin:** | **ELKO SEGMENT** |
| **Manner of Use:** | **QUASI-MUNICIPAL** |
| **Period of Use:** | **January 1st to December 31st** |
| **Priority Date:** | **05/29/2002** |

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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, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 55407 is issued subject to the terms and conditions imposed in said Permit 55407 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

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 73578, 73579, and 73820 shall not exceed 2.24 acre-feet annually for the service of two parcels within the described place of use, at a duty of 1.12 acre-feet annually per parcel.

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

The point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this 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 **0.0156** cubic feet per second, **but not to exceed 0.52 acre-feet annually.**

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| Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: | **June 26, 2008** |
| Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: | **June 26, 2011** |
| Map in support of proof of beneficial use shall be filed on or before: | **N/A** |

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26th day of **June**, A.D. **2007**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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**No. 73820**

**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 **FEB 10 2006**

Returned to applicant for correction_____

Corrected application filed_____

Map filed **FEB 28 2006 under 73577**

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The applicant **Elko Summit Limited** hereby makes application for permission to change the **Point of Diversion Manner of Use and Place of Use for 0.52 Acre Feet Annually.** of water heretofore appropriated under **A portion of Permit #55407**

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

2. The amount of water to be changed **0.52 A.F.A., of the 1.00 A.F.A. of Permit #55407**

3. The water to be used for **Quasi-Municipal (Residential Land Development)**

4. The water heretofore permitted **Irrigation & Domestic**

5. The water is to be diverted at the following point **NW¼SW¼ of Section 25, T.34N., R.55E., M.D.B.&M., at a point from which the SE corner of said Section 25 bears S 70° 32' 47" E, a distance of 4,879.26' feet.**

6. The existing permitted point of diversion is located within **NW¼NE¼ of Section 17, T.34N., R.55E., M.D.B.&M., at a point from which the N¼ corner of said Section 17 bears N 30° 46' 33" W, a distance of 943.43' feet.**

7. Proposed place of use **0.52 A.F.A to the Remainder Parcel of the BLA file #528808, filed in th Elko County Recorders office on Dec. 20, 2004, being a portion of Section 36, T.34N., R.55E., M.D.B.&M.,**

8. Existing place of use **a portion of NW¼ NE¼ of Section 17, T.34N., R.55E., M.D.B.&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 **Well Pump & Motor, and pipeline to place of use.**

12. Estimated cost of works **$30,000.00**

13. Estimated time required to construct works **1 year**

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

15. Remarks: **This application was originally in Permit #73578, submitted on 12-15-05 & is related to said permit.**

**The remainder, is in the process of being developed and the 0.52 Acre Feet Annually, will be applied to 0.46 of a Residential Building Lot, allowing 1.12 Acre Feet per Unit.**

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**Two reasons caused this water to not be previously transferred to Section 36. First, Elko County was in a terrible economic slump from 1997 until the first of 2005, due mainly to the price of Gold. Note #56754 had been purchased for the purpose of developing the land in Sections 25 and 36, and putting the water to beneficial use. Second, Chuck Armuth, Jr. the water right surveyor had been progressively sick this last year with heart failure. During his last month he was bed ridden, and died the last of August, 2005. We feel that he would have applied for this change during his last year if he hadn't been so sick**

By **Conn Davis, agent**
s/ **s/ Conn Davis**
**P.O. Box 7316**
**Incline Village, Nevada 89452**

Compared **gkl/ SC**

Protested

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