

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

FEB 22 1982

Date of filing in State Engineer's Office

Returned to applicant for correction JUN 9 1982

Corrected application filed JUL 2 1982 Map filed AUG 6 1982

The applicant Stephen H. Bourne (See attached copies of Executor's Deed and Quit Claim Deed.)

Box B of Zephyr Cove

Street and No. or P.O. Box No. Nevada 89448 City or Town

hereby make application for permission to change the point of diversion, manner of use and place of use of a portion of water heretofore appropriated under The McFaul Creek Decree vested by Proof No. 01768

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

- 1. The source of water is Lake Tahoe (Proposed), McFaul Creek existing
2. The amount of water to be changed 0.075 cfs (100 ac.feet) 22.68 acre-feet, irrigation
3. The water to be used for Quasi-Municipal
4. The water heretofore permitted for Irrigation
5. The water is to be diverted at the following point within the NW 1/4 SW 1/4, Section 15, T 13 N, R 18 E, M.D.M., situated in Lake Tahoe, from which the SW corner of said Section 15 bears S 04°39'49" W, a distance of 2300.8 feet.
6. The existing permitted point of diversion is located within the NE 1/4 NW 1/4 Section 15, T 13 N, R 18 E, M.D.M., McFaul Creek and tributaries.
7. Proposed place of use (See attachment)
8. Existing place of use Irrigation of 5.67 acres in the NE 1/4 NW 1/4, Section 15, T 13 N, R 18 E, M.D.M.
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from May 1 to September 30 of each year.
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Water to be diverted from Lake Tahoe through an intake pipe and pump, and then through an extension of Round Hill pipes and flumes, or drilled well, etc. General Improvement District's water distribution system.
12. Estimated cost of works \$50,000.
13. Estimated time required to construct works 5 years

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

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

(See attachment)

By s/Milton L. Sharp  
Milton L. Sharp Agent  
P.O. Box 11456  
Reno, NV 89510

Compared.....js/bl.....br/ja.....

Protested.....

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 point of diversion, place of use and manner of use of a portion of the waters of McFaul Creek, heretofore granted under Proof 01768, Certificate 337, is issued subject to the terms and conditions imposed in said Proof 01768, Certificate 337, and with the understanding that no other rights at the source shall be affected by the change proposed herein. A totalizing meter must be installed in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to a beneficial use. This permit is subject to the final allocation of the State of Nevada under the Calif.-Nev.-Interstate Compact Commission. The State retains the right to regulate the use of the water herein granted at any and all times.

With the issuance of this permit the total annual duty of water allowed under Proof 01768, Certificate 337, is reduced by 22.68 acre-feet to 76.44 acre-feet.

The use of the water allowed by issuance of this permit is limited to the number and type of units on each of those parcels described under Item 15 of this permit.

This permit and Permit Nos. 45355, 45356, 45357, 45358 and 45359 are limited to a total of 43.28 acre-feet per year and the period of use will be from January 1st to December 31st of each year.

It is expressly understood that 43.28 acre-feet per year is the total combined duty allowed under Permits 45354, 45355, 45356, 45357, 45358 and 45359.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....0.075.....cubic feet per second, but not to exceed 22.68 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....September 30, 1983.....

Proof of completion of work shall be filed before.....October 30, 1983.....

Application of water to beneficial use shall be made on or before.....September 30, 1986.....

Proof of the application of water to beneficial use shall be filed on or before.....October 30, 1986.....

Map in support of proof of beneficial use shall be filed on or before.....October 30, 1986.....

Completion of work filed.....AUG 19 1983..... IN TESTIMONY WHEREOF, I.....PETER G. MORROS.....

Proof of beneficial use filed..... State Engineer of Nevada, have hereunto set my hand and the seal of

Cultural map filed..... my office, this.....30th.....day of.....MARCH.....

Certificate No..... Issued..... A.D. 19.....83.....

*Peter G. Morros*  
State Engineer

Point Abrogated by 53669-T 0.00125 cfs  
Temporary 53868-T 0.0046 cfs  
53274 0.0008 cfs  
53767 0.0039 cfs  
53768 0.0023 cfs  
53769 0.0031 cfs  
53770 0.0046 cfs  
53771 0.0039 cfs  
62443 - 0.0365  
- cert 6/14/00

## ATTACHMENT

Item 2. The amount of water to be changed:

Following is a summary of water quantities, previously appropriated, for which applications to change the points of diversion, the manners of use and places of use have been submitted on behalf of Stephen H. Bourne, successor in rights to Arthur K. Bourne:

The McFaul Creek Decree, vested by Proof No. 01768, provides 99.12 acre-feet per year of water to irrigate 24.78 acres. Changes of point of diversion, manner of use and place of use for 22.68 acre-feet applied to irrigation of 5.67 acres, are proposed. The remaining 76.44 acre-feet per year will continue to be used to irrigate 19.11 acres as provided in Proof No. 01768.

Application No. 9014 (Certificate Record No. 2715), Application No. 9093 (Certificate Record No. 2716), Application 9094 (Certificate Record No. 2717), Application No. 10380 (Certificate Record No. 3532) and Application No. 10381 (Certificate Record No. 3533) supplement the McFaul Creek Decree and do not provide for appropriation of additional quantities of water for irrigation purposes. Each of these certificates provides an additional quantity of water certificated for domestic and fire protection use in the W  $\frac{1}{2}$ , SW  $\frac{1}{4}$  of Section 15, T 13 N, R 18 E, M.D.M. at the Round Hill Pines Resort, which consists of 35 residential units, recreational facilities and a restaurant. Operation of the Resort has normally been suspended during four months of each year (Nov., Dec., Jan., Feb.).

Water use at the Round Hill Pines Resort is estimated as follows:

Residential use (500 gallons per day) - 121,800 gallons per year for eight months occupancy - .374 acre-feet per year, 35 units -	13.1 acre-feet per year
Restaurant - Operation estimated at 10,000 gallons per day for eight months of operation -	7.5 acre-feet <u>per year</u>
TOTAL	20.6 acre-feet per year
Total quantity of water to be changed -	43.28 acre-feet per year

Item 7. Proposed place of use.

The following subdivisions of Section 10, T 13 N, R 18 E, M.D.M.:

SW  $\frac{1}{4}$  SE  $\frac{1}{4}$

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$

Portions of the following subdivisions of Section 15, T 13 N,  
R 18 E, M.D.M.

NW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
 NE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
 SW  $\frac{1}{4}$  NW  $\frac{1}{4}$   
 SE  $\frac{1}{4}$  NW  $\frac{1}{4}$   
 NW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
 NE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
 SW  $\frac{1}{4}$  NE  $\frac{1}{4}$   
 SE  $\frac{1}{4}$  NE  $\frac{1}{4}$   
 NW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
 NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
 SW  $\frac{1}{4}$  SW  $\frac{1}{4}$   
 SE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
 NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
 SW  $\frac{1}{4}$  SE  $\frac{1}{4}$

Portions of the following subdivisions of Section 16, T 13 N,  
R 18 E, M.D.M.

NE  $\frac{1}{4}$  SE  $\frac{1}{4}$

Item 15. Remarks.

Estimated quasi-municipal use of water is summarized as follows:

Within SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 10; those portions of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  of Section 15 located east of U.S. Highway 50; portions of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Section 15 development will consist of two residential units. Water use will be 1.12 acre-feet per year.

Within those portions of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 15 located west of U.S. Highway 50 and a portion of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 16 development will consist of 63 residential units. Water use will be 35.23 acre-feet per year.

Within commercially zoned property in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 15 located west of Highway 50 development will consist of commercial facilities totaling 40,000 square feet of floor area. Water use will be 3.6 acre-feet per year.

Within commercially zoned property in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 15 located east of U.S. Highway 50 development will consist of commercial facilities totaling 30,000 square feet of floor area. Water use will be 2.7 acre-feet per year.

Within commercially zoned property in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 15 located east of U.S. Highway 50 and south of Elks Point Road development will consist of commercial facilities totaling 7,000 square feet of floor area. Water use will be .63 acre-feet per year.