Permit No. 76525

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:	**RICHARD K. WHEELER**
Source:	**UNDERGROUND**
Basin:	**DAYTON VALLEY**
Manner of Use:	**COMMERCIAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**02/11/2005**

****

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 the waters of an underground source as heretofore granted under Permit 72217 is issued subject to the terms and conditions imposed in said Permit 72217and 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.

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.

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 49483, 49486, Certificate 14718; Permits 50361, 56593, Certificate 14706; Permit 58931, Certificate 14719; Permits 58932, 58933, Certificate 14720; Permits 58934, 62937, 62938, Certificate 15662; Permits 62939, 62940, 63626, 63628, 63630, 63632, 63633, 64128, 64957, 66427, 68155, 68156, 68196, 68197, 68198, 68708, 68737, 69243, 69244, 69245, 70040, 70041, 70042, 70693, 70846, 71379, 71476, 71477, 71536, 71537, 71688, 71856, 71857, 71872, 71873, 72603, 72773, 72774, 72775, 72914, 72931, 72932, 72933, 73157, 73158, 73183, 73393, 73394, 73473, 73474, 73490, 73491, 73992, 74283, 74369, 74370, 74427, 74434, 75101, 75102, 75103, 75104 and 76525 shall not exceed 8,586.84 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.

The permittee shall report to the State Engineer on a quarterly basis the effect of pumping this well on other previously existing wells that are located within 2,500 feet of this well. Any pumping of water in this well may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of this well, unless the holder of this permit and the owner of the domestic well have agreed to alternative measures that mitigate adverse effects.

No water under this permit may be pumped until the well construction is approved by the State Engineer.

This permit is issued to provide commercial water service to Lyon County's Assessor's Parcel Number 16-[illegible]-02 only, and a separate totalizing meter must be installed and accurate measurements must be kept of water place to beneficial use on this parcel only and any water not beneficially used shall revert to the source. Any application to change the manner and/or place of use of this permit will be denied.

(Continued on Page 2)

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 0.1 cubic feet per second or 1.19 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **September 18, 2009**

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **August 10, 2013**

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 18th day of **September**, A.D. **2008**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Application No. 76525

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 1 2 2007

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAR. 27, 1973 under 27200

The applicant RICHARD K. WHEELER

10446 N. 38th Street (Street Address or P.O. Box) of Phoenix (City or Town)

Arizona 85028 (State and Zip Code), hereby make(s) application for permission to change the

☒ Point of diversion ☒ Place of use ☐ Manner of use ☐ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

PERMIT 72217

1. The source of water is Underground (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed 0.1 cfs 1.19 AFA (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Commercial (Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.)
4. The water heretofore used for Commercial (If for stock, state number and kind of animals.)
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

   SW¼ NE¼ Section 14, T. 16 N., R. 21 E., M.D.B.& M., or at a point from which the N¼ corner of said Section 14 bears N. 24° 16' 42" W., a distance of 2952.65 feet. (RP-2 Well)
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

   NE¼ SE¼ Section 32, T. 17 N., R. 22 E., M.D.B.& M., or at a point from which the E¼ corner of said Section 32 bears N. 66° 34' 02" E., a distance of 1370.12 feet.

103-LY

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

PLEASE REFER TO EXHIBIT "A"

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Portions of the N½ SE¼ Section 32, T. 17 N., R. 22 E., M.D.B.& M., being APN 16-031-02.

9. Proposed use will be from January 1st (Month and Day) to December 31st (Month and Day) of each year.

10. Existing use permitted from January 1st (Month and Day) to December 31st (Month and Day) of each year.

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)(State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Existing drilled & cased well, pump, motor and distribution system.

12. Estimated cost of works $2,500.00

13. Estimated time required to construct works Existing 8-inch well, drilled under Permit 27200.
(If well completed, describe well.)

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

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

PLEASE REFER TO EXHIBIT "B"

2007 DEC 12 A11:51

16. Miscellaneous remarks:

PLEASE REFER TO EXHIBIT "B"

(775) 884-3200
Phone No.

bcantley@westernengineering.us
E-mail

By Robert H. Cantley
Print or type name clearly

Signature, applicant or agent

Western Engineering & Surveying Services
Company Name

3032 Silver Sage Drive
Street Address or P.O. Box

Carson City, Nevada 89701
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

EXHIBIT "A"

Question #7 - Proposed Place of Use:

T. 16 N., R. 20 E., M.D.B.& M.:
All of Section 24; E½, those portions of NW¼ and SW¼ Section 25 lying within Lyon County, the portion of the NE¼ Section 36 lying within Lyon County.

T. 16 N., R. 21 E., M.D.B.& M.:
All of Section 1; SE¼ SE¼ Section 2; All of Section 11; All of Section 12; All of Section 13; All of Section 14; All of Section 19; All of Section 20; All of Section 23; All of Section 24; All of Section 26; All of Section 27; All of Section 28; All of Section 29; All of Section 30; N½, the portion of the S½ Section 31 lying within Lyon County; N½ Section 32; N½ Section 33; N½ Section 34; N½ Section 35.

T. 16 N., R. 22 E., M.D.B.& M.:
All of Section 3; All of Section 4; All of Section 5; All of Section 6; All of Section 7; All of Section 8; All of Section 9; N½ Section 16; All of Section 17; All of Section 18; All of Section 19; All of Section 20.

T. 17 N., R. 21 E., M.D.B.& M.:
SE¼. Those portions of the SW¼, NW¼ and NE¼ Section 36 lying within Lyon County.

T. 17 N., R. 22 E., M.D.B.& M.:
The portion of the S½ Section 21 lying within Lyon County, S½, the portion of the N½ Section 22 lying within Lyon County; All of Section 27; All of Section 28 lying within Lyon County; SE¼, those portions of the SW¼, NW¼, NE¼ Section 29 lying within Lyon County; the portion of the S½ Section 30 lying within Lyon County; S½, NE¼, the portion of the NW¼ Section 31 lying within Lyon County; All of Section 32; All of Section 33; All of Section 34; All of Section 35.

In addition to the above described Place of Use, it is the intent of these applications to provide water service to the entire Lyon County/Dayton Utilities service area as determined by the Lyon County Public Works Director. If in the future, some other entity is determined to have that authority, the Place of Use of this permit shall be pursuant to that authority's determination of the service area.

EXHIBIT "B"

Question #15:

The proposed project consists of a 6000 sq. ft. restaurant to be constructed on APN 16-031-02. This Water Right, 1.19 AFA, will be served and metered by Lyon County Utilities for use on APN 16-031-02 only.

When Application 72217 was permitted, APN 16-031-02 was outside of the Lyon County Utilities Service Area. Lyon County has since expanded their Dayton Service Area, which includes APN 16-031-02 and has agreed to serve this parcel after the approval and transfer of this right into Lyon County System. This eliminates the requirement of drilling a new well within the Dayton Basin by the Applicant.

Question #16:

For the Existing Point of Diversion and Place of Use, please refer to the map filed in support of Application 72217.

For the Proposed Place of Use please refer to the map filed in support of Application 74922.

For the Proposed Point of Diversion please refer to the map filed in support of Application 27200.