

**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 AUG 25 2004

Returned to applicant for correction _____

Corrected application filed OCT 5 2004

Map filed OCT 5 2004

The applicant **Damonte Family Limited Partnership**, a Nevada Limited Partnership hereby makes application for permission to change the **Manner and Place of Use of a portion** of water heretofore appropriated under **Claim 706 of the Truckee River Decree** as entered by the **District Court for Nevada** in that certain action entitled, "**The United States of America, plaintiff, vs. Orr Water Ditch Company, et al, defendants**" in equity docket A-3

1. The source of water is **Steamboat Creek & Tributaries**
2. The amount of water to be changed **556.51 acre-feet along with a pro-rata portion of the diversion rate**
3. The water to be used for **Instream Flow**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **As decreed – Candler Ditch from the East bank, NW¼ SE¼, Section 33, T.18N., R.20E., M.D.B.&M.**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **Refer to Exhibit "A"**
8. Existing place of use **Refer to Exhibit "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As Decreed** to of each year.
11. Description of proposed works **Water will be diverted through existing stream channel and Truckee River**
12. Estimated cost of works **Dependent upon Permit Terms**
13. Estimated time required to construct works **Dependent upon Permit Terms**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) Years**
15. Remarks: **Water will be diverted within the existing Steamboat Creek Channel to provide instream flows between the point of diversion and the Vista Gauge on the Truckee River. Upon passing the Vista Gauge, the water will be considered return flow and be available for downstream users.**

71609

Refer to map filed under Permit 64286 and sheet 4 of map filed under Application 66526 for proposed place of use.

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

Compared sc/ sq lb/ gkl

Protested _____

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 place of use and manner of use of a portion of the waters of Steamboat Creek and Tributaries as heretofore granted under Claim 706, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

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.

Measuring devices shall be designed and a monitoring plan shall be submitted to and approved by the State Engineer prior to filing the proof of completion of work. Furthermore, no return flow credit water for subdivisions will be approved from this permit until data supporting the use has been approved by this office.

This permit is issued subject to the continuing jurisdiction and regulation by the Federal Water Master and the State Engineer.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.151 cubic feet per second, **but not to exceed 556.51 acre-feet as decreed.**

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

July 14, 2008

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

August 14, 2008

Water must be placed to beneficial use on or before:

July 14, 2011

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

August 14, 2011

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

N/A

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 14th day of July, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed November 12, 2004 under 71420

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____

EXHIBIT "A"

7. Proposed Place of Use - Steamboat Creek

Within T.19N., R.20E., M.D.B. & M.	Within T.18N., R.20E., M.D.B. & M.
SW ¼ SE ¼, Section 11	NE ¼ NW ¼, Section 3
SE ¼ SE ¼, Section 11	NW ¼ NW ¼, Section 3
	SW ¼ NW ¼, Section 3
SW ¼ SW ¼, Section 12	NW ¼ SW ¼, Section 3
SE ¼ SW ¼, Section 12	SW ¼ SW ¼, Section 3
NW ¼ NW ¼, Section 13	NW ¼ NW ¼, Section 10
NE ¼ NW ¼, Section 13	SW ¼ NW ¼, Section 10
NW ¼ NE ¼, Section 13	NW ¼ SW ¼, Section 10
	SW ¼ SW ¼, Section 10
SW ¼ SW ¼, Section 14	NW ¼ NW ¼, Section 15
NW ¼ SW ¼, Section 14	SW ¼ NW ¼, Section 15
SW ¼ NW ¼, Section 14	NW ¼ SW ¼, Section 15
SE ¼ NW ¼, Section 14	
NE ¼ NW ¼, Section 14	NE ¼ SE ¼, Section 16
NW ¼ NE ¼, Section 14	SE ¼ SE ¼, Section 16
NE ¼ NE ¼, Section 14	SW ¼ SE ¼, Section 16
SE ¼ SE ¼, Section 15	
	NW ¼ NE ¼, Section 21
SW ¼ SW ¼, Section 22	SW ¼ NE ¼, Section 21
SE ¼ SW ¼, Section 22	NW ¼ SE ¼, Section 21
NE ¼ SW ¼, Section 22	SW ¼ SE ¼, Section 21
NW ¼ SE ¼, Section 22	
SE ¼ NW ¼, Section 22	NE ¼ NW ¼, Section 28
SW ¼ NE ¼, Section 22	NW ¼ NE ¼, Section 28
NW ¼ NE ¼, Section 22	SW ¼ NE ¼, Section 28
NE ¼ NE ¼, Section 22	SW ¼ NE ¼, Section 28
	NW ¼ SE ¼, Section 28
NW ¼ NW ¼, Section 23	SW ¼ SE ¼, Section 28
NW ¼ NW ¼, Section 27	NW ¼ NE ¼, Section 33
	SW ¼ NE ¼, Section 33
SE ¼ SE ¼, Section 28	NW ¼ SE ¼, Section 33
NE ¼ SE ¼, Section 28	
SE ¼ NE ¼, Section 28	
NE ¼ NE ¼, Section 28	
NE ¼ NE ¼, Section 33	
SE ¼ SW ¼, Section 34	
SW ¼ SW ¼, Section 34	
NW ¼ SW ¼, Section 34	
SW ¼ NW ¼, Section 34	
NW ¼ NW ¼, Section 34	

Refer to maps filed under Permit 64286 and also to map filed under Application 66526 (Sheet 4) for proposed place of use.

EXHIBIT "B"

8. Existing Place of Use - Claim 706

APN	Claim 706
	Acres
16-360-09	0.78
16-360-09	0.36
16-360-77	27.32
16-360-77	74.03
16-370-11	0.13
16-370-12	0.78
16-370-13	0.13
16-370-21	0.65
16-370-22	0.95
16-370-24	0.93
16-370-25	0.98
16-370-26	0.53
16-370-27	0.12
16-370-34	20.96
16-370-35	5.23
16-370-36	0.94
16-370-37	1.00
16-370-38	1.00
16-370-39	1.59
16-430-02	3.83
16-430-11	1.00
16-430-12	1.00
16-430-13	1.00
16-430-23	17.36
16-430-24	22.25
16-430-26	61.42
16-730-19	2.02
16-730-38	0.64
16-730-39	2.50
16-730-40	2.50
16-730-41	2.50
16-730-43	6.77
16-730-44	21.93
16-730-45	125.58
16-730-49	6.99
16-730-50	1.00
Total	418.7

Existing Place of Use being removed from irrigation	
APN	Claim 706
	Acres
16-360-77	27.32
16-360-77	74.03
16-370-34	20.96
16-370-35	0.23
16-370-36	0.94
16-370-37	1.00
16-370-38	1.00
16-370-39	1.59
Total	127.07

Note: Shaded areas represent a per acre duty of 4.0 Acre-Feet/Acre as described in the Truckee River Decree. APN Acreage and locations for the existing place of use are taken from Map TR-012 for Claims 660, 669, 700 through 706 approved 9/3/1997 and on file at the Nevada Division of Water Resources.