Permit No. 78868

AMENDED

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:	**ELKO COUNTY**
Source:	**UNDERGROUND**
Basin:	**ELKO SEGMENT**
Manner of Use:	**MUNICIPAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**05/05/1989**

****

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 the waters of an underground source as heretofore granted under Permit 53224, Certificate 13399, is issued subject to the terms and conditions imposed in said Permit 53224, Certificate 13399 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 a quarterly basis within 15 days after the end of each calendar quarter.

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 78868, 78869, 78870 and 78871, having the same point of diversion and the same place of use shall not exceed 17.13 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.

(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 0.05 cubic feet per second or 7.24 acre-feet annually**.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**January 25, 2015**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**January 25, 2020**
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 1st day of **March**, A.D. **2011**

P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Permit No. 78868

See Amended

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:	**ELKO COUNTY**
Source:	**UNDERGROUND**
Basin:	**ELKO SEGMENT**
Manner of Use:	**MUNICIPAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**05/05/1989**

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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, place and manner of use of the waters of an underground source as heretofore granted under Permit 53224, Certificate 13399, is issued subject to the terms and conditions imposed in said Permit 53224, Certificate 13399 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 a quarterly basis within 15 days after the end of each calendar quarter.

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 78868, 78869, 78870 and 78871, having the same point of diversion and the same place of use shall not exceed 21.97 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.

(Continued on Page 2)

Permit No. 78868

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 0.05 cubic feet per second or 7.24 acre-feet annually**.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **January 25, 2015**

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **January 25, 2020**

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 25th day of **January**, A.D. **2010**

for K. Hall P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Abrogated By: 79947T 0.01

Application No. 78868

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 SEP 0 2 2009

Returned to applicant for correction

Corrected application filed Map filed SEP 0 2 2009 under 78867

The applicant Elko County

569 Court Street (Street Address or PO Box) of Elko (City or Town)

Nevada 89801 (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 rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit No. 53224 - Certificate No. 13399

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

2. The amount of water to be changed 0.05 C.F.S. not to exceed 7.2395 AFA / 2.359 M.G.A.
   Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Municipal and Domestic Purposes
   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 Quasi-Municipal
   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 stated.)
   A point located in the NW 1/4 SW 1/4 of Section 10, T. 35, N. R., 56 E. M.D.B. & M. from which the West 1/4 ~~Section~~ Corner of Section 10, ~~T. 35, N. R., 56 E. M.D.B. & M.~~, bears North 77 degrees 51 minutes 16 seconds West, a distance of said 824.41 feet. REV

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   SE1/4 NW1/4 Section 10, T35N, R56E, M.D. B.& M. or at a point from which the W1/4 corner of said Section 10 bears South 72 degrees 55 minutes 15 seconds West, a distance of 1,510.83 feet (Refer to map under Permit No. 53224)

49-EL

78868

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Portions of the following: SE1/4 SE1/4 Section 3 and Section 10 lying south of the Interstate Highway 80 R/W; W1/2 Section 11 and NW1/4 Section 15 all in T35N, R56E, M.D.B. & M. Place of use is known as the Northeastern Nevada Regional Railport and Industrial Area.

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 following: NE1/4 NW1/4, SW1/4 NW 1/4 & SE1/4 NW 1/4 Section 10, T. 35. N. R., 56 E. M.D.B. & M.. (Refer to map under Permit No. 53224)

9. Proposed use will be from January 1st (Month and Day) to December 31st (Month and Day) of each year.

10. Existing 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.)

Drilled and cased municipal well motor, pump, flow meter and associated water works for the development of the Northeastern Nevada Regional Railport and Industrial Area.

12. Estimated cost of works $500,000.00

13. Estimated time required to construct works 5 years

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 10 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.)

The Northeastern Nevada Regional Railport and Industrial area provides specific property for transportation and manufacture based industry in Elko County. The Railport site is approximately 60 acres. The Industrial Zoned property surrounding the Railport is approximately 400 plus acres. Approximately 150 acres is currently being developed by various manufacturing and industrial users. It is anticipated that the remaining 250 acres will be developed within the next 10 years.

16. Miscellaneous remarks:

RECEIVED
2009 SEP -2 PM 1:26
STATE ENGINEER'S OFFICE

Scott R. Brown
Type or print name clearly

Scott R. Brown
Signature, applicant or agent

Elko County, Nevada
Company Name

569 Court Street
Street Address or PO Box

Elko, Nevada 89801
City, State, ZIP Code

rbrown@elkocountynv.net
E-mail Address

775-738-6816 ex. 26
Phone No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

Revised 07/09 $200 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION