No. 70865

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 **FEB 05 2004**

Returned to applicant for correction_____

Corrected application filed_____

Map filed **DEC 05 1995 under 61627**

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The applicant **DGD Development, a Nevada Limited Partnership**, hereby makes application for permission to change the **Point of Diversion, Place and Manner of Use of a portion** of water heretofore appropriated under **Permit 59757**

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1. The source of water is **Underground**

2. The amount of water to be changed **0.0053 CFS, not to exceed 3.65 AFA**

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

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

5. The water is to be diverted at the following point **NW¼ SE¼, Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 22 bears S. 48°53'27" E., a distance of 2340.40 ft.**

6. The existing permitted point of diversion is located within **SE¼ SE¼ Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 22 bears S. 27°31' E., a distance of 1050.0 ft.**

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

8. Existing place of use **Portion of the W½ NE¼ SE¼ SE¼, Sec. 22, T.16N., R.19E., M.D.B.&M. Within Washoe County Assessor's parcel number 055-200-26.**

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 **Drilled and Cased well, equipped with motor, pump, meter and pipeline distribution system.**

12. Estimated cost of works **Completed, see Permit 61629**

13. Estimated time required to construct works **Completed, see Permit 61629**

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

15. Remarks: **Water being changed is the remaining portion of Permit 59757 owned by the applicant. The total combined duty of this application and the application to change the remaining portion of Permit 59758 is not to exceed 3.94 AFA. Refer to maps on file under Permit 61629 for the proposed point of diversion and place of use.**

By **Gregory M. Bilyeu (Agent)**
s/Gregory M. Bilyeu
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89521

Compared cmf/_____

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, manner of use and place of use of a portion of the waters of an underground source as heretofore granted under Permit 59757 is issued subject to the terms and conditions imposed in said Permit 59757 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 61627, 61628, 61629, 61724, 62348, 70114, 70865 and 70866 shall not exceed 223.6 acre-feet annually.

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 a quarterly basis within 15 days after the end of each calendar quarter.

Any will serve commitments issued from this permit for single family residential units will be based on an allocation of 1.12 acre-feet per unit. Any other allocation under this permit will require a dedication equivalent to a 60% increase over that for the planned use.

(CONTINUED ON PAGE 3)

(Permit Terms Continued)

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.0053** cubic feet per second, **but not to exceed 3.65 acre-feet annually.**

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

N/A

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

N/A

Water must be placed to beneficial use on or before:

March 21, 2010

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

April 21, 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 **21st** day of **March** A.D. **2005**

Hugh Ricci, P.E.

State Engineer

Completion of work filed 8/15/1997 under 61724

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. 17 N., R. 19 E.

Section 13 – SW¼
14 – S½
15 – SE¼
20 – S½
21 – S½
22 – All
23 – All
24 – W½
26 – All
27 – All
28 – All
29 – All
30 – All
31 – All
32 – All
33 – All
34 – All
35 – All

T. 17 N., R. 18 E.

Section 25 – All
26 – E½
36 – N½ & N½ S½

T. 16 N., R. 19 E.

Section 2 – All
3 – All
4 – All
5 – All
6 – All
7 – All
8 – All
9 – All
10 – All
11 – All
14 – All
15 – All
16 – All
17 – All
18 – All

T. 16 N., R. 19 E. (Cont.)

Section 19 – All
20 – All
21 – All
22 – All
23 – All
24 – S½
25 – N½ & SW¼
26 – All
27 – All
28 – All
29 – All
30 – All
31 – All
32 – All
33 – All
34 – All
35 – N½
36 – NW¼

T. 16 N., R. 18 E.

Section 24 – E½
25 – SE¼
36 – E½

T. 15 N., R. 19 E.

Section 4 – N½ & SW¼
5 – All
6 – All
7 – E½
8 – All