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**

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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 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 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 77919 and 77920 shall not exceed 1163.24 acre-feet.

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

The issuance of this permit expires Temporary Permit 77918-T.

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

(Continued on Page 2)

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 an annual 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: **August 13, 2011**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **August 13, 2014**
Map in support of proof of beneficial use shall be filed on or before: **August 13, 2014**

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 13th day of **August,** A.D. **2009**

P.E.
for State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Application No. 77919

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 under 77918 T

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

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

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

☑ 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.

S7-LP

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 (Month and Day) to December 31st (Month and Day) of each year.

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

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 3 years (If well completed, describe well.)

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

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 changes the point of diversion of a portion under Permit 45693, due to the fact that the existing well does not produce enough water to irrigate the certificated acreage.

The waters applied for under this application and the accompanying application to change the place of use of the remaining portion of Permit No. 45693 are to be co-mingled to irrigate a total of 290.81 acres within the proposed place of use.

16. Miscellaneous remarks:

2009 JAN 20 PM 4:11
STATE ENGINEER'S OFFICE

(775) 738-4053
Phone No.

By Robert E. Morley
Print or type name clearly

Robert E. Morley
Signature, applicant or agent

remorley@frontiernet.net
E-mail

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

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION