

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 13 2002

Returned to applicant for correction

Corrected application filed

Map filed OCT 28 1980 under Carson River Decree Map

The applicant Daniel I. O'Callaghan, Trustee of the Daniel I. O'Callaghan Revocable Living Trust Dated February 21, 1997. hereby makes application for permission to change the Point of Diversion of water heretofore appropriated under Claims 758, 759, 760, 761 of the Decree entitled "United States of America v. Alpine Land and Reservoir Co.", No. D-183 BRT in the United States District Court, District of Nevada

- 1. The source of water is Carson River
2. The amount of water to be changed As Decreed (198.8 Acre-Feet appurtenant to 44.4 Acres)
3. The water to be used for As Decreed
4. The water heretofore permitted for As Decreed
5. The water is to be diverted at the following point Koch Ditch (aka Chaves Ditch) from north bank in SE 1/4 SE 1/4, Section 33, T.17N., R.22E., M.D.B.&M.
6. The existing permitted point of diversion is located within Upper Cardelli Ditch from west bank in NE corner, SE 1/4 SE 1/4, Section 14, T.16N., R.21E., M.D.B.&M.
7. Proposed place of use See Attachment "A"
8. Existing place of use See Attachment "A"
9. Use will be from As Decreed
10. Use was permitted from As Decreed
11. Description of proposed works Existing diversion structure on the Carson River into Koch Ditch and from there via pumps, pipes & laterals.
12. Estimated cost of works Completed
13. Estimated time required to construct works Completed
14. Estimated time required to complete the application of water to beneficial use Three (3) years
15. Remarks: This application is being filed to change the Point of Diversion of Decreed Carson River rights to reflect actual practices. Water under these Claims has been diverted through the Koch Ditch under priority for at least the past ten years. Please use maps filed under the Carson River Decree to illustrate the existing and proposed places of used and points of diverison.

By Gregory M. Bilyeu
s/Gregory M. Bilyeu (Agent)
500 Damonte Ranch Parkway, Suite 156
Reno, NV 89521

Compared cmf/ cac ag/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 point of diversion of Claim Nos. 758, 759, 760 and 761 of the Carson River as heretofore granted under the Final Carson River Decree No. D-183, in the District Court of the United States in and for the District of Nevada, is issued subject to the terms, conditions and irrigation period imposed in said Final decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

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 amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed the decreed duty of acre-feet per acre of land irrigated from any and all sources for the irrigation of 44.4 acres.

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

April 7, 2005

Proof of completion of work shall be filed on or before:

May 7, 2005

Water must be placed to beneficial use on or before:

April 7, 2007

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

May 7, 2007

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

May 7, 2007

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

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 7th day of April, A.D. 2004



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Attachment "A"**Proposed and Existing Place of Use – Claim 758**

10.6 acres, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N of Lower Cardelli Ditch, Section 34, T.17N., R.22E., M.D.B. & M.
13.8 acres, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N & E of Lower Cardelli Ditch, Section 34, T.17N., R.22E., M.D.B. & M.

Proposed and Existing Place of Use – Claim 759

6 acres, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW part, Section 34, T.17N., R.22E., M.D.B. & M.

Proposed and Existing Place of Use – Claim 760

10 acres, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S. part, Section 34, T.17N., R.22E., M.D.B. & M.

Proposed and Existing Place of Use – Claim 761

2 acres, SW $\frac{1}{4}$ NE $\frac{1}{4}$, ^N part, Section 34, T.17N., R.22E., M.D.B. & M.
1.5 acres, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE corner, Section 34, T.17N., R.22E., M.D.B. & M.
0.5 acres, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S part, Section 34, T.17N., R.22E., M.D.B. & M.

44.4 acres total under Claims 758, 759, 760 and 761. The places of use under Claims 758, 759, 760 and 761 are not being changed under this application.