

**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 APR 08 2004

Returned to applicant for correction APR 20 2004

Corrected application filed APR 30 2004

Map filed JUN 15 2004 under 71018

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The applicant **Roy and Lisa Shurtz** hereby make application for permission to change the **Point of Diversion and Place of Use of a Portion** of water heretofore appropriated under **Edwards Decree Claim No. 00397, Smith Creek, Humboldt River Adjudication.**

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1. The source of water is **Smith Creek**
2. The amount of water to be changed **30.13 AFA – with a pro-rata share of diversion rate**
3. The water to be used for **As Decreed**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **the NW¼ SE¼ of Section 35, T30N, R56E, M.D.M., or at a point from which the NE corner of said Section 35 bears N 29°30'50" E, a distance of 3293.61 feet. Refer to supporting map filed with this application.**
6. The existing permitted point of diversion is located within **SW¼ NW¼ of Section 30, T30N, R57E, M.D.M. Refer to Smith Creek, Merkley and Young Ditches under Claim No. 00397 under the Humboldt River Decree Proof Maps.**
7. Proposed place of use **See Exhibit "A" attached and supporting map filed with this application.**
8. Existing place of use **See Revised Exhibit "B" attached. Refer to the Humboldt River Decree.**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Lockable and adjustable headgate for flood-irrigation ditch system to proposed place of use.**
12. Estimated cost of works **\$5,000.00 +/-**
13. Estimated time required to construct works **One (1) Year**
14. Estimated time required to complete the application of water to beneficial use **Five (5) Years**
15. Remarks:

**By SUZAN L. FERGUSON - AGENT  
s/ Suzan L. Ferguson  
SUMMIT ENGINEERING – 5405 MAE ANNE AVE.  
RENO, NEVADA 89523**

Compared sg/cmf dl/ 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 a portion of the waters of Smith Creek as heretofore appropriated under Proof 00397 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, 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 is issued for the irrigation of 12.03 acres within the described place of use.

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 amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.148 cubic feet per second, or 30.13 acre feet as decreed.

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

June 23, 2007

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

July 23, 2007

Water must be placed to beneficial use on or before:

June 23, 2011

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

July 23, 2011

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

July 23, 2011

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 23rd day of June, A.D. 2006

Tracy Taylor, P.E.  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_