No. 68039

AMENDED
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 **SEP 21 2001**

Returned to applicant for correction **NOV 08 2001**

Corrected application filed **NOV 14 2001**

Map filed **MAR 02 1966 under 18198**

****

The applicant **DGD Development Limited Partnership, a Nevada Limited Partnership** hereby makes application for permission to change the **Manner and Place of Use of a Portion** of water heretofore appropriated under **Permit 18198, Certificate 6278**

****

1. The source of water is **Musgrove Creek**

2. The amount of water to be changed **1.3538 cfs, not to exceed 348.17 acre-feet**

3. The water to be used for **Instream Flow**

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

5. The water is to be diverted at the following point **SW¼ NE¼, Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the ¼ corner common to Sections 22 and 23, T.16N., R.19E., M.D.B.&M., bears S. 67° 43' 20" E., a distance of 2,065.67 feet.**

6. The existing permitted point of diversion is located within **Unchanged**

7. Proposed place of use **See Attachment "A"**

8. Existing place of use **See Attachment "B"**

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

10. Use was permitted from **March 1** to **September 30** of each year.

11. Description of proposed works **Existing diversion works on Musgrove Creek, then by creek channel to proposed Place of Use.**

12. Estimated cost of works **Dependent upon Permit Terms**

13. Estimated time required to construct works **Dependent upon Permit Terms**

14. Estimated time required to complete the application of water to beneficial use **Six (6) Years**

15. Remarks: **This water will be diverted within the existing Musgrove Creek to provide instream flows within the Proposed Place of Use. Upon passing the Vista Gauge, the water will be considered return flow and become available for downstream water rights users. Water is being co-mingled with water changed under Permits 50071 and 50072.**

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

Compared **my/cmf**

Protested 2/4/02 by Churchill County; 3/14/02 by Washoe County;

68039

****

DENIAL OF STATE ENGINEER

The protests are hereby upheld, and this application is hereby denied on the grounds that the proposed changes would conflict with existing rights and threaten to prove detrimental to the public interest. Denial Vacated by Court Order 12/8/10

IN TESTIMONY WHEREOF, I, **TRACY TAYLOR, P.E.**, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of February, A.D. 2009

FOR State Engineer

ATTACHMENT "A"
PROPOSED PLACE OF USE

SECTION	SUBDIVISION	TOWNSHIP	RANGE
	LITTLE WASHOE LAKE		
	WASHOE LAKE		
13	SE NE	T.17N.	R.19E.
13	NE SE	T.17N.	R.19E.
13	NW SE	T.17N.	R.19E.
13	SE SW	T.17N.	R.19E.
13	NE SW	T.17N.	R.19E.
24	NW NW	T.17N.	R.19E.
24	NE NW	T.17N.	R.19E.
4	NE NW	T.17N.	R.20E.
4	SE NW	T.17N.	R.20E.
4	SW NW	T.17N.	R.20E.
4	NW SW	T.17N.	R.20E.
5	NE SE	T.17N.	R.20E.
5	SE SE	T.17N.	R.20E.
5	SW SE	T.17N.	R.20E.
7	NE SE	T.17N.	R.20E.
7	SE SE	T.17N.	R.20E.
7	SW SE	T.17N.	R.20E.
8	NW NE	T.17N.	R.20E.
8	NW NW	T.17N.	R.20E.
8	SW NW	T.17N.	R.20E.
8	NE NW	T.17N.	R.20E.
8	NW SW	T.17N.	R.20E.
18	NE NW	T.17N.	R.20E.
18	SW NW	T.17N.	R.20E.
18	NW NW	T.17N.	R.20E.
18	NW NE	T.17N.	R.20E.
3	NW NW	T.18N.	R.20E.
3	NE NW	T.18N.	R.20E.
3	SW NW	T.18N.	R.20E.
3	NW SW	T.18N.	R.20E.
3	SW SW	T.18N.	R.20E.
10	NW NW	T.18N.	R.20E.
10	SW NW	T.18N.	R.20E.
10	NW SW	T.18N.	R.20E.
10	SW SW	T.18N.	R.20E.
15	NW NW	T.18N.	R.20E.
15	SW NW	T.18N.	R.20E.
15	NW SW	T.18N.	R.20E.
16	NE SE	T.18N.	R.20E.
16	SW SE	T.18N.	R.20E.
16	SE SE	T.18N.	R.20E.
21	NW NE	T.18N.	R.20E.
21	SW NE	T.18N.	R.20E.

ATTACHMENT "A"
PROPOSED PLACE OF USE

SECTION	SUBDIVISION	TOWNSHIP	RANGE
21	NW SE	T.18N.	R.20E.
21	SW SE	T.18N.	R.20E.
28	NE NW	T.18N.	R.20E.
28	NW NE	T.18N.	R.20E.
28	SW NE	T.18N.	R.20E.
28	NW SE	T.18N.	R.20E.
28	SW SE	T.18N.	R.20E.
33	NW NE	T.18N.	R.20E.
33	SW NE	T.18N.	R.20E.
33	NW SE	T.18N.	R.20E.
33	SW SE	T.18N.	R.20E.
33	SE SW	T.18N.	R.20E.
11	SW SE	T.19N.	R.20E.
11	SE SE	T.19N.	R.20E.
12	SW SW	T.19N.	R.20E.
12	SE SW	T.19N.	R.20E.
13	NW NW	T.19N.	R.20E.
13	NE NW	T.19N.	R.20E.
13	NW NE	T.19N.	R.20E.
14	NW SW	T.19N.	R.20E.
14	SW SW	T.19N.	R.20E.
14	SW NW	T.19N.	R.20E.
14	NE NW	T.19N.	R.20E.
14	SE NW	T.19N.	R.20E.
14	NW NE	T.19N.	R.20E.
14	NE NE	T.19N.	R.20E.
15	SE SE	T.19N.	R.20E.
22	NE SW	T.19N.	R.20E.
22	SW SW	T.19N.	R.20E.
22	SE SW	T.19N.	R.20E.
22	NW SE	T.19N.	R.20E.
22	SE NW	T.19N.	R.20E.
22	SW NE	T.19N.	R.20E.
22	NW NE	T.19N.	R.20E.
22	NE NE	T.19N.	R.20E.
23	NW NW	T.19N.	R.20E.
27	NW NW	T.19N.	R.20E.
28	SE SE	T.19N.	R.20E.
28	NE SE	T.19N.	R.20E.
28	SE NE	T.19N.	R.20E.
28	NE NE	T.19N.	R.20E.
33	NE NE	T.19N.	R.20E.
34	SE SW	T.19N.	R.20E.
34	NW SW	T.19N.	R.20E.
34	SW SW	T.19N.	R.20E.
34	SW NW	T.19N.	R.20E.
34	NW NW	T.19N.	R.20E.

Use maps on file under Permits 62486 & Application 36526 to illustrate the proposed place of use.

Attachment "B"

8. Existing Place of Use - Permit 18198

Acres	Quarter	Quarter	Section	Twnshp	Range
32.5	NE	NE	22	16N	19E
15.0	NW	NE	22	16N	19E
15.0	SW	NE	22	16N	19E
28.0	SE	NE	22	16N	19E
32.0	NE	NE	23	16N	19E
33.5	NW	NE	23	16N	19E
35.0	NE	NW	23	16N	19E
36.0	NW	NW	23	16N	19E
33.0	SW	NW	23	16N	19E
260.0		TOTAL ACREAGE			

Acreage being removed under this application

Acres	Quarter	Quarter	Section	Twnshp	Range
16.67	NE	NE	22	16N	19E
0.35	NW	NE	22	16N	19E
5.62	SW	NE	22	16N	19E
13.56	SE	NE	22	16N	19E
	NE	NE	23	16N	19E
	NW	NE	23	16N	19E
	NE	NW	23	16N	19E
17.73	NW	NW	23	16N	19E
23.23	SW	NW	23	16N	19E
77.16		TOTAL ACREAGE			

Note: This application strips the balance of the water rights under Permit 18198 from the original place of use. Use map filed under Permit 18198 to illustrate the existing/proposed point of diversion.