

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 APR 04 2003
 Returned to applicant for correction MAY 22 2003
 Corrected application filed JUL 15 2003
 Map filed Jul 16 2003 under 69821

The applicant **Joe M. & Phyllis A. Legarza** hereby makes application for permission to change the **Point of Diversion & Place of Use of a portion** of water heretofore appropriated under **Proof 00653 of the Humboldt River Decree.**

1. The source of water is **Mitchell Creek**
2. The amount of water to be changed **.594 cfs**
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 **SW⁴ NE⁴ of Section 16, T.33N., R.56E., M.D.B.&M. or at a point from which the SE corner of said Section 16 bears S. 31°19'05" E., for a distance of 3786.06 feet. [Lower Ditch]**
6. The existing permitted point of diversion is located within the **SE⁴ SE⁴ of Section 16, T.33N., R.56E., M.D.B.&M. The supporting map under said Proof 00653 does not show a course & distance tie to a Section corner.**
7. Proposed place of use **Total 48.28 acres SW⁴ NE⁴ (11.88 ac.), E² NE⁴ NW⁴ (13.49 ac.), NW⁴ NE⁴ (15.69 ac.), Section 16, T.33N., R.56E., M.D.B.&M. E² SE⁴ SW⁴ (7.02 ac.), SW⁴ SE⁴ (0.20 ac.), Section 9, T.33N., R.56E., M.D.B.&M.**
8. Existing place of use **E² SE⁴ SW⁴ (13.92ac.), SW⁴ SE⁴ (1.47 ac.), Section 9, T.33N., R.56E., M.D.B.&M.; E² NE⁴ NW⁴ (9.55 ac.), NW⁴ NE⁴ (23.73), SW⁴ NE⁴ (15.45 ac.), SE⁴ NE⁴ (7.96 ac.), NW⁴ SE⁴ (2.12 ac.), NE⁴ SE⁴ (20.17 ac.), SE⁴ SE⁴ (7.00 ac.), Section 16, T.33N., R.56E., M.D.B.&M. Total 101.37 acres. See Remarks**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Concrete diversion structure in Mitchell Creek to earthen Ditch to Place of Use.**
12. Estimated cost of works **\$10,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **3 years**

69822

15. Remarks: Under Question 8: E2 SE4 SW4 (6.90 ac.), SW4 SE4 (1.27 ac.), Section 9, T.33N., R.56E., M.D.B.&M., NW4 NE4 (8.04 ac.), SE4 NE4 (5.39 ac.), NE4 SE4 (5.07 ac.), Section 16, T.33N., R.56E., M.D.B.&M., Total of 26.67 ac. are to be removed from irrigation.

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

Compared sg/cac lt/

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 and place of use of a portion of the waters of Mitchell Creek as heretofore appropriated under Proof 00653 as appears 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, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein and shall not exceed 144.84 acre-feet and shall not exceed 0.594 cubic feet per second per irrigation season as designated by the decree and shall not exceed 3.0 acre-feet per acre from any and/or all sources.

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 changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.594 cubic feet per second, **but not to exceed 144.84 acre-feet per irrigation season as designated by the decree.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

November 17, 2007

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

November 17, 2011

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

November 17, 2011

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,
State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 17th day of November, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

~~CANCELLED JAN 08 2010 BECAUSE OF
FAILURE OF APPLICANT TO COMPLY WITH THE
PROVISIONS OF PERMIT
Tracy Taylor, P.E. STATE ENGINEER
Can. Rescinded 11-1-2010~~