



CORRECTED PERMIT

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: EMPIRE FARMS, LLC
 Source: UNDERGROUND
 Basin: SAN EMIDIO DESERT
 Manner of Use: IRRIGATION
 Period of Use: January 1st to December 31st
 Priority Date: 09/08/1972

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 51890 is issued subject to the terms and conditions imposed in said Permit 51890 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 issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is limited to the irrigation of 147.0 acres within the described place of use.

The point of diversion and place of use is as described under items 5 & 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 0.812 cubic feet per second, **but not to exceed 588.0 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 proof of completion of work shall be filed on or before:

May 31, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

May 31, 2009

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

May 31, 2009

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 18th 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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See Corrected Permit

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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.

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

This permit is limited to the irrigation of 147.0 acres within the described place of use.

The point of diversion and place of use is as described under items 5 & 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 0.812 cubic feet per second, but not to exceed 588.0 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 proof of completion of work shall be filed on or before:

May 31, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

May 31, 2009

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 31st day of May, A.D. 2007

Signature of Tracy Taylor, P.E. for State Engineer

Completion of work filed
Proof of beneficial use filed
Cultural map filed
Certificate No. Issued

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 05 2006

Returned to applicant for correction

Corrected application filed

Map filed SEP 19 2006

The applicant Empire Farms, LLC, A Nevada Limited Liability Company., hereby makes application for permission to change the Point of Diversion, Place and Manner of Use - of a portion of water heretofore appropriated under Permit No. 51890

- 1. The source of water is underground
2. The amount of water to be changed 0.812 c.f.s., not to exceed 588 acre - feet annually
3. The water to be used for Irrigation
4. The water heretofore permitted for Industrial (Power Plant Cooling Water)
5. The water is to be diverted at the following point Lot 10 of Section 1, T.30N., R.22E., M.D.B. &M., or at a point from which the W 1/4 corner of said Section 1 bears S.81°34'36"W., a distance of 3,921.32 feet.
6. The existing permitted point of diversion is located within SE 1/4 NE 1/4, SECTION 36, T.30N., R. 22E., M.D.B.&M., or at a point from which the NE corner of Section 4, T.29N., R.23E., M.D.B.&M., bears S.77°01'57"E, a distance of 17,380 feet. Refer to map filed under Permit 51890 Mar 28, 1988.
7. Proposed place of use Lot 7, 8 & a portion of Lot 9 & 10, E 1/2 of Section 1, T.30N., R22E., M.D.B.&M. (147.0 acres)
8. Existing place of use portion of Lot 2, SW 1/4 NE 1/4, and SE 1/4 NW 1/4 of Section 21, T.29N., R.23E., M.D.B. & M. Refer to map filed under Permit 51890.
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 drilled and cased well equipped with motor, pump, meter, and pivots.
12. Estimated cost of works \$100,000.00
13. Estimated time required to construct works Two (2) Years
4. Estimated time required to complete the application of water to beneficial use Five (5) Years
15. Remarks: This application to change is being filed to return the water under Permit 51890 to the manner of use of its base right under Permit 26963, Certificate 8432. Amount being changed reflects the remaining balance under Permit 51890.

BY Katelyn S. Perez
S/ Katelyn S. Perez
500 Damonte Ranch Parkway, Suite 1056
Reno NV 89521

Compared ns/bk
Protested