



## 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:           **MICHAEL HEIZER**  
Source:                       **CHERRY CREEK**  
Basin:                         **GARDEN VALLEY**  
Manner of Use:             **IRRIGATION**  
Period of Use:              **January 1st to December 31st**  
Priority Date:               **02/14/1979**

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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 the waters of Cherry Creek as heretofore granted under Permit 36783 is issued subject to the terms and conditions imposed in said Permit 36783, and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is subject to the condition that the permittee must ensure that wildlife which has customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

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

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.675 cubic feet per second or 160.0 acre-feet annually.**

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

February 24, 2011

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

February 24, 2013

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

February 24, 2013

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 24th day of **February**, A.D. **2009**

K.L. Hull P.E.  
for State Engineer

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

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

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

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

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**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION,  
MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS  
OF THE STATE OF NEVADA HERETORFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>SEP 16 2008</u>
Returned to applicant for correction	<u>SEP 24 2008</u>
Corrected application filed	<u>OCT 02 2008</u>
Map filed	<u>OCT 02 2008</u>

The applicant Michael Heizer

PO Box 33 of Hiko  
Street Address or P.O. Box City or Town

Nevada 89017 herby make(s) application for permission to change  
State and Zip Code

Point of diversion     Place of use     Manner of use     ~~of a portion~~ *all REL*

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decree and identify right in Decree.)  
Permit 36783

1. The source of water is Cherry Creek  
Name of stream, lake, underground, spring or other sources

2. The amount of water to be changed 0.675 cfs, 160.00 afa  
second feet, acre-feet. One second foot equals 448.83 gallons per minute

3. The water to be used for Irrigation and Domestic  
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 Irrigation and Domestic  
If for stock, state number and kind of animal

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 so stated.)  
in the SW1/4 NW1/4 of Section 14, T.2 N., R.58 E., M.D.B. & M., whence the Northwest corner of said Section 14 bears N.26°53'28"W., 1,837.37 feet distant

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer )  
in the NW1/4 NW1/4 of Section 14, T.2 N., R.58 E., M.D.B. & M., whence the Northwest corner of said Section 14 bears N.02°04'W., 1,224.00 feet distant

7. Proposed place of use: (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)  
Portions of the NE1/4 SW1/4 and SE1/4 NW1/4 and portions of the NW1/4 SE1/4 and SW1/4 NE1/4 of Section 14, T.2 N., R.58 E., M.D.B. & M. 40 acres
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.)  
W1/2 of Section 14, T.2 N., R.58 E., M.D.B. & M. 40 acres
9. Proposed use will be from 1<sup>st</sup> of January to 31<sup>st</sup> of december of each year.  
Month and Day Month and Day
10. Existing use permitted from 1<sup>st</sup> of January to 31<sup>st</sup> of December 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.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)  
Water will be diverted from Cherry Creek through ditches to the place of use.
12. Estimated cost of works: \$10,000.00
13. Estimated time required to construct works: 3 years  
(If well completed, describe well.)
14. Estimated time required to complete the application of water to beneficial use: 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 delay in processing.)  
Water will be diverted from Cherry Creek through ditches to the place of use and the fields will be flood irrigated.
16. Miscellaneous remarks:

(775)289-4445  
Phone No.

dean@summitnv.com  
E-mail

APPLICATION MUST BE SIGNED  
 BY THE APPLICANT OR AGENT

Dean Neubauer, P.L.S.  
Type or print name clearly

By *Dean Neubauer*  
Signature, applicant or agent

Summit Engineering Corporation  
Company Name

824 East Aultman Street  
Street Address or P.O. Box

Ely, Nevada, 89301  
City, State, Zip Code

STATE ENGINEERING OFFICE  
 2008 OCT -2 PM 3:05

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION