Permit No. 78447

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:	**JOSEPH L. RAND AND ELLEN M. RAND**
Source:	**UNDERGROUND**
Basin:	**DIAMOND VALLEY**
Manner of Use:	**IRRIGATION**
Period of Use:	**January 1st to December 31st**
Priority Date:	**07/03/1961**

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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 of a portion of the waters of an underground source as heretofore granted under Permit 19965, Certificate 6764 is issued subject to the terms and conditions imposed in said Permit 19965, Certificate 6764 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 Permit 19965, Certificate 6764 and Permit 78447 shall not exceed 632.00 acre-feet annually.

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 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 1.5 cubic feet per second and not to exceed 4.0 acre-feet per acre 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: **September 21, 2010**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **September 21, 2011**
Map in support of proof of beneficial use shall be filed on or before: **September 21, 2011**

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 21st day of **September**, A.D. **2009**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Application No. 78447

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 MAY 0 6 2009

Returned to applicant for correction

Corrected application filed _____ Map filed NOV. 6, 1967 under 19965

The applicant Joseph L. Rand and Ellen M. Rand

HC 62 Box 140 (Street Address or P.O. Box) of Eureka (City or Town)

Nevada 89316 (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. 19965, Certificate No. 6764

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

2. The amount of water to be changed 1.5 c.f.s. (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.)

NW1/4 SE1/4 of Section 12, T.21 N., R.53 E., M.D.B.& M., at a point from which the South 1/4 corner of said Section 12, bears ~~S 44° 12' 00" W, 1860.00 feet.~~ Please use the map that accompanied Permit 19965 to illustrate the proposed point of diversion. In addition please see remarks under item 16.

S 37° 18' W 1645.9 feet

Lena Beschart 5/18/09

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer)

NW1/4 SE1/4 of Section 12, T.21 N., R.53 E., M.D.B.& M., at a point from which the South 1/4 Corner of said Section 12, bears S 44° 12' 00" W, 1860.00 feet. Please use the map that accompanied Permit 19965 to illustrate the existing point of diversion. In addition please see remarks under item 16.

153_KW

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
Portions of the SE1/4 of Section 12, T.21 N., R.53 E., M.D.B.& M., 80.00 acres in the W1/2 SE1/4, 39 acres in the NE1/4 SE1/4 and 39 acres in the SE1/4 SE1/4, all in said Section 12, for a total of 158.00 acres. Please use the map that accompanied the Proof of Beneficial Use under Permit 19965 to illustrate the proposed place of use.

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 SE1/4 of Section 12, T.21 N., R.53 E., M.D.B.& M., 80.00 acres in the W1/2 SE1/4, 39 acres in the NE1/4 SE1/4 and 39 acres in the SE1/4 SE1/4, all in said Section 12, for a total of 158.00 acres to be removed from irrigation. Please use the map that accompanied the Proof of Beneficial Use under Permit 19965 to illustrate the proposed place of use.

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 sprinklers

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 19965, Certificate No. 6764 due to the fact that the existing well does not produce enough water to irrigate the certificated acreage. The waters under this application and the waters remaining under Permit 19965 are to be co-mingled to irrigate a total of 158.00 acres within the proposed place of use.

16. Miscellaneous remarks:
The well proposed under this application is within 300 feet and within the same 1/4 section as the existing point of diversion under Permit 19965. Therefore the survey tie for the proposed point of diversion is shown the same as the existing point of diversion even though there will be two wells utilized to irrigate the proposed place of use. Showing the survey tie for the existing point of diversion and the proposed point of diversion as the same on an application to change a portion of the point of diversion was pre-approved by the Division of Water Resources.

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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

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2009 MAY -6 AM 11:40
STATE ENGINEER'S OFFICE

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION