No. 70449

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 **SEP 30 2003**

Returned to applicant for correction_____

Corrected application filed_____

Map filed **DEC 24 1992 under 58194**

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The applicant **James R. Boyce** hereby makes application for permission to change the **Point of Diversion & Place of Use** of water heretofore appropriated under **Permit 11223, Certificate 2926**

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1. The source of water is **underground (Well S-2)**

2. The amount of water to be changed **0.033 c.f.s., not to exceed 23.89 acre-feet annually**

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 SE¼, Section 22, T.2S., R.35E., M.D.B.&M., or at a point from which the N¼ Corner of Section 28, T.2S., R.35E., M.D.B.&M., bears S. 78°03'00" W., a distance of 5603.33 feet. See map under Application 58194.**

6. The existing permitted point of diversion is located within **NE¼ SE¼, Section 34, T.2S., R.35E., M.D.B.&M., or at a point from which the NE Corner of said Section 34, bears N. 22°27' E., 3232 feet. See map under Permit 11219.**

7. Proposed place of use **See Attachment "A"**

8. Existing place of use **10 ac. NE¼ SE¼, Section 34, T.2S., R.35E., M.D.B.&M. See map under Permit 11219.**

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 **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: **See Attachment "B"**

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

Compared **sg/cmf** **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 and place of use of the waters of an underground source as heretofore granted under Permit 11223, Certificate 2926 is issued subject to the terms and conditions imposed in said Permit 11223, Certificate 2926 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 70445, 70446, 70447, 70448, 70449, 70453, 70470 and 70480 shall be limited to 3.273 CFS and 1,247.34 AFA, respectively.

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(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 **0.033** cubic feet per second, **but not to exceed 23.89 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**

Hugh 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
Section 26: W ½
Section 27: All
Section 28: E ½ (east of State Route ~~246~~ 264)
Section 33: E ½ (east of State Route ~~246~~ 264)
Section 34: All

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

Section 3: N ½, N ½ SW ¼, NW ¼ SE ¼
Section 4: E ½ NE ¼, portion of the W ½ NE ¼ (east of State Route ~~246~~ 264), portion of the NW ¼ SE ¼ (east of State Route ~~246~~ 264), portion of NE ¼ SE ¼

Attachment "B"

15. Remarks

Applications to change Proof 01312 and Permits 2889, 3158, 3225, 10575, through 10578, 11219 through 11223, 11574, 12599 through 12601, 12640, 13296, 19337, 19338, 20040, 23311, 23500, 29541, 40188, 40190, 42168 through 42170 and 48022 are being filed to commingle the duties within a common place of use. These applications are being filed in compliance with the State Engineer's ruling associated with the reinstatement of Permits 44540 et al and are in replacement of Applications 58194 through 58206 and 58208 through 58226 originally filed in 1992.

The total existing irrigated acreage under the base rights being changed is 1594.80 acres. Water from these rights will be commingled with that from Applications 70164 through 70168, and with Applications to Change Permits 46372, 47982, and 54330 for a total of 2482.75 acres within the proposed place of use. The duty of these rights will not exceed 5 acre-feet from any and all sources.