**No. 70193**

**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 **JUL 03 2003**

Returned to applicant for correction

Corrected application filed

Map filed **JUL 03 2003 under 70192**

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The applicant **State of Nevada, Division of State Lands for and on behalf of The Nevada Division of Wildlife,** hereby makes application for permission to change the **Manner of Use, Point of Diversion & Place of Use.** of water heretofore appropriated under **all of Proof No. 02266 as defined by the Seventh Judicial District Court of the State of Nevada in and for the County of White Pine under the Final Decree for Steptoe Creek and Tributaries.**

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1. The source of water is **Steptoe Creek and tributaries**

2. The amount of water to be changed **20.750 cfs, 1958.05 acres as per Decree**

3. The water to be used for **Wildlife and Public Recreation**

4. The water heretofore permitted for **as Decreed**

5. The water is to be diverted at the following point **within the NE¼ of the NE¼ of Section 14, T.15N., R.64E., M.D.M., or at a point from which the northeast corner of said Section 14 bears North 0°16' West a distance of 480 feet.**

6. The existing permitted point of diversion is located within **Ditches Nos. 1 to 10 in Sections 14, 15, 16, 17 and 5 respectively of T.15N., R.64E., M.D.B.&M. and Ditches 11 and 12 in Sections 31 and 24 respectively in T.16N., R.63E., M.D.B.&M.. Refer to Steptoe Creek Decree.**

7. Proposed place of use **See EXHIBIT A, attached.**

8. Existing place of use **See EXHIBIT B, attached. Refer to "Findings of Fact, Conclusions of Law and Decree in the Matter of the Determination of the Relative Rights in and to the Waters of Steptoe Creek and Tributaries in the County of White Pine, State of Nevada".**

9. Use will be from **January** 1 to **December** 31 of each year.

10. Use was permitted from **March** 1 to **September** 30 of each year.

11. Description of proposed works **The natural channel, existing dams and diversions will be used to provide water to the proposed place of use.**

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 **5 years**

15. Remarks:

By **s/Michael D. Buschelman**
**Michael D. Buschelman**
**P.O. Box 51371**
**Sparks, Nevada 89435-1371**

Compared cmf/cac dl/gkl

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, place of use and manner of use of the waters of Steptoe Creek and Tributaries, as heretofore appropriated under Proof 02266 as appears in the Steptoe Creek and Tributaries Decree, in the District Court of the Seventh Judicial District of the State of Nevada, in and for the County of White Pine 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.

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 total combined duty of water under Permits 70193, 70194, 70195 and 70197, the source of all permits being Steptoe Creek or Comins Lake, shall not exceed 10,149.038 acre-feet annually.

The total combined duty of water under Permits 70192, 70193, 70194, 70195 and 70197, the source of all permits being Steptoe Creek, Comins Lake or Willow Creek, shall not exceed 14,591.358 acre-feet annually.

Three measuring devices shall be installed and maintained to monitor the flow of Steptoe Creek and Willow Creek at the following locations: (1) on Steptoe Creek at the proposed point of diversion (POD) of Applications 70193, 70194, 70197 and 70199, (2) on Willow Creek at the proposed POD of Applications 70192 and 70200, and (3) on Steptoe Creek near the northern boundary of the proposed place of use of the above applications. The measuring devices shall be installed before the Proof of Completion is filed.

Monthly records shall be kept of the amount of water diverted from this source and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

**70193**

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **20.750** cubic feet per second; **but not to exceed 8,811.23 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:
**April 18, 2007**

Proof of completion of work shall be filed on or before:
**May 18, 2007**

Water must be placed to beneficial use on or before:
**April 18, 2010**

Proof of the application of water to beneficial use shall be filed on or before:
**May 18, 2010**

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

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **18th** day of **April**, A.D. **2005**

Hugh Ricci, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

APPLICATION NO. 70193

EXHIBIT "A"
PROPOSED PLACE OF USE, STEPTOE CREEK & TRIBUTARIES

| DIVISION | SECTION | TOWNSHIP | RANGE | MERIDIAN |
|---|---|---|---|---|
| ALL | 34 | 15N | 64E | M.D.B.&M. |
| ALL | 27 | 15N | 64E | M.D.B.&M. |
| NE 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| NE 1/4 NW 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NW 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SE 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| SE 1/4 SE 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| NW 1/4 NE 1/4 | 20 | 15N | 64E | M.D.B.&M. |
| NE 1/4 NE 1/4 | 20 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NE 1/4 | 20 | 15N | 64E | M.D.B.&M. |
| NW 1/4 | 21 | 15N | 64E | M.D.B.&M. |
| NE 1/4 | 21 | 15N | 64E | M.D.B.&M. |
| SE 1/4 | 21 | 15N | 64E | M.D.B.&M. |
| ALL | 22 | 15N | 64E | M.D.B.&M. |
| SW 1/4 SW 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| SE 1/4 SW 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| SW 1/4 SE 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| SE 1/4 SE 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SW 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SW 1/4 SW 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SE 1/4 SW 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SW 1/4 SE 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SE 1/4 SE 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SE 1/4 | 17 | 15N | 64E | M.D.B.&M. |

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APPLICATION NO. 70193

**EXHIBIT "A"**
**PROPOSED PLACE OF USE, STEPTOE CREEK & TRIBUTARIES**

| DIVISION | SECTION | TOWNSHIP | RANGE | MERIDIAN |
|---|---|---|---|---|
| NE 1/4 NE 1/4 | 32 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NE 1/4 | 32 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SE 1/4 | 32 | 15N | 64E | M.D.B.&M. |
| SE 1/4 SE 1/4 | 32 | 15N | 64E | M.D.B.&M. |
| ALL | 33 | 15N | 64E | M.D.B.&M. |
| SW 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| NW 1/4 NW 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| SW 1/4 NW 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SE 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| SW 1/4 SE 1/4 | 28 | 15N | 64E | M.D.B.&M. |
| NW 1/4 NE 1/4 | 29 | 15N | 64E | M.D.B.&M. |
| NE 1/4 NE 1/4 | 29 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NE 1/4 | 29 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SE 1/4 | 29 | 15N | 64E | M.D.B.&M. |
| SE 1/4 SE 1/4 | 29 | 15N | 64E | M.D.B.&M. |
| NW 1/4 | 20 | 15N | 64E | M.D.B.&M. |
| SE 1/4 | 20 | 15N | 64E | M.D.B.&M. |
| SW 1/4 NE 1/4 | 20 | 15N | 64E | M.D.B.&M. |
| SW 1/4 | 21 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SW 1/4 | 14 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SW 1/4 | 14 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NW 1/4 | 14 | 15N | 64E | M.D.B.&M. |
| SW 1/4 NE 1/4 | 14 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NE 1/4 | 14 | 15N | 64E | M.D.B.&M. |
| NE 1/4 NE 1/4 | 14 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SW 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SW 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SE 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SE 1/4 | 15 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SW 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SE 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| NE 1/4 SE 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SW 1/4 NW 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NW 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SW 1/4 NE 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| SE 1/4 NE 1/4 | 16 | 15N | 64E | M.D.B.&M. |
| NE 1/4 NE 1/4 | 16 | 15N | 64E | M.D.B.&M. |

APPLICATION NO. 70193

EXHIBIT "A"

PROPOSED PLACE OF USE, STEPTOE CREEK & TRIBUTARIES

| DIVISION | SECTION | TOWNSHIP | RANGE | MERIDIAN |
|---|---|---|---|---|
| SW 1/4 | 17 | 15N | 64E | M.D.B.&M. |
| NW 1/4 | 17 | 15N | 64E | M.D.B.&M. |
| NE 1/4 | 17 | 15N | 64E | M.D.B.&M. |
| SE 1/4 | 7 | 15N | 64E | M.D.B.&M. |
| NE 1/4 | 7 | 15N | 64E | M.D.B.&M. |
| SW 1/4 | 8 | 15N | 64E | M.D.B.&M. |
| NW 1/4 | 8 | 15N | 64E | M.D.B.&M. |
| NW 1/4 NE 1/4 | 8 | 15N | 64E | M.D.B.&M. |
| SW 1/4 NE 1/4 | 8 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SE 1/4 | 8 | 15N | 64E | M.D.B.&M. |
| SW 1/4 SE 1/4 | 8 | 15N | 64E | M.D.B.&M. |
| NW 1/4 | 5 | 15N | 64E | M.D.B.&M. |
| SW 1/4 | 5 | 15N | 64E | M.D.B.&M. |
| NW 1/4 NE 1/4 | 5 | 15N | 64E | M.D.B.&M. |
| SW 1/4 NE 1/4 | 5 | 15N | 64E | M.D.B.&M. |
| NW 1/4 SE 1/4 | 5 | 15N | 64E | M.D.B.&M. |
| SW 1/4 SE 1/4 | 5 | 15N | 64E | M.D.B.&M. |
| SE 1/4 | 6 | 15N | 64E | M.D.B.&M. |
| NE 1/4 | 6 | 15N | 64E | M.D.B.&M. |
| NW 1/4 NE 1/4 | 36 | 16N | 63E | M.D.B.&M. |
| NE 1/4 NE 1/4 | 36 | 16N | 63E | M.D.B.&M. |
| SE 1/4 NE 1/4 | 36 | 16N | 63E | M.D.B.&M. |
| NE 1/4 SE 1/4 | 36 | 16N | 63E | M.D.B.&M. |
| SE 1/4 SE 1/4 | 36 | 16N | 63E | M.D.B.&M. |
| SE 1/4 | 25 | 16N | 63E | M.D.B.&M. |
| NE 1/4 | 25 | 16N | 63E | M.D.B.&M. |
| SE 1/4 | 24 | 16N | 63E | M.D.B.&M. |
| NE 1/4 NW 1/4 | 24 | 16N | 63E | M.D.B.&M. |
| SE 1/4 NW 1/4 | 24 | 16N | 63E | M.D.B.&M. |
| NW 1/4 NE 1/4 | 24 | 16N | 63E | M.D.B.&M. |
| SW 1/4 NE 1/4 | 24 | 16N | 63E | M.D.B.&M. |
| NE 1/4 SW 1/4 | 24 | 16N | 63E | M.D.B.&M. |
| SE 1/4 SW 1/4 | 24 | 16N | 63E | M.D.B.&M. |
| NW 1/4 | 31 | 16N | 64E | M.D.B.&M. |
| SW 1/4 | 31 | 16N | 64E | M.D.B.&M. |
| SE 1/4 | 31 | 16N | 64E | M.D.B.&M. |
| NW 1/4 NE 1/4 | 31 | 16N | 64E | M.D.B.&M. |
| SW 1/4 NE 1/4 | 31 | 16N | 64E | M.D.B.&M. |
| SE 1/4 NE 1/4 | 31 | 16N | 64E | M.D.B.&M. |

RECORDED

APPLICATION NO. 70193

**EXHIBIT "A"**
**PROPOSED PLACE OF USE, STEPTOE CREEK & TRIBUTARIES**

| DIVISION | SECTION | TOWNSHIP | RANGE | MERIDIAN |
|---|---|---|---|---|
| NW 1/4 SW 1/4 | 32 | 16N | 64E | M.D.B.&M. |
| SW 1/4 SW 1/4 | 32 | 16N | 64E | M.D.B.&M. |
| SE 1/4 SW 1/4 | 32 | 16N | 64E | M.D.B.&M. |
| SW 1/4 | 30 | 16N | 64E | M.D.B.&M. |
| SW 1/4 NW 1/4 | 30 | 16N | 64E | M.D.B.&M. |

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70193

Proof No. 02266. Continued

| Priority | Culture (Ac.) Harvest Crop | Meadow Pasture | Diversified Pasture | Description Subdv. | Sec. | Twp. | Range | Duty of Water C. F. S. |
|---|---|---|---|---|---|---|---|---|
| 1890 | 40.00 | | | NE¼SW¼ | 31 | 16 | 64 | .424 |
| " | 8.05 | 3.45 | | SW¼NE¼ | 31 | 16 | 64 | .122 |
| " | 12.40 | 27.60 | | SE¼NW¼ | 31 | 16 | 64 | .424 |
| " | 0.30 | 39.70 | | SW¼NW¼ | 31 | 16 | 64 | .424 |
| " | | 24.80 | | NE¼NW¼ | 31 | 16 | 64 | .262 |
| " | | 40.00 | | NW¼NW¼ | 31 | 16 | 64 | .424 |
| " | 2.88 | 8.40 | | SE¼SE¼ | 36 | 16 | 63 | .120 |
| " | 3.72 | 7.75 | | NE¼SE¼ | 36 | 16 | 63 | .121 |
| " | | 40.00 | | SE¼NE¼ | 36 | 16 | 63 | .424 |
| " | | 40.00 | | NE¼NE¼ | 36 | 16 | 63 | .424 |
| " | | 40.00 | | SW¼SW¼ | 30 | 16 | 64 | .424 |
| " | | 10.35 | | SE¼SW¼ | 30 | 16 | 64 | .110 |
| " | | 5.74 | | NE¼SW¼ | 30 | 16 | 64 | .061 |
| " | | 33.30 | 5.70 | NW¼SW¼ | 30 | 16 | 64 | .413 |
| " | | | 21.20 | SW¼NW¼ | 30 | 16 | 64 | .225 |
| " | | 40.00 | | SE¼SE¼ | 25 | 16 | 63 | .424 |
| " | | 11.70 | | SW¼SE¼ | 25 | 16 | 63 | .124 |
| " | | 0.75 | | NW¼SE¼ | 25 | 16 | 63 | .008 |
| " | | 29.20 | 4.30 | NE¼SE¼ | 25 | 16 | 63 | .355 |
| " | | | 27.90 | SE¼NE¼ | 25 | 16 | 63 | .296 |
| " | | 13.25 | 18.90 | NE¼NE¼ | 25 | 16 | 63 | .341 |
| " | | 12.60 | | NW¼NE¼ | 25 | 16 | 63 | .133 |
| " | | 32.00 | | SW¼SE¼ | 24 | 16 | 63 | .339 |
| " | | 17.00 | 0.80 | NW¼SE¼ | 24 | 16 | 63 | .189 |
| " | | 0.86 | | SE¼SW¼ | 24 | 16 | 63 | .009 |
| " | | 13.80 | | NE¼SW¼ | 24 | 16 | 63 | .146 |
| " | | | 4.60 | SW¼NE¼ | 24 | 16 | 63 | .049 |
| " | | | 22.40 | SE¼NW¼ | 24 | 16 | 63 | .237 |
| " | | | 6.80 | NE¼NW¼ | 24 | 16 | 63 | .072 |
| TOTALS | 1099.83 | 694.06 | 164.16 | | | | | 20.750 |

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EXHIBIT B
EXISTING PLACE OF USE, PROOF 02266

70193

| Priority | Culture (Ac.) Harvest Crop | Meadow Pasture | Diversified Pasture | Description Subd. | Sec. | Twp. | Range | Duty of Water C. F. S. |
|---|---|---|---|---|---|---|---|---|
| 1890 | 5.85 | | | NE¼SE¼ | 15 | 15 | 64 | .06 |
| " | 11.02 | | | NW¼SE¼ | 15 | 15 | 64 | .117 |
| " | 3.62 | | | NE¼SW¼ | 15 | 15 | 64 | .038 |
| " | 11.82 | | | NW¼SE¼ | 16 | 15 | 64 | .125 |
| " | 0.70 | | | SW¼NE¼ | 16 | 15 | 64 | .007 |
| " | 2.59 | | | NE¼SW¼ | 16 | 15 | 64 | .026 |
| " | 8.90 | | | SE¼NW¼ | 16 | 15 | 64 | .094 |
| " | 10.80 | | | SW¼NW¼ | 16 | 15 | 64 | .114 |
| " | 15.30 | | | SE¼NE¼ | 17 | 15 | 64 | .161 |
| " | 17.76 | | | SW¼NE¼ | 17 | 15 | 64 | .188 |
| " | 5.77 | | | NW¼NE¼ | 17 | 15 | 64 | .061 |
| " | 11.54 | | | SE¼NW¼ | 17 | 15 | 64 | .122 |
| " | 24.71 | | | NE¼NW¼ | 17 | 15 | 64 | .261 |
| " | 4.36 | | | NW¼NW¼ | 17 | 15 | 64 | .046 |
| " | 34.08 | | | SE¼SW¼ | 8 | 15 | 64 | .361 |
| " | 28.57 | | | SW¼SW¼ | 8 | 15 | 64 | .303 |
| " | 30.30 | | | NE¼SW¼ | 8 | 15 | 64 | .321 |
| " | 40.00 | | | NW¼SW¼ | 8 | 15 | 64 | .424 |
| " | 40.00 | | | SW¼NW¼ | 8 | 15 | 64 | .424 |
| " | 39.00 | | | SE¼NW¼ | 8 | 15 | 64 | .413 |
| " | 40.00 | | | NE¼NW¼ | 8 | 15 | 64 | .424 |
| " | 40.00 | | | NW¼NW¼ | 8 | 15 | 64 | .424 |
| " | 8.02 | | | NW¼NE¼ | 8 | 15 | 64 | .085 |
| " | 4.02 | | | SW¼NE¼ | 8 | 15 | 64 | .043 |
| " | 4.00 | | | NE¼SE¼ | 7 | 15 | 64 | .042 |
| " | 13.09 | | | SE¼NE¼ | 7 | 15 | 64 | .139 |
| " | 13.40 | 26.40 | | NE¼NE¼ | 7 | 15 | 64 | .422 |
| " | 33.52 | | | NW¼NE¼ | 7 | 15 | 64 | .355 |
| " | 5.18 | 22.70 | | SE¼SE¼ | 6 | 15 | 64 | .295 |
| " | 31.65 | | | SW¼SE¼ | 6 | 15 | 64 | .335 |
| " | 15.50 | | 7.46 | NW¼SE¼ | 6 | 15 | 64 | .243 |
| " | | 40.00 | | NE¼SE¼ | 6 | 15 | 64 | .424 |
| " | | 40.00 | | SE¼NE¼ | 6 | 15 | 64 | .424 |
| " | 9.19 | | 26.90 | SW¼NE¼ | 6 | 15 | 64 | .382 |
| " | 20.60 | 2.01 | 17.20 | NW¼NE¼ | 6 | 15 | 64 | .422 |
| " | | 40.00 | | NE¼NE¼ | 6 | 15 | 64 | .424 |
| " | 32.53 | 7.47 | | SW¼SW¼ | 5 | 15 | 64 | .424 |
| " | 40.00 | | | SE¼SW¼ | 5 | 15 | 64 | .424 |
| " | 40.00 | | | NE¼SW¼ | 5 | 15 | 64 | .424 |
| " | 30.82 | 9.18 | | NW¼SW¼ | 5 | 15 | 64 | .424 |
| " | 38.60 | 1.40 | | SW¼NW¼ | 5 | 15 | 64 | .424 |
| " | 35.00 | | | SE¼NW¼ | 5 | 15 | 64 | .371 |
| " | 30.60 | | | NE¼NW¼ | 5 | 15 | 64 | .324 |
| " | 40.00 | | | NW¼NW¼ | 5 | 15 | 64 | .424 |
| " | 26.40 | | | SW¼SE¼ | 31 | 16 | 64 | .280 |
| " | 26.42 | | | NW¼SE¼ | 31 | 16 | 64 | .280 |
| " | 40.00 | | | SE¼SW¼ | 31 | 16 | 64 | .424 |
| " | 40.00 | | | SW¼SW¼ | 31 | 16 | 64 | .424 |
| " | 27.35 | 12.65 | | NW¼SW¼ | 31 | 16 | 64 | .424 |