

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 AUG 01 2003

Returned to applicant for correction AUG 27 2003

Corrected application filed SEP 12 2003

Map filed SEP 12 2003 under 70287

The applicant **City of Fernley** hereby makes application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **Permit 40005 (Well No. 5)**

1. The source of water is **Underground**
2. The amount of water to be changed **2.0 cfs**
3. The water to be used for **Municipal and Domestic**
4. The water heretofore permitted for **Municipal**
5. The water is to be diverted at the following point **NW¼ NE¼, Section 10, T20N, R24E M.D.B.&M., or at a point from which the W¼ corner of said Section 10 bears N 04°31'34" W a distance of 1225.48 feet.**
6. The existing permitted point of diversion is located within **NE¼ SW¼, Section 5, T20N, R25E M.D.B.&M., or at a point from which the W¼ corner of said Section 5 bears N 82°40'00" W a distance of 1600.00 feet.**
7. Proposed place of use **(See Attachment A)**
8. Existing place of use **Sections 3, 4, 5, 7, 8, 9, 17, 18, 19, W½ Section 20, T20N, R25E M.D.B.&M.; Sections 10, 11, 12, 13, 14, E¼, N¼ NW¼, SE¼ NW¼ Section 15; NE¼ NE¼ Section 22; N¼ Section 23; N¼, N¼ S¼, SW¼ SW¼, S¼ SE¼ Section 24, T20N, R24E M.D.B.&M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **well, pump, motor, meter, and associated piping.**
12. Estimated cost of works **\$650,000.00**
13. Estimated time required to construct works **one year**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **Water is to be diverted from a new well to an existing water storage reservoir to meet increasing demands. Transfer of the existing right to a new point of diversion will not**

change the ~~comingled~~ duty and will help prove beneficial use on all non-certificated groundwater rights.

By s/Martin Ugalde
 Martin Ugalde, P.E., Cert. 1036 - Agent
 1465 Terminal Way, Suite 5
 Reno, Nevada 89502

Compared sg/sam ag/ cmf

Protsted _____

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 the waters of an underground source as heretofore granted under Permit 40005 is issued subject to the terms and conditions imposed in said Permit 40005 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 total combined duty of water under Permits 17661, Certificate 7410; 27437, Certificate 9943; 34765; 35976; 40001, 40004; 49229; 56403, Certificate 14256; 57168, 57169, 61471, 61767, 70287, 70288, 70289, 70290 and 70291 shall not exceed 2,815.72 million gallons annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The permittee shall report to the State Engineer on a quarterly basis the effect of pumping the well under this permit on other previously existing wells that are located within 2,500 feet of the well under this permit.

Any pumping of water under this permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well under this permit, unless the holder of this permit and the owner of the domestic well have agreed to alternative measures that mitigate adverse effects.

Monthly records shall be kept of the amount of water pumped from this well 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)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.0 cubic feet per second.

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

March 17, 2005

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

April 17, 2005

Water must be placed to beneficial use on or before:

March 17, 2009

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

April 17, 2009

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

N/A

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

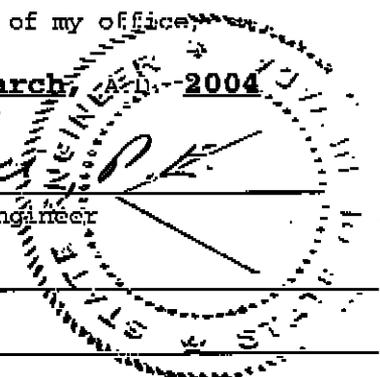
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 17th day of March, 2004



State Engineer

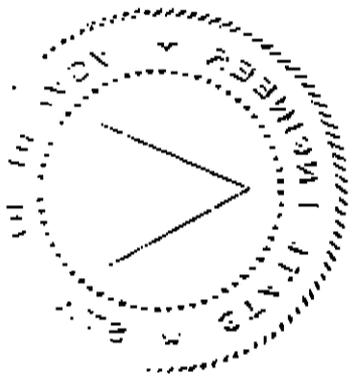


Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____



ATTACHMENT A

(PROPOSED PLACE OF USE)

T20N, R24E, M.D.B.&M.

Portion of Sections 9 and 10, Sections 11, 12, 13, 14 and 15;
Portion of Sections 16, 17 and 20, Sections 21, 22, 23, 24, 25, 26, 27 and 28;
Portion of Sections 29, 30 and 31, Sections 32, 33, 34, 35 and 36.

T20N, R25E, M.D.B.&M.

Sections 1, 2 and 3; Portion of Sections 4 and 5, Sections 7 through 36.

T20N, R26E, M.D.B.&M.

Portion of Section 5, Sections 6 and 7;
Portion of Sections 8 and 17, Sections 18 and 19;
Portion of Sections 20 and 29, Sections 30 and 31; Portion of Section 32.

T21N, R25E, M.D.B.&M.

Portion of Sections 13, 23 and 24, Section 25;
Portion of Sections 26, 27, 28 and 33, Sections 34, 35 and 36.

T21N, R26E, M.D.B.&M.

Portion of Sections 5, 7 and 8, Section 17;
Portion of Sections 18, Sections 19, 20, 29, 30, 31 and 32.

T22N, R26E, M.D.B.&M.

Portion of Sections 28, 32 and 33.

T19N, R25E, M.D.B.&M.

All of Sections 1 through 36.

T19N, R24E, M.D.B.&M.

Sections 1, 2, 3, 4 and 5;
Portion of Section 6, Sections 7 through 36.

T19N, R23E, M.D.B.&M.

Portion of Sections 1, 12, 13, 14 and 23, Sections 24 and 25;
Portion of Sections 26, 27 and 34, Sections 35 and 36.

