



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

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

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, manner and place 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.

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 73580, and 73821 shall not exceed 4.48 acre-feet annually for the service of four 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 0.0144 cubic feet per second, but not to exceed 0.48 acre-feet annually.

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 _____

No. 73821

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

The applicant **Elko Summit Limited** hereby makes application for permission to change the **Point of Diversion Manner of Use and Place of Use for 0.48 Acre Feet Annually** of water heretofore appropriated under **A portion of Permit #55407**

1. The source of water is **Underground**
2. The amount of water to be changed **0.48 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 **NW $\frac{1}{4}$ SW $\frac{1}{4}$ 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 74° 04' 36" E, a distance of 5,050.34' feet.**
6. The existing permitted point of diversion is located within **NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T.34N., R.55E., M.D.B.&M., at a point from which the N $\frac{1}{4}$ corner of said Section 17 bears N 30° 46' 33" W a distance of 943.43' feet.**
7. Proposed place of use **0.48 A.F.A to the Remainder Parcel of the BLA file #528808, filed in the 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 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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 #73580, submitted on 12-15-05 & is related to said permit.**

The remainder, is in the process of being developed and the 0.48 Acre Feet Annually, will be applied to 0.43 of a Residential Building Lot, allowing 1.12 Acre Feet per Unit.

No. 73821

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 _____
