NO. 70840

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 JAN 21 2004

Returned to applicant for correction

Corrected application filed

Map filed FEB 26 2004 under 70834

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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 water heretofore appropriated under **Permit 25316, Certificate 8173**

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

2. The amount of water to be changed **3.89 c.f.s., not to exceed 1440 acre-feet annually**

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

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

5. The water is to be diverted at the following point **NW¼ SE¼, Section 15, T.3S., R.35E., M.D.B.&M., or at a point from which the S¼ Corner of said Section 15 bears S. 37° 26' 40" W., a distance of 1945 feet.**

6. The existing permitted point of diversion is located within **NW¼ SE¼, Section 15, T.3S., R.35E., M.D.B.&M., or at a point from which the SE Corner of said Section 15 bears S. 47° 53' E., a distance of 1990.45 feet. See map under Permit 25313**

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 **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: **Applications to Change Proof 01344 and Permits 5201, 13973, 25313, 25314, 25315, 25316, 27992 and 31284. are being filed to co-mingle the duties within a common place of use. The duty of these applications will not exceed 5 acre-feet per acre from any and all sources. These applications are being filed in compliance with the State Engineer's ruling associated with the reinstatement of Permits 44540, et.al.**

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

Compared **gkl/** cmf **lb/**

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 the waters of an underground source as heretofore granted under Permit 25316, Certificate 8173 is issued subject to the terms and conditions imposed in said Permit 25316, Certificate 8173 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 center portion of the ranch by Permits 70834 through 70842, shall be limited to 1,462.47 acres from surface sources, plus 341.9 acres from non-supplemental underground sources, for a total of 1,804.37 acres irrigated from all sources within the common described place of use.

The total combined duty of underground water on the center portion of the ranch under Permits 70836 through 70842 shall be limited to 1,709.50 acre-feet annually (AFA) for non-supplemental underground water, plus 3,551.30 AFA for supplemental underground water, for a maximum total combined duty of underground water of 5,260.80 AFA.

The total combined diversion rate and duty of the well containing Permits 70836 and 70840 shall be limited to 5.89 CFS and 2189.65 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 **3.89** cubic feet per second, **but not to exceed 1440 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 **N/A**

Certificate No. _____ Issued _____

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Attachment "A"

7. Proposed Place of Use:

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

Section 9: ~~SW ¼ SE ¼~~; E ½ SE ¼
Section 10: All
Section 11: W ½ W ½, E ½ SW ¼
Section 14: NW ¼, SW ¼ NE ¼, NW ¼ SE ¼, N ½ SW ¼
Section 15: N ½ NW ¼, SE ¼ NW ¼, SW ¼ NW ¼ (east of State Route 264), NE ¼, N ½ SE ¼, portion of NE ¼ SW ¼ (east of State Route 264), portion of NW ¼ SW ¼ (east of State Route 264)
Section 16: ~~N ½~~ NE ¼, portion of the SE ¼ NE ¼ (east of State Route 264)
N E ¼

See TEC ltr. of 6-17-04 GD

The total irrigated acreage within the above listed property is 1875.83 acres.

ATTACHMENT "B" - PLACE OF USE, PERMITS 25313 THOROUGH 25316 & 27992

8. Existing Place of Use

ACRES	SUB-DIVISION	SECTION	TWNSHP	RANGE
35.6	NE ¼ SE ¼	9	3S	35E
31.8	SE ¼ SE ¼	9	3S	35E
320	S ½	10	3S	35E
160	NW ¼	14	3S	35E
80	N ½ SW ¼	14	3S	35E
40	NW ¼ NW ¼	15	3S	35E
40	NE ¼ NW ¼	15	3S	35E
36	SW ¼ NW ¼	15	3S	35E
40	SE ¼ NW ¼	15	3S	35E
160	NE ¼	15	3S	35E
30.3	NW ¼ SE ¼	15	3S	35E
40	NE ¼ SE ¼	15	3S	35E
20.5	NE ¼ NE ¼	16	3S	35E
1034.2	Total			

Refer to map filed under Permit 25313