

**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 APR 27 1999

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 17 1980 under 40331

The applicant UNINCORPORATED TOWN OF MONTELLO, NEVADA, hereby makes application for permission to change the Place of use and manner of use of water heretofore appropriated under Permit 40331

1. The source of water is GARDEN SPRINGS
2. The amount of water to be changed 1.0 CFS
3. The water to be used for Municipal
4. The water heretofore permitted for Irrigation
5. The water is to be diverted at the following point Lot 5, Section 21, T.38N., R.70E., M.D.B.&M., or at a point from which the south $\frac{1}{4}$ corner of said Section 21 bears S. $36^{\circ} 28' 39''$ W., a distance of 3645.78 feet.
6. The existing permitted point of diversion is located within
7. Proposed place of use $N\frac{1}{2}$; $N\frac{1}{2} SW\frac{1}{4}$; $SW\frac{1}{4} SW\frac{1}{4}$; $NW\frac{1}{4} SE\frac{1}{4}$ all in Section 17, T.39N., R.69E., M.D.B.&M. Lying northerly of the southerly right of way of the Southern Pacific Railroad. See Map filed with application 40335.
8. Existing place of use T.39N., R.69E. M.D.B.&M. Portion of $NE\frac{1}{4}$ and $NE\frac{1}{4} SE\frac{1}{4}$, Section 20 Portion of $N\frac{1}{2}$ and $N\frac{1}{2} SW\frac{1}{4}$ Section 17. Total = 269 acres. See map filed with Application 40331
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from March 1 to October 31 of each year.
11. Description of proposed works Water is collected in masonry boxes, delivered by pipeline to storage tank and distributed through town's distribution system.
12. Estimated cost of works \$50,000
13. Estimated time required to construct works Three years.
14. Estimated time required to complete the application of water to beneficial use Ten Years
15. Remarks: See map filed in support of Application 40331 and 40335.

By GEORGE BALL, JR., P.E.
s/George W. Ball Jr.
730 Tahoe St.
Reno, NV 89509

Compared my/cmf _____ hf/cmf _____

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 the place of use and manner of use of the waters of Garden Spring as heretofore granted under Permit 40331, is issued subject to the terms and conditions imposed in said Permit 40331, and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

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.

The total combined duty of water under Permits 65091, 65092, 65093, and 65094 shall not exceed 1,076.0 acre-feet annually.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second.

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

October 3, 2000

Proof of completion of work shall be filed before:

November 3, 2000

Water must be placed to beneficial use on or before:

October 3, 2003

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

November 3, 2003

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 16th day of, August A.D. 2000

Hugh Ricci, P.E.

State Engineer

Completion of work filed NOV 10 2000

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____