NO. 64313

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 JUL 16 1998

Returned to applicant for correction

Corrected application filed

Map filed JUL 16 1998 under 64308

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The applicant **WILLIS JOHN WARD and MINNIE SUE WARD**, hereby makes application for permission to change the **Point of Diversion and Place of Use of a Portion** of water heretofore appropriated under **Proof 01349 & 01350 Barber Creek Decree Dated May 27, 1927 - Eugene Scossa, Contestant vs. Clarissa Church and Barber Estate Contestees.**

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1. The source of water is **BARBER CREEK**

2. The amount of water to be changed **3 A.F.A. (per season)**

3. The water to be used for **Irrigation**

4. The water heretofore permitted for **Irrigation**

5. The water is to be diverted at the following point **SW¼ SW¼ Section 14, T. 12 N., R. 19 E., M.D.B.&M. or at a point from which the SW corner of said Section 14 bears S. 03° 34′ 32" W., a distance of 781.57 feet.**

6. The existing permitted point of diversion is located within **BARBER CREEK DECREE**

7. Proposed place of use **Portions of the SW¼ SW¼ Section 14, T. 12 N., R. 19 E., M.D.B.&M. Reference APN 19-191-09, 2.0 Acres (Attached)**

8. Existing place of use **5.0 Ac. within NW¼ SW¼; 0.5 Ac. within SW¼ SW¼; 29.35 Ac. within SE¼ SW¼; 15.92 Ac. within NW¼ SE¼; 27.91 Ac. within SW¼ SE¼ and 1.38 Ac. within SE¼ SE¼ all within Section 14, T.12 N., R. 19 E., M.D.B.&M.**

9. Use will be from **April 1st** to **October 1st** of each year.

10. Use was permitted from **April 1st** to **October 1st** of each year.

11. Description of proposed works **Diversion box, sand collection box and distribution system has been completed.**

12. Estimated cost of works **$1,500.00±**

13. Estimated time required to construct works **Diversion structure completed**

14. Estimated time required to complete the application of water to beneficial use **Three (3) years**

15. Remarks: **PLEASE REFER TO ATTACHMENT "A"**

ROBERT H. CANTLEY
By **WESTERN ENGINEERING & SURVEYING SERVICES**
s/Robert H. Cantley
3032 Silver Sage Drive, Suite "B"
Carson City, Nevada 89701

Compared **dl/jr** hs/bk

Protested By Dennis R. Buckley 10/2/98; Pro. Overruled 11-8-99 Ruling 4804

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 and place of use of a portion of the waters of Barber Creek, as heretofore appropriated under Proof 01349 and 01350 as appears in The Matter of the Determination of the Relative Rights to Waters of Barber Creek and its Tributaries, in the District Court of the First Judicial District of the State of Nevada, in and for the County of Douglas is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

A valve or other type of regulating device with a substantial measuring device must be installed at the applicant's point of diversion to ensure that the total quantity of water diverted is limited to the amount permitted.

A substantial measuring device must be placed above the uppermost diversion on Barber Creek. This measuring device must be approved by the State Engineer prior to installation and prior to any diversion of water.

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(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 **0.0083** cubic feet per second, **but not to exceed 3.0 acre-feet per season.**

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

March 15, 2001

Proof of completion of work shall be filed before:

April 15, 2001

Water must be placed to beneficial use on or before:

March 15, 2003

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

April 15, 2003

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

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this **15th** day of **March** A.D. **2000**

R. Michael Turnipseed P.E.
State Engineer

Completion of work filed MAY 15 2001

Proof of beneficial use filed 5/14/03

Cultural map filed N/A

Certificate No. 16435 Issued 11/9/05

ATTACHMENT "A"

Question 15. Remarks:

This Application No. 64313 and Application No.s 64308, 64309, 64310, 64311, and 64312 are changing the Place of Use and Point of Diversion of a total of 24 AFA, 3 AFA per parcel of Barber Creek Decreed, deeded water from within the Judd Ranch boundary to each of the noted parcels. Reference The Federal Land Bank of Berkeley/Judd Deed, Document #7977, dated March 20, 1941.

A total of 80.06 decreed acres lie within the Judd Ranch boundary, resulting in a total of 435.166 AFA with a duty of 5.436 AF/A.

24 AFA will be stripped from the existing 435.166 AFA thus leaving a total balance of 411.166 AFA resulting in a reduction of duty from 5.436 AF/A to 5.136 AF/A over the total 80.06 acres.

Reference Application # 64314.

Note:

Sheridan Creek is currently under adjudication, the possibility exists that upon adjudication of rights in Sheridan Creek a portion of the acreage currently under Barber Creek Decree may also be covered by Sheridan Creek.