No. 68196

AMENDED PERMIT

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_____

Corrected application filed_____

Map filed **MAR 06 1998 under 63632**

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The applicant **Christo D. Bardis (undivided ½ interest) and Lyon County (undivided ½ interest)** hereby make application for permission to change the **Point of Diversion** of water heretofore appropriated under **Permit 63627**

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

2. The amount of water to be changed **1.45 c.f.s., 350.87 afa**

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

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

5. The water is to be diverted at the following point **SW¼ NW¼, Section 34, T.17N., R.22E., M.D.B.&M., or at a point from which the NW corner of said Section 34, bears N. 21° 45' 41" W., a distance of 1,903.12 feet**

6. The existing permitted point of diversion is located within **NW¼ SW¼, Section 4, T.16N., 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.**

7. Proposed place of use **Unchanged**

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

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 **Completed under Permit 63632**

12. Estimated cost of works **Completed under Permit 63632**

13. Estimated time required to construct works **Completed under Permit 63632**

14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**

15. Remarks: **Refer to map on file under Permit 63632 existing POD under 19901 for proposed Point of Diversion. Refer to Map on file under Permit 62937 for existing and proposed Place of Use.**

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

Compared **cm/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 of the waters of an underground source as heretofore granted under Permit 63627 is issued subject to the terms and conditions imposed in said Permit 63627 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

This Permit is amended to allow for pumpage of the supplemental groundwater portion of the permit for municipal purposes during periods of drought as defined.[1]

The total combined duty of water under Amended Permits 63626, 63628, 63630, 63632, 63633, 68196 and 68198, being the supplementally adjusted stand-alone groundwater portion that may be utilized for will-serve commitments shall not exceed 377.04 acre-feet annually.

The total combined duty of non-supplemental underground water under Permits 49483, 49486, Certificate 14718; Permits 50361, 56593, Certificate 14706; Permit 58931, Certificate 14719; Permits 58932, 58933, Certificate 14720; Permits 58934, 62937, 62938, Certificate 15662; Permits 62939, 62940, 63626, 63628, 63630, 63632, 63633, 64128, 64957, 66427, 68155, 68156, 68196, 68197, 68198, 68708, 68737, 69243, 69244, 69245, Permits 70040, Certificate 17322; 70041, Certificate 17323; 70042, Certificate 17324; Permits 70693, 70846, 71379, 71476, 71477, 71536, 71537, 71688, 71856, 71857, 71872, 71873, 72603, 72773, 72774, 72775, 72914, 72931, 72932, 72933, 73157, 73158, 73183, 73393, 73394, 73473, 73474, 73490, 73491, 73992, 74283, 74284, 74285, 74286, 74369, 74370, 74427, 74434, 74562, 74569, 74612, 74922, 75101, 75102, 75103, 75104, 75157, 75159, 75160, 75277, 75366, 75367, 76525, 77110, 77136 and 77288, 77428, 77612, 77613, 77661 and 77662 shall not exceed 9,290.52 acre-feet annually.

An additional duty of 1,058.25 acre-feet annually under Amended Permits 63626, 63628, 63630, 63632, 63633, 68196 and 68198, being the supplementally adjusted groundwater portion issued supplemental to Carson River Decreed (CRD) rights, representing 2.5 acre-feet per acre of supplemental land stripped, may be pumped for municipal purposes during periods of drought as defined and with the following additional conditions:

- Lyon County must provide notice to the State Engineer prior to pumping any of its supplemental groundwater.
- This supplemental groundwater cannot be converted to a *stand-alone* groundwater right, and cannot be used for any new will-serve commitments. This supplemental groundwater can only be used when the allocated available CRD water has been fully utilized. This water may only be used to supplement those will-serve commitments tied to the CRD rights associated with these permits.

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1 A drought year for the purposes of this amended permit is currently defined as a water year which is 70% or less of the average annual snowpack for the Carson River Basin as of April 1st of that year as reported by the U.S. Department of Agriculture, Natural Resources Conservation Service. The supplemental groundwater rights will not be subject to forfeiture under NRS 534.090. Lyon County may petition the State Engineer to pump its supplemental groundwater for Municipal and Quasi-Municipal Use within the Dayton Valley Groundwater Basin in years that do not meet the criteria of a drought as described above, but for which rare and unusual circumstances prevent the diversion of the Carson River decreed (CRD) source. It will be the responsibility of Lyon County to establish that such conditions exist and granting of the petition will be at the discretion of the State Engineer.

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- This Permit does not authorize any increase in the total amount of groundwater pumped in the Dayton Valley Groundwater Basin; nor does it interfere with the State Engineer's authority to review, approve or deny any future applications for supplemental groundwater use.

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

The permittee shall report to the State Engineer on a quarterly basis the effect of pumping the well under this permit on other previously existing wells that are located within 2,500 feet of the well under this permit.

Any pumping of water under this permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well under this permit, unless the holder of this permit and the owner of the domestic well have agreed to alternative measures that mitigate adverse effects.

Monthly records shall be kept of the amount of water pumped from this well and all Dayton Utility wells and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. Additionally, Lyon County shall file a report by February 15th of each year, in a format approved by the State Engineer, setting forth in detail all diversions of groundwater and surface water for the previous calendar year.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **1.45** cubic feet per second, **but not to exceed 350.87 acre-feet annually.**

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

Proof of completion of work shall be filed on or before:
N/A

Water must be placed to beneficial use on or before:
June 13, 2013

Proof of the application of water to beneficial use shall be filed on or before:
July 13, 2013

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

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **1st** day of **April** A.D. **2010**

P.E.

for State Engineer

Completion of work filed July 27, 2001 under 63633

Proof of beneficial use filed

Cultural map filed N/A

Certificate No. Issued

SC/llb