

TEMPORARY

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No. 71151-T

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 30 2004

Returned to applicant for correction MAY 11 2004

Corrected application filed _____

Map filed JUN 15 2004 under 71018

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.**

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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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 **SW $\frac{1}{4}$ NW $\frac{1}{4}$ 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**

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15. Remarks:

By SUZAN L. FERGUSON - AGENT

s/Suzan L. Ferguson

SUMMIT ENGINEERING - 5405 MAE ANNE AVE.

RENO, NEVADA 89523

WITHDRAWN BY: ~~AGENT~~ AGENT AUG 16 2004

Compared jm/ sam

Protested _____

J. Ricci, P.E.

STATE ENGINEER

Sam

EXHIBIT A

**PROPOSED PLACE OF USE
WITHIN PORTIONS OF THE FOLLOWING:**

QUARTER/QUARTER	SECTION	TOWNSHIP	RANGE
NE SE SE SE	34	TOWNSHIP 30 NORTH	RANGE 56 EAST, M.D.M.
SW NE SE NE NW SE NE SE NW SW NE SW SW SW SE SW	35	TOWNSHIP 30 NORTH	RANGE 56 EAST, M.D.M.
NW NW SW NW	36	TOWNSHIP 30 NORTH	RANGE 56 EAST, M.D.M.

Note: All proposed places of use within the existing decreed acreages.

CLAIM NO. 00361 - 126.86 ACRES

CLAIM NO. 00397 - 12.03 ACRES

COMB. TOTAL OF 138.89 ACRES

EXHIBIT B
Existing Place of Use
 The Edwards Decree
 Claim 00397
 Claimant-Merkley & Young
 Source-Smith Creek Ditch-Merkley & Young Ditches

Priority	Harvest	Meadow Pasture	Diversified Pasture					
1895	-----	-----	33.10		E 1/2 SE 1/4	34	30	56
1895	16.14	-----	-----		SE 1/4 NE 1/4	34	30	56
1899	19.61	-----	-----		W 1/2 NW 1/4	35	30	56
1903	14.00	-----	-----		NE 1/4	---	---	---
1904	6.42	-----	-----		-----	---	---	---
1905	6.42	-----	-----		-----	---	---	---

At per photocopied connection 5/19/94