NO. 67364

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 22 2001**

Returned to applicant for correction

Corrected application filed

Map filed **MAR 22 2001**

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The applicant **Bank of America N.A., as Trustee for George A. L'Abbe** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion.** of water heretofore appropriated under **Permit 49277**

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1. The source of water is **Underground**

2. The amount of water to be changed **0.1453 CFS, not to exceed 240 Acre Feet.**

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 **SE¼ NE¼, Section 23, T.11N., R.26E., M.D. B.&M. or at a point from which the E¼ corner of said Section 23 bears S. 19° 10' 59" E., a distance of 829.39 feet.**

6. The existing permitted point of diversion is located within **SE¼ SW¼, Section 31, T.11N., R.27E., M.D.B.&M. or at a point from which the SW corner of said Section 31, bears S. 89° 23' 14" W., a distance of 1383.89 feet.**

7. Proposed place of use **NE¼ NE¼, portions of the SE¼ NE¼, SW¼ NE¼, NW¼ NE¼, Section 23, T.11N., R.26E., M.D.B.&M.**

8. Existing place of use **See Exhibit "A"**

9. Use will be from **April 1** to **October 31** of each year.

10. Use was permitted from **April 1** to **October 31** of each year.

11. Description of proposed works **Drilled and cased well, equipped with a motor, pump, meter and distrbution system.**

12. Estimated cost of works **$50,000.00**

13. Estimated time required to construct works **Two (2) years**

14. Estimated time required to complete the application of water to beneficial use **Four (4) years.**

15. Remarks: **This application is being filed to change the point of diversion and place of use of a portion of Permit 49277 appurtenant to 60 acres within the described place of use and**

67364

further described as APN 12-471-74. Total combined duty of applications to change portions of Permits 49274, 49276, 49277, and 49278 shall not exceed 240 Acre Feet.

By **Gregory M. Bilyeu**
s/ Gregory M. Bilyeu
500 Damonte Ranch Pkwy., Suite 1056
Reno, NV 89511

Compared **gkl/cmf** dl/cmf

Protested

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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 an underground source as heretofore granted under Permit 49277 is issued subject to the terms and conditions imposed in said Permit 49277 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 67364, 67365, 67366, 67367 and any water of the Walker River Decree and any storage water appurtenant to the place of use shall not exceed 240.0 acre-feet per season for the irrigation of 60.0 acres within the described place of use. The permit holder is responsible for insuring delivery of the entitled decreed and storage waters that are supplemental to these permits. In any year the Walker River Irrigation District declares a full allocation of decreed water to the priority years of C-125 decree claims supplemental to these permits, underground water shall not be pumped from the well described in these permits.

These permits for underground water are issued as a supplemental water supply to lands that have a surface water right from the East Walker River from Claim No. 17 of the Walker River Decree C-125, or from storage water provided from the Walker River Irrigation District. Irrigation shall not exceed a duty of four acre-feet per season from the total of decreed, storage and underground waters.

(CONTINUED ON PAGE 3)

67364

(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 **0.1453** cubic feet per second, **but not to exceed 61.67 acre-feet per season, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.**

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

June 25, 2004

Proof of completion of work shall be filed before:

July 25, 2004

Water must be placed to beneficial use on or before:

June 25, 2006

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

July 25, 2006

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

July 25, 2006

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **25th** day of **June,** A.D. **2002**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

EXHIBIT "A"

Existing Place of Use – 2820 acres within the below listed subdivisions

T.11N., R.26E., M.D.B. & M.

Section 14: SE ¼ SW ¼
Section 23: NE ¼ NW ¼, E ½
Section 26: NE ¼, E ½ SE ¼
Section 25: NW ¼ SW ¼, S ½ SW ¼, SW ¼ SE ¼
Section 36: All

T.11N., R.27E., M.D.B. & M.

Section 31: SW ¼ NW ¼, SW ¼

T.10N., R.26E., M.D.B. & M.

Section 1: NE ¼ NE ¼

T.10N., R.27E., M.D.B. & M.

Section 6: N ½, SE ¼, NW ¼ SW ¼, E ½ SW ¼
Section 5: NW ¼ SW ¼, S ½ SW ¼
Section 7: N ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼
Section 8: W ½, SE ¼, W ½ NE ¼
Section 9: SW ¼ SW ¼
Section 17: E ½, N ½ NW ¼, SE ¼ NW ¼
Section 16: SW ¼, W ½ NW ¼, SW ¼ SE ¼
Section 20: E ½ NE ¼, E ½ SE ¼
Section 21: W ½, W ½ NE ¼, W ½ SE ¼
Section 29: NE ¼ NE ¼
Section 28: NW ¼, W ½ NE ¼, N ½ SW ¼, W ½ SE ¼

A total of 60 acres to be removed from irrigation as follows:

T.11N., R.26E., M.D.B. & M.

Section 23: 18.4 acres NW ¼ NE ¼, 8.2 acres NE ¼ NE ¼, 17.2 acres SE ¼ NE ¼, 16.2 acres SW ¼ NE ¼

Refer to map filed in support of this change application to illustrate the acreage removed.