

ASSIGNED

AMENDED

Serial No. 45356

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 FEB 22 1982

Returned to applicant for correction JUN 9 1982

Corrected application filed JUL 2 1982 Map filed AUG 6 1982 under 45354

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

Box B of Zephyr Cove

Nevada 89448

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 Permit No. 9093 (Certificate Record No. 2716)

(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

Name of stream, lake, underground spring or other source. (See attachment)

2. The amount of water to be changed 0.114 cfs (22.68 acre-feet irrigation and 20.6 acre-feet domestic.)

Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Quasi-Municipal

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Irrigation (22.68 acre-feet) and Domestic (20.6 acre-feet)

Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the NW 1/4 SW 1/4, Section 15, T 13 N,

Describe as being within a 40-acre subdivision of public survey and by course and

R 18 E, M.D.M., situated in Lake Tahoe, from which the SW corner of said Section

distance to a section corner. If on unsurveyed land, it should be stated.

15 bears S 04°39'49" W, a distance of 2300.8 feet.

6. The existing permitted point of diversion is located within the NW 1/4 NE 1/4, Section 11, T 13 N,

R 18 E, M.D.M. at a point from which the north 1/2 corner of said Section 11 bears N66°15'W, 889.1 feet, and within McFaul

Creek and its tributaries. This point of diversion will continue to be used for 76.44 acre-feet per year, irrigation water, not being changed.

7. Proposed place of use (See attachment)

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Irrigation of 5.67 acres in the NE 1/4, NW 1/4, Section 15,

Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

T 13 N, R 18 E, M.D.M. and domestic demand at Round Hill Pines Resort located

manner of use of irrigation permit, describe acreage to be removed from irrigation.

in the W 1/2 SW 1/4 of Section 15, T 13 N, R 18 E, M.D.M.

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

Month and Day

Irrigation May 1 to October 1

10. Use was permitted from Jan. 1 to Dec. 31 of each year.

Month and Day

Domestic use Jan. 1 to Dec. 31

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

State manner in which water is to be diverted, i.e. diversion structure, ditches,

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 Permit 9093, Certificate 2716, is issued subject to the terms and conditions imposed in said Permit 9093, Certificate 2716, 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 Permit 9093, Certificate 2716, is reduced by 43.28 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. 45354, 45355, 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 0.114 cubic feet per second, but not to exceed 43.28 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

AUG 19 1983

Completion of work filed..... 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

WITHDRAWN BY APPLICANT JUL 17 2000

agent
WITHDRAWN BY APPLICANT APR 17 1998
Richard P. ...
STATE ENGINEER

Justin P. ...
STATE ENGINEER
POR. BEING 0.038 cfs 14.37 AFA

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 -	<u>7.5 acre-feet 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.