

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..... **MAR 07 1989**

Returned to applicant for correction.....

Corrected application filed..... Map filed **MAR 07 1989** under 52799

The applicant S & D Company, a partnership composed of R. Sim Duval and Don W. Duval
Arthur Route of Wells
Street and No. or P.O. Box No. City or Town

Nevada 89835 hereby make^s application for permission to change the
State and Zip Code No.

Points of diversion and place of use of the public waters
Point of diversion, manner of use, and/or place of use
Proof 01264 (Not Decreed.)
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.)

- The source of water is Franklin River and its tributary of Galligan Creek.
Name of stream, lake, underground spring or other source.
- The amount of water to be changed See Page 2
Second feet, acre feet. One second foot equals 448.3 gallons per minute.
- The water to be used for Primary use irrigation and as a secondary use for 500 cattle
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for Estimated at 500 cattle.
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point See Page 2
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing permitted point of diversion is located within a total of five (5) points of diversion
If point of diversion is not changed, do not answer
located in Sections 7 and 18, T30N, R60E, MDB&M as shown on Cultural Map of
Thomas V. Odgers, Proof No. 01264.

7. Proposed place of use See Page 2
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use See Page 2
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from March 15 to September 15 of each year.
Month and Day Month and Day

10. Use was permitted from March 15 to September 15 of each year.
Month and Day Month and Day
or as long as water is available.

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.) Diversion are in place
State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works No further expenditures.

13. Estimated time required to construct works One year.

14. Estimated time required to complete the application of water to beneficial use..... One year.

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

This application is for the purpose of completing the terms of that Contract of Purchase executed by Iris N. Dahl, James H. Wright, Blain Sharp and Emerson C. Neff regarding a transfer of water rights, a copy attached to that Transfer of Water Rights recorded in Book 65 of Official Records at Page 442, Elko County, a certified copy thereof having been filed herein. S & D Company, a Partnership

By /s/ Don W. Duval
/s/ R. Sim Duval
Arthur Route
Wells, NV 89835

Compared kh/ pas

Protested

OF STATE ENGINEER

This is to certify I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

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

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

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

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

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

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No..... Issued.....

IN TESTIMONY WHEREOF, I.....
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this.....day of.....
A.D. 19.....

State Engineer

Page 2
Item Number 2

Data as to acre-feet to be transferred is not known as waters claimed under Proof 01264 has not been decreed, nor has the duty of water been established. It is the intent to place sufficient water upon the proposed place of use for irrigation as specified herein. It is the further intent of the Applicant that by this Application and four (4) additional Applications submitted herewith to change the points of diversion and place of use on one-third (1/3) of all water to be decreed under Proof 01264 after deduction of 135 acre feet.

Item Number 5

Existing diversion points:

1. Gardner Ditch No. 2 at a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T33N, R60E, MDB&M as shown on that Cultural Map of J.H. Wright, Proof Nos. 01811 and 01812.
2. Unnamed ditch at a point within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T33N, R60E, MDB&M as shown on that Cultural Map of J.H. Wright, Proof Nos. 01811 and 01812.

The following diversion point situate upon Franklin River as shown on the Map to Accompany Proof of Appropriation for Irrigation and Stockwatering by S & D Company:

POINT OF DIVERSION #12: A point on Franklin River within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, T33N, R60E, MDB&M* bears S54°40'00"E a distance of 8,620.00 feet.

Item Number 7

T33N, R60E, MDB&M

| <u>Section</u> | <u>Parcel</u> | <u>Acres</u> |
|----------------|-----------------------------------|--------------|
| 2 | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 9.65 |
| | NW $\frac{1}{4}$ SE $\frac{1}{4}$ | 6.14 |
| | SW $\frac{1}{4}$ SE $\frac{1}{4}$ | 1.51 |
| | SE $\frac{1}{4}$ SE $\frac{1}{4}$ | 13.16 |
| *14 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 14.82 |

All as shown on Map to Accompany Proof of Appropriation for Irrigation and Stockwater by S & D Company.

*The intent of the change of place of use to these parcels is to provide supplemental irrigation water to those vested water rights for said lands claimed by S & D Company.

Item Number 8

T30N, R60E, MDB&M

Section 7: E $\frac{1}{2}$; Lots 2, 3 & 4; E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 18: NE $\frac{1}{4}$; W $\frac{1}{2}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 19: NW $\frac{1}{4}$; Lot 3; NE $\frac{1}{4}$ SW $\frac{1}{4}$

T30N, R59E, MDB&M

Section 12: SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 13: E $\frac{1}{2}$ E $\frac{1}{2}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 24: NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$

Total of 1,445.01 acres irrigated as shown on Cultural Map of Thomas V. Odger, Proof No. 01264, with only a portion of said water being applied to the change of points of diversion and place of use in this Application.

Item Number 5 *

from which the Southeast corner of Section 13, T33N, R60E, MDB&M

