No. 69040

AMENDED

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

Date of filing in State Engineer's Office **AUG 06 2002**

Returned to applicant for correction

Corrected application filed **AUG 09 2002**

Map filed **AUG 09 2002 under 69039**

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The applicant **Granite Construction Company** hereby makes application for permission to change the **Place of Use of** of water heretofore appropriated under **Permit No. 58694**

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1. The source of water is **Underground**

2. The amount of water to be changed **0.0357 cfs – 17.62 acre feet annually**

3. The water to be used for **Industrial and Domestic Purposes**

4. The water heretofore permitted for **Industrial and Domestic Purposes**

5. The water is to be diverted at the following point **w/in SW¼ SE¼ Section 24 T16N, R21E, MDM or at a point from which the SE corner of said Section 24 bears S 57 degrees 02 minutes 18 seconds E, a distance of 1920 feet**

6. The existing permitted point of diversion is located within **Existing point of diversion is not changed.**

7. Proposed place of use **portions E½ E½ and SW¼ SE¼ Sect. 23; All Sect. 24; All Sect. 25; N½ Sect. 36 T16N, R21E, MDM; W½ Sect. 19; W½ Sect. 30; NW¼ Sect. 31 T16N. R22E, MDM**

8. Existing place of use **SW¼ SE¼ and portions of NW¼ SW¼ Sect. 24; portions of SE¼ NE¼ and NE¼ SE¼ Sect. 23 T16N, R21E, MDM**

9. Use will be from **January 1** to **December 31** of each year.

10. Use was permitted from **January 1** to **December 31** of each year.

11. Description of proposed works **Existing well, motor, pump and pipeline to place of use completed under Permit Nos. 61311, 58694 and 58693.**

12. Estimated cost of works **None - existing**

13. Estimated time required to construct works **None - existing**

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

15. Remarks: **Refer to map filed under Application No. 51015 to support the existing point of diversion and map filed under Application No. 38906 and 51015 for existing place of use.**

By s/Michael D. Buschelman
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared sg/cmf dl/gkl

Protested

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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 place of use of the waters of an underground source as heretofore granted under Permit 58694 is issued subject to the terms and conditions imposed in said Permit 58694 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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

Monthly records shall be kept of the water pumped from the well under this permit and the well under Permits 39806, 51079, 51080, 51096 and 51097 and the well under Permit 66050 and any subsequent rights added to any of these wells. The records shall be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The total combined duty of water under Permits 39806, Certificate 11277; 51079, Certificate 14167; 51080, Certificate 14168; 51096, Certificate 14169, 51097, Certificate 14170; 58801, Certificate 14609; 66050, 67883, 69039, 69040 and 69041 shall not exceed 71.903 million gallons annually.

(CONTINUED ON PAGE 3)

69040

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.0357** cubic feet per second, **but not to exceed 17.62 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use on or before:

October 22, 2007

Proof of the application of water to beneficial use shall be filed on or before:

November 22, 2007

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **24th** day of **May,** A.D. **2005**

State Engineer

Completion of work filed July 23, 2003 under 67883

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____