



TEMPORARY
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: LYNN, GINI L. AND MARVIN T. CUNNINGHAM
Source: UNDERGROUND
Basin: ANTELOPE VALLEY
Manner of Use: IRRIGATION
Period of Use: January 1st to December 31st
Priority Date: 04/04/1974

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 a portion of the waters of an underground source as heretofore granted under Permit 45693, Certificate 10759, is issued subject to the terms and conditions imposed in said Permit 45693 Certificate 10759 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 total combined duty of water under Permit 45693, Certificate 10759 and Permit 77918T shall not exceed 1163.24 acre-feet annually.

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 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(Continued on Page 2)

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 3.17 cubic feet per second or 1163.24 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:

N/A

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

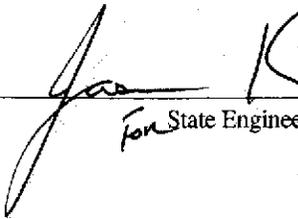
N/A

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 2nd day of March, A.D. 2009



For State Engineer P.E.

llb

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office JAN 20 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed JAN 20 2009

The applicant Lynn, Gini L. and Marvin T. Cunningham

HC 61 Box 169 of Battle Mountain
Street Address or P.O. Box City or Town

Nevada 89820, hereby make(s) application for permission to change the
State and Zip Code

Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree)

Permit No. 45693, Certificate 10759

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 3.17 c.f.s. 1,163.24 acres feet annually
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Irrigation and Domestic
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.

4. The water heretofore used for Irrigation and Domestic
If for stock state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)
SE1/4 NE1/4 of Section 10, T.24 N., R.41 E., M.D.B. & M., at a point from which the East 1/4
Corner of said Section 10 bears S 24° 46' 29" E, 952.67 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer)
SE1/4 NE1/4 of Section 10, T.24 N., R.41 E., M.D.B. & M., at a point from which the East 1/4
Corner of said Section 10 bears S 35° 36' 00" E, 1193.00 feet.

SLD

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
The N1/2 of Section 10, T.24 N., R.41 E., M.D.B. & M 290.81 acres to be irrigated

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
Portions of the N1/2 of Section 10, T.24 N., R.41 E., M.D.B. & M. 290.81 acres to be removed from irrigation.

9. Use will be from January 1st to December 31st of each year.
Month and Day Month and Day

10. Use permitted from January 1st to December 31st of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump, and motor, etc.)
a drilled & cased well equipped with a motor, pump, pipelines and sprinkler systems.

12. Estimated cost of works \$10,000.00

13. Estimated time required to construct works 1 year
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 1 year

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing)
This application is for a temporary permit. We are filing two permanent applications to change Permit 45693 herewith due to the fact that the existing well will not produce sufficient amounts of water to irrigate the certificated acreage. These permits will be co-mingled to irrigate a total of 290.81 acres within the permitted place of use. There are currently well drillers working in the area. This temporary permit would allow the applicant to drill the well this winter while the drillers are still in the area and while the permanent applications are being processed so that hopefully they could use the new well this next irrigation season.

16. Miscellaneous remarks:

(775) 738-4053
Phone No.

remorley@frontiernet.net
E-mail

By Robert E. Morley
Print or type name clearly

Robert E. Morley
Signature, applicant or agent

High Desert Engineering, LLC
Company Name

640 Idaho Street
Street address or P.O. Box

Elko, Nevada 89801
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

\$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

STATE ENGINEERING BOARD
2009 JAN 20 PM 4:47