

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 NOV 13 2001

Returned to applicant for correction JAN 03 2002

Corrected application filed

Map filed JAN 23 1993 under 19901

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The applicant Dayton Park LLC, a Nevada Limited Liability Company hereby makes application for permission to change the Manner of Use, Place of Use and Point of Diversion of a Portion of water heretofore appropriated under Permit 15222, Certificate 4646

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- 1. The source of water is the Carson River
2. The amount of water to be changed 2.048 cfs, appurtenant to 167.48 acres
3. The water to be used for Municipal
4. The water heretofore permitted for Irrigation, Stockwatering and Domestic
5. The water is to be diverted at the following point NW 1/4 SW 1/4, Section 4, T16N., R.22E., M.D.B.&M., or at a point from which the SW corner of said Section 4 bears S. 04° 02' 12" W., a distance of 1,553.0 feet.
6. The existing permitted point of diversion is located within NE 1/4 SE 1/4 Section 14, T.16N, R.21E., M.D.B.&M., or at a point from which the S 1/4 corner of said Section 14 bears S. 48° 29' W., a distance of 2,960.6 feet.
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 January 1 to December 31 of each year.
11. Description of proposed works Existing well along the Carson River Under surface water influence. Well to be converted to an infiltration well.
12. Estimated cost of works \$100,000.00
13. Estimated time required to construct works Five (5) Years
14. Estimated time required to complete the application of water to beneficial use Ten (10) Years
15. Remarks: See Attachment "C"

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

Compared my/ cmf lb/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, place of use and manner of use of a portion of the waters of the Carson River as heretofore granted under Permit 15222, Certificate 4646, which changed the point of diversion of Claims 745, 746 and 747, as heretofore granted under the Final Carson River Decree, No. 183, in the District Court of the United States, in and for the District of Nevada, is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A totalizing meter must be installed and accurate measurements of water placed to beneficial use must be kept.

The issuance of this permit abrogates 753.65 acre-feet as decreed associated with the 167.48 acres under a portion of Permit 15222, Certificate 4646 which changed the point of diversion of Carson River Claims 745, 746 and 747.

The issuance of this permit is for the consumptive use portion only, being 2.5 acre-feet per acre of the base right. The remaining portion of the base right will remain in the river for use by other decreed right holders.

This permit changes the point of diversion previously diverted from segment 7a of the Carson River to segment 7b, thus the priority date of this permit will be its filing date November 13, 2001. No water shall be pumped from this induction well when the river is being regulated by the Federal Water Master.

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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer and Federal Water Master on a quarterly basis within 15 days after the end of each calendar quarter.

The total combined duty of water under Permits 68193, 68646 and 68647 shall not exceed 851.55 acre-feet annually.

The location and design of the induction well must be approved by the State Engineer prior to the drilling of the induction well.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.048 cubic feet per second, **but not to exceed 418.70 acre-feet annually.**

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

October 27, 2008

Proof of completion of work shall be filed before:

November 27, 2008

Water must be placed to beneficial use on or before:

October 27, 2013

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

November 27, 2013

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 27th day of October, A.D. 2003

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

Abrogated By: 1065B as directed

## ATTACHMENT "A"

## 7. Proposed Place of Use

## T.16N., R.21E., M.D.B. &amp; M.:

All of Section 1; SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 2; All of Section 11; SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the W  $\frac{1}{2}$  NE  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , portion of the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , portion of the E  $\frac{1}{2}$  SE  $\frac{1}{4}$ , Section 12; Portion of the W  $\frac{1}{2}$  NW  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Section 13; E  $\frac{1}{2}$ , Section 14; SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , E  $\frac{1}{2}$ , Section 23; N  $\frac{1}{2}$  Section 24; Portions of the NW  $\frac{1}{4}$ , Section 26; SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ , portion of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 27; E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 28; NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Section 33; N  $\frac{1}{2}$  NW  $\frac{1}{4}$ , Section 34.

## T.16N., R.22E., M.D.B. &amp; M.:

All of Section 3; N  $\frac{1}{2}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , portion of the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 4; Portion of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 5; NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , portion of the S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , portion of the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , portion of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , portion of the S  $\frac{1}{2}$  SW  $\frac{1}{4}$ , Section 6; W  $\frac{1}{2}$  W  $\frac{1}{2}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 9; NW  $\frac{1}{4}$  Section 16; All of Section 17; S  $\frac{1}{2}$  SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 18; All of Section 19.

## T.17N., R.21E., M.D.B. &amp; M.:

SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 36.

## T.17N., R.22E., M.D.B. &amp; M.:

S  $\frac{1}{2}$  N  $\frac{1}{2}$ , S  $\frac{1}{2}$ , Section 31; S  $\frac{1}{2}$  S  $\frac{1}{2}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 33; SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , portion of the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  SE  $\frac{1}{4}$ , Section 34.

## ATTACHMENT "B"

## 8. Existing Place of Use

4.5 acres in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 33.8 acres in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 4.9 acres in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 38.9 acres in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 12.0 acres in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 2.5 acres in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 34.1 acres in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 23.1 acres in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 13, T.16N., R.21E., M.D.B. & M.  
 11.2 acres in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 13, T.16N., R.21E., M.D.B. & M.  
 3.6 acres in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 13, T.16N., R.21E., M.D.B. & M.  
 0.6 acres in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 13, T.16N., R.21E., M.D.B. & M.  
 2.0 acres in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 14, T.16N., R.21E., M.D.B. & M.  
 0.5 acres in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 14, T.16N., R.21E., M.D.B. & M.

A total of 167.48 acres are being removed from irrigation as follows:

4.5 acres in the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 33.8 acres in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 4.9 acres in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 38.9 acres in the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 12.0 acres in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 2.5 acres in the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 34.1 acres in the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 12, T.16N., R.21E., M.D.B. & M.  
 21.98 acres in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 13, T.16N., R.21E., M.D.B. & M.  
 11.2 acres in the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 13, T.16N., R.21E., M.D.B. & M.  
 3.6 acres in the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 13, T.16N., R.21E., M.D.B. & M.

## ATTACHMENT "C"

## 15. Remarks

This application is being filed along with two others to change the point of diversion, manner and place of use of surface rights appurtenant to the Rolling "A" Ranch in Lyon County. Total combined duty of these three applications will not exceed 851.55 acre-feet. Water will be co-mingled with surface and groundwater rights under Permits 63623 through 63633 and Permit 62427 to provide municipal water service within the place of use. For proposed point of diversion, refer to map filed under Permit 63629. For proposed place of use, refer to map filed under Permit 62937.