No. 70167

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 **JUN 30 2003**

Returned to applicant for correction **JUL 17 2003**

Corrected application filed **SEP 30 2003**

Map filed **SEP 30 2003 under 70164**

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The applicant **James R. Boyce** hereby makes application for permission to change the **Point of Diversion, Manner & Place of Use of a portion** of water heretofore appropriated under **Permit 52183**

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1. The source of water is **underground (Willaman Well)**

2. The amount of water to be changed **0.975 c.f.s., not to exceed 473.88 acre-feet**

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

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

5. The water is to be diverted at the following point **SW¼ NW¼, Section 3, T.3S., R.35E., M.D.B.&M., or at a point from which the SW Corner of said Section 3 bears S. 2°50'59" W., a distance of 2978.01'. See Application 58198.**

6. The existing permitted point of diversion is located within **SE¼ NE¼, Section 26, T.3S., R.35E., M.D.B.&M., or at a point from which the reference monument (N156 feet of the E¼ corner of said Section 26) bears N. 81°12'23" E., a distance of 384.3 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 **March 1** to **October 31** of each year.

11. Description of proposed works **Existing drilled and cased well equipped with a motor and pump then through a distribution system to the place of use.**

12. Estimated cost of works **$75,000.00**

13. Estimated time required to construct works **Well completed**

14. Estimated time required to complete the application of water to beneficial use **Five (5) years**

15. Remarks: **This application is being filed to change the place of use of a portion of Permit 52183. Water will be commingled under Applications 70164 through 70168 and with other underground and surface water rights within the proposed place of use. Refer to map(s) on file under Permit 52183 for the existing point of diversion and place of use. Total combined duty of Applications 70164 through 70168 shall not exceed 1780.25 acre-feet annually.**

By Gregory M. Bilyeu
s/Gregory M. Bilyeu
500 Damonte Ranch Parkway, #1056
Reno, NV 89521

Compared sg/sam lb/gkl

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 an underground source as heretofore granted under Permit 52183, is issued subject to the terms and conditions imposed in said Permit 52183, 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 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 on February 15th of each year.

The total acres irrigated on the northern portion of the ranch by Permits 70164 through 70168; 70444 through 70470 and 70475 through 70481, shall be limited to 1,167.62 acres from surface sources, plus 1,363.46 acres from non-supplemental underground sources, for a total of 2,531.08 acres irrigated from all sources within the common described place of use.

The total combined duty of underground water on the northern portion of the ranch under Permits 70164 through 70168; 70444 through 70449; 70451 through 70457; 70459 through 70467; 70469; 70470; 70479; 70480 and 70481 shall be limited to 6,817.30 acre-feet annually (AFA) for non-supplemental underground water, plus 2,279.51 AFA for supplemental underground water, for a maximum total combined duty of underground water of 9,096.81 AFA.

The total combined diversion rate and duty of the well containing Permits 70167, 70444, 70451, 70452, 70479 and 70481 shall be limited to 2.535 CFS and 1,289.81 AFA, respectively.

(CONTINUED ON PAGE 3)

70167

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.975** cubic feet per second, **but not to exceed 473.76 acre-feet annually, and not to exceed a yearly duty of 5.0 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:
January 12, 2007

Proof of completion of work shall be filed before:
February 12, 2007

Water must be placed to beneficial use on or before:
January 12, 2011

Proof of the application of water to beneficial use shall be filed on or before:
February 12, 2011

Map in support of proof of beneficial use shall be filed on or before:
February 12, 2011

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **12th** day of **January,** A.D. **2006**.

H. Ricci, P.E.
State Engineer.

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed **NA**

Certificate No. _____ Issued _____

Attachment "A"

7. Proposed Place of Use:

T. 2S., R.35E., M.D.B. & M.

Section 22: S ½ NE ¼, portion of the NW ¼ SE ¼, SW ¼ SE ¼, E ½ SE ¼
Section 23: S½ SW ¼ see TEC ltr. of 2-19-04 AD
Section 26: W ½
Section 27: All
Section 28: E ½ (east of State Route ~~246~~) 26A [illegible]
Section 33: E ½ (east of State Route 246)
Section 34: All 26A [illegible]

T. 3S., R.35E., M.D.B. & M.

Section 3: N ½, N ½ SW ¼, NW ¼ SE ¼ 26A [illegible]
Section 4: E ½ NE ¼, portion of the W ½ NE ¼ (east of State Route ~~246~~), portion of the NW ¼ SE ¼ (east of State Route ~~246~~), portion of NE ¼ SE ¼ 26A [illegible]

Attachment "B"

8. Existing Place of Use for Permits 44540, 44548, 44549, 52183 & 52184

Sec.	Subdivision	Tsp.	Rng.	
14	SW ¼ NE ¼	3S	35E	
14	N ½ SE ¼	3S	35E	
14	SE ¼ SE ¼	3S	35E	
23	E ½ NE ¼	3S	35E	
23	SE ¼	3S	35E	(That portion East of Nevada State Highway 3-A)
24	W ½ NW ¼	3S	35E	
24	SW ¼	3S	35E	
25	NW ¼	3S	35E	
26	E ½ NE ¼	3S	35E	(That portion East of Nevada State Highway 3-A)

The place of use of the base rights to Permits 44540, 44548, 44549, 52183 and 52184 was originally 1,177.7 acres. This was reduced to 803.2 acres by letter on file under Permit 44546, hence the description of the existing place of use is as written above.