



THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: **RIGHTWAY INVESTMENTS SMITH VALLEY, LLC**
Source: **UNDERGROUND**
Basin: **SMITH VALLEY**
Manner of Use: **IRRIGATION**
Period of Use: **January 1st to December 31st**
Priority Date: **04/16/1970**

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 of a portion of the waters of an underground source as heretofore granted under Permit 68043 is issued subject to the terms and conditions imposed in said Permit 68043 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 total combined duty of water under Permits 75185 and 75186 shall not exceed 872.54 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.

(Continued on Page 2)

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

The total land to be irrigated from Permits 75185 and 75186 is limited to 218.135 acres within the proposed place of use.

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.1370 cubic feet per second or 506.52 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

November 9, 2010

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

November 9, 2014

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

November 9, 2014

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 9th day of November, A.D. 2009

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

AMENDED

Serial No. **75186**

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office **DEC 14 2006**
Returned to applicant for correction **DEC 22 2006**
Corrected application filed **APR 19 2007** Map filed **APR 19 2007** under **75185**

The applicant **Rightway Investments Smith Valley, LLC**

5945 Los Altos Pkwy., Suite 101 of **Sparks**

Street and No. or P.O. Box No.

City or Town

Nevada, 894346 hereby make s application for permission to change the

State and Zip Code No.

Place of Use of a portion (See Remarks)

of water heretofore appropriated under **Permit 68043**

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

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

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed **506.52 AFA - pro-rata share of diversion rate**

Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for **Irrigation and Domestic Uses**

Irrigation, poser, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major

4. The water heretofore used for **Irrigation and Domestic Uses**

If for stock, state number and kind of animals.

5. The water is to be diverted at the following point **Same as existing point of diversion**

Describe as being within a 40-acre subdivision of public survey and by course

and distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing point of diversion is located within **NE1/4 NW1/4 Sec. 31, T12N, R24E, MDM.,**

If point of diversion is not changed, do not answer.

or at a point from which the N1/4 corner of said Section 31, bears N 48° 29' 57" E,

a distance of 1,388.24 feet. Refer to map filed under Permit No. 68043

7. Proposed place of use _____
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
within portions of the following NW1/4; S1/2 NE1/4 and S1/2 Section 31
T12N, R24E, MDM

8. Existing place of use **See Exhibit "A"**
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from **January 1st** to **December 31st** of each year.
Month and Day Month and Day

10. Use permitted from **January 1st** to **December 31st** of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) **Existing well, motor, pump and flow meter under**
State manner in which water is to be diverted, i.e. diversion structure, ditches, **Permit No. 72181 and 68043**
pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works _____

13. Estimated time required to construct works **complete**
If well completed, describe well.

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

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Refer to Exhibit "A"

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STATE ENGINEERS OFFICE
Phone No.

By *Michael D. Buschelman*
Signature of Agent - Micheal D. Buschelman

P.O. Box 51371
Street and No., or P.O. Box No.

Sparks, NV 89435-1371
City, State, Zip Code No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

\$150 FILING FEE MUST ACCOMPANY APPLICATION

75186

Michael D. Buschelman Consulting, Inc.
Post Office Box 51371
Sparks, Nevada 89435
(775) 355-9628 Office
(775) 355-9629 Fax

Application to Change No. 75186

Exhibit "A"
Item Nos. 8 and 15
Applicant -- RightWay Investments Smith Valley, LLC
Page 1 of 2

Item No. 8 -- Existing Place of Use

Permit No. 68043 – (Refer to map under 68043 & 72180)

33.0 acres w/in NW1/4 SE1/4 Section 31 T12N, R24E, MDM
32.6 acres w/in NE1/4 SE1/4 Section 31 T12N, R24E, MDM
30.3 acres w/in SW1/4 SE1/4 Section 31 T12N, R24E, MDM
29.1 acres w/in SE1/4 SE1/4 Section 31 T12N, R24E, MDM

20.00 acres w/in NW1/4 NW1/4 Section 31 T12N, R24E, MDM
15.32 acres w/in NE1/4 NW1/4 Section 31 T12N, R24E, MDM
40.00 acres w/in SW1/4 NW1/4 Section 31 T12N, R24E, MDM
40.00 acres w/in SE1/4 NW1/4 Section 31 T12N, R24E, MDM
240.32 acres Total

Refer to map filed under Permit No. 68043 to illustrate the existing place of use.

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Amended Application to Change No. 75186

Exhibit "A"
Item Nos. 8 and 15
Applicant -- RightWay Investments Smith Valley, LLC
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Item No. 15 -- Remarks

The intent of this application is to change the place of use of the water rights owned by the applicant to consolidate previously split duties, to reconfigure portions of the irrigation system and to accurately represent the beneficial use of ground water. Previous proofs of beneficial use filed under Permit Nos. 36524 and 36525 caused the duty of 4.0 acre feet per acre to be split between four certificates. The resulting split duties are unnecessarily complex and present the potential for unintentional loss of allocated acre footage placed to beneficial use. Refer to the following permits with split duties. Refer to correspondence under Permit No. 68043 to demonstrate the potential for confusion related to filing a proof of beneficial use on a permit with a split duty.

- Permit Nos. 36524 (Certificate No. 12455)
- Permit Nos. 36524 (Certificate No. 12481)
- Permit No. 68043
- Permit No. 72180
- Permit No. 72181

Permit No. 36524 (Certificate No. 12455 & Certificate No. 12481) and Permit No. 72180 are located on a single well within the NW1/4 SE1/4 of Section 31, T12N, R24E, MDM. Application to Change No. 75185 proposes to apply the total acre footage allocated to the Rightway Investments Smith Valley, LLC for irrigation purposes under these two permits at a duty of 4.0 acre feet per acre

Permit No. 68043 and Permit No. 72181 are located on a single well within the NE1/4 NW1/4 of Section 31, T12N, R24E, MDM. Application to Change No. 75186 proposes to apply the total acre footage allocated to the Rightway Investments Smith Valley, LLC for irrigation purposes under these two permits at a duty of 4.0 acre feet per acre.

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