

**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 NOV 06 2002Returned to applicant for correction DEC 17 2002Corrected application filed JAN 06 2003Map filed JAN 27 2003

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The applicant **Elko Partnership**, hereby makes application for permission to change the a **portion of the Point of Diversion & Place of Use** of water heretofore appropriated under **Permit 1115 (Cert 78)**

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1. The source of water is **Dry Creek a Branch of Seitz Creek**
2. The amount of water to be changed **0.23**
3. The water to be used for **Irrigation, Stockwater & Domestic**
4. The water heretofore permitted for **Irrigation, Stockwater & Domestic**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 23, T.33N., R.57E., M.D.B.&M., or at a point from which the SE corner of said Section 23 bears S. 84°30'48" E., 739.78 feet (Jones Ditch)**
6. The existing permitted point of diversion is located within **SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 35, T.33N., R.57E., M.D.B.&M.**
7. Proposed place of use **within a portion of the SE $\frac{1}{4}$  of Section 23, T.33N., R.57E., M.D.B.&M. 23.33 acres**
8. Existing place of use **NW $\frac{1}{4}$  NE $\frac{1}{4}$  (7.80 ac.) NE $\frac{1}{4}$  NE $\frac{1}{4}$  (9.61 ac.), SW $\frac{1}{4}$  NE $\frac{1}{4}$  (3.11 ac.), SE $\frac{1}{4}$  NE $\frac{1}{4}$  (2.81 ac.); all in Section 34, T.33N., R.57E., M.D.B.&M. Total 23.33 acres.**
9. Use will be from **May 1 to September 30** of each year.
10. Use was permitted from **May 1 to September 30** of each year.
11. Description of proposed works **Diversion out of Rabbit Creek into Jones Ditch and onto the land to be irrigated.**
12. Estimated cost of works **\$7000**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **4 years**
15. Remarks: **Cert No. 78 lists "Sietz Creek" as the source of water. USGS Quad 289B on file with the State Engineer lists Rabbit Creek as flowing through "Seitz Canyon".**

By **Charles C. Armuth, Jr.**  
**s/Charles C. Armuth Jr. Agent**  
**421 Railroad St.**  
**Elko, NV 89801**

Compared cmf/ cac ag/ cmf

Protested 3/11/03 by Otis and Marilyn Tipton, III;  
 Pro. Overruled 3-17-04 See Ruling #5339

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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 Dry Creek, a branch of Seitz Creek as heretofore granted under Permit 1115, Certificate 78 is issued subject to the terms and conditions imposed in said Permit 1115, Certificate 78 and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

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.

This permit to change the point of diversion and place of use of a portion of the waters of Dry Creek, a branch of Seitz Creek is issued subject to the terms and conditions outlined in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, 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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.23 cubic feet per second, and not to exceed a seasonal duty of 3.0 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:

May 4, 2007

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

June 4, 2007

Water must be placed to beneficial use on or before:

May 4, 2008

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

June 4, 2008

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

June 4, 2008

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 4th day of May, A.D. 2004

  
State Engineer

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

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

Cultural map filed \_\_\_\_\_

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