

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 JUN 19 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed JUN 14 2004 under 7 1 4 4 8T

The applicant Martha P. Sims

P.O. Box 36 of Deeth
Street Address or P.O. Box City or Town

Nevada 89823, 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 66816

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 1.50 cfs (1085.95 acre feet annually) (See Item 15)
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 SW1/4 of Section 2, T.34 N., R.62 E., M.D.B. & M., at a point from which the West 1/4
corner of Section 11, T.34 N., R.62 E., M.D.B. & M., bears S 37° 23' 18" W, 3512.27 feet.
(Please use the map that accompanied Permit 71448-T to illustrate the proposed point of diversion
for this application)

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer)
SW1/4 SW1/4 of Section 2, T.34 N., R.62 E., M.D.B. & M., at a point from which the West 1/4
corner of said Section 2 bears N 25° 48' 13" W, 2912.35 feet.
(Please use the map that accompanied Permit 71448-T to illustrate the existing point of diversion
for this application)

177-EL

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
W1/2 of Section 2, and all of Section 11, all in T.34 N., R.62 E., M.D.B. & M.
(320 acres to be irrigated)
(Please use the map that accompanied Permit 71448-T to illustrate the proposed place of use for this application)

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.)
W1/2 of Section 2, and all of Section 11, all in T.34 N., R.62 E., M.D.B. & M.
(320 acres irrigated)(Same as proposed place of use)
(Please use the map that accompanied Permit 71448-T to illustrate the existing place of use for this application)

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

10. Use permitted from January 1 to December 31 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.)
Drilled well, pump, motor, pipelines and sprinkler system.

12. Estimated cost of works \$10,000

13. Estimated time required to construct works Well drilled see well log no. 99222
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:) The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing)

This application is for a temporary permit. Please see attached remarks for explanation of project.

Item 2 - We are requesting that the applicant be allowed to have the ability to pump the full duty at 1.5 cfs being 1085.95 acre feet annually from the well applied for under this application or the full duty at 1.5 cfs from the waters remaining under Permit 66816 with the total pumped from both wells not to exceed 1280 acre feet annually. The total combined duty under Permits 66815, 66816, 69069 69070 and any permit issued under this application will not exceed 3200 acre feet annually.

16. Miscellaneous remarks:

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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

STATE ENGINEERS OFFICE
2009 JUN 19 PM 3:50
RECEIVED

\$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Attachment to Temporary Application to
Change a portion of Permit 66816 by
Martha P. Sims

Item 15 – Description of Project

There are currently four wells that were drilled to irrigate the W1/2 of Section 2 and the W1/2 of Section 11, all in T.34 N., R.62 E., M.D.B.& M. The permits associated with these wells are Permits 66815, 66816, 69069, and 69070. These permits are limited to a total combined duty of 3,200 acre-feet annually for the irrigation of 800 acres.

The Proof of Beneficial Use (PBU) under Permits 66815, 66816, 69069, and 69070 was filed on July 19, 2007 showing the irrigation of 568.05 acres within the place of use. The cultural map submitted in support of the PBU was prepared from a survey performed on July 29, 2002. These PBU's were rejected for the reasons stated in the letter dated August 6, 2008 from Scott Clark with the Division of Water Resources.

In Mr. Scott's letter he states that per the field investigation conducted on April 17, 2008 that there was no evidence of any culture located in the NW1/4 of Section 2 and the SW1/4 of Section 11 and that meter readings submitted were too old to show beneficial use. In addition he states that one of the meters did not appear to be in proper working order. In response to Mr. Clark's letter Applications for Extension of Time for each permit was filed on August 19, 2008 and these extensions of time were granted to June 17, 2009.

According to the applicant, she has now repaired or replaced the totalizing meters on the four wells. In addition, she has indicated that the lack of irrigation in the NW1/4 of said Section 2 and the SW1/4 of said Section 11 is due to the fact that, since the survey for the PBU's was done showing culture in these areas, the production in the wells has declined to a point that she has been unable to irrigate these areas.

In an effort to try and irrigate these areas again, we filed and were granted Permit 71448-T to drill another well and determine its capacity in order to supplement the existing wells. This well was drilled as evidenced by well log no. 99222. The applicant indicates that during the process of drilling the new well something went wrong that restricted the flow from the well. Since that time, she has been trying to obtain the services of another driller to determine if it was economically feasible and practical from the well production standpoint to try and refurbish the well. Due to their busy schedule she had not been able to contract a driller until recently and therefore a permanent application to change as a follow up to the temporary was not filed and Permit 71448-T has expired.

She has now contacted a driller to refurbish the well and fully intends to place this well into production in order to supplement the existing wells so that she can irrigate the remaining acreage. We are filing this application for a Temporary Permit in order to again have an active permit on the well, refurbish the well, and use the waters from this well this season while the application for a permanent permit, filed herewith, is being processed.