

# TEMPORARY

## 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:** CITY OF FERNLEY  
**Source:** TRUCKEE RIVER  
**Basin:** TRACY SEGMENT  
**Manner of Use:** OTHER  
**Period of Use:** AS DECREED  
**Priority Date:** AS DECREED

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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 temporary permit to change the place of use and manner of use of a portion of the waters of the Truckee River as set forth under Permit 61893 which changed the place of use and manner of use of a portion of Claim Number 3 in the 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.

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

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire **November 15, 2009**, at which time all rights herein granted shall revert to the right being changed by this temporary permit.

This temporary permit is expressly contingent on the payment of the operation and maintenance charges that are properly assessed and come due in the same manner as if the water were still appurtenant to the agricultural land from which it is transferred, pursuant to NRS 533.370, subsection 1 (b).

(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 431.0 acre-feet as decreed.**

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

N/A

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

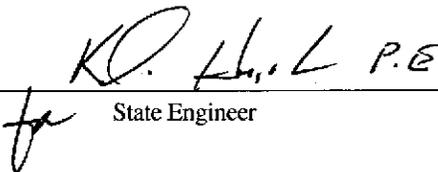
N/A

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 27th day of **April**, A.D. 2009

  
\_\_\_\_\_  
State Engineer

llb

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... FEB 25 2009
Returned to applicant for correction...
Corrected application filed... Map filed FEB 25 2009

The applicant... CITY OF FERNLEY

...595 SILVER LACE BLVD... of... FERNLEY..., NEVADA 89408...
Street and No. Or P.O. Box No City or Town

hereby makes... 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 identify right in Decree.)

PERMIT 61893

- 1. The source of water is... TRUCKEE RIVER
2. The amount of water to be changed... 431 ac-ft
3. The water to be used for... Irrigation [Dust Control / Revegetation]
4. The water heretofore used for... Municipal and Domestic
5. The water is to be diverted at the following Point... Derby Dam being located in N1/2 SW1/4, Section 19, T.20N., R.23E., MDB&M [unchanged]
6. The existing point of diversion is located within... UNCHANGED
7. Proposed place of use... SEE ATTACHMENT "A" AND SUPPORTING MAP

83-ST

8. Existing place of use.. SEE ATTACHMENT "B"; MAP OF EXISITNG POU ON FILE UNDER 61893  
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.....AS DECREED.....to.....AS DECREED.....of each year.  
Month and Day Month and Day

10. Use permitted from.....AS DECREED.....to.....AS DECREED.....of each year.  
Month and Day Month and Day

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.)....DIVERSION DAM, EXISTING DITCHES, LATERALS AND HEADGATES WILL BE UTILIZED FOR FLOOD IRRIGATION.....  
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works.....N/A.....

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

14. Estimated time required to complete the application of water to beneficial use...N/A..

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrences:

THIS IS A TEMPORARY APPLICATION OF WATER FOR DUST CONTROL / REVEGETATION ON SWINGLE BENCH. THE USE OF CITY OF FERNLEY'S WATER FOR REVEGETATION AND DUST CONTROL PURPOSES ARISES OUT OF AN INTER LOCAL AGREEMENT DATED JULY 11, 2007 BETWEEN CHURCHILL COUNTY AND THE CITY OF FERNLEY RESOLVING AND WITHDRAWING CHURCHILL'S PROTEST OF THE CITY OF FERNLEY APPLICATIONS SEEKING TO CHANGE THE POU FROM LANDS IN CHURCHILL COUNTY.

16. Miscellaneous Remarks: REVEGETATION EFFORTS WILL BE COORDINATED WITH THE LAHONTAN NATURAL RESOURCE CONSERVATION DISTRICT.

(775) 784-9920

Phone No.

lpatton@Cityof Fernley.org

e-mail

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

By:.....Lowell Patton, Director, City of Fernley Public Works Department.....

Print or type name clearly

Signature, applicant or agent

.....595 Silver Lace Blvd.....  
Street and No., or P.O. Box No.

.....Fernley, NV 89408 .....  
City, State, Zip Code

\$100 FILING FEE MUST ACCOMPANY APPLICATION

2009 FEB 25 11 5:47

**ATTACHMENT A**  
**2009 FERNLEY WATER USE - SWINGLE BENCH / REVEGETATION PARTICIPANTS**

APN	TCID SR# or PERMIT	OWNER	APN ACREAGE (ACRES)	ACREAGE STRIPPED (ACRES)	1/4 1/4	SEC.	TWN	RNG	DEMAND @ 3.0 AFI/AC (AFS)	STRIPPED BY ENTITY & APPLICATION
'-111-51	378-A-1	Van Batchelder	18.64	12.54	Port NW 1/4	8	19N	27E	38	LGOC - 70934
'-141-29	372-2	Delton Crandell	15.09	13.29	SW 1/4 NE 1/4	7	19N	27E	40	PLIT - 69427T
'-141-64	372	Janet Lee Hannah	21.86	15.93	Port NE 1/4, SE 1/4 NW 1/4	7	19N	27E	48	PLIT - 69427T
'-191-40	409 & Permit 47810	Larry & Barbara Steele	78.45	68.30	Port NW 1/4	17	19N	27E	205	LGOC - 70934
'-191-60	407	Holly Bute	19.91	17.70	NW 1/4 NE 1/4	17	19N	27E	53	LGOC - 70934
'-141-22	372-6	Mike Ward	5.10	3.97	SE 1/4 NE 1/4	7	19N	27E	12	PLIT - 69427T
'-111-47	377	Sean Watkins	10.00	10.00	Port SW 1/4	8	19N	27E	30	LGOC - 70934
'-141-21	372-10	K. Dale Groves	3.84	1.91	SE 1/4 NE 1/4	7	19N	27E	6	LGOC - 70934
<b>TOTAL:</b>			<b>172.89</b>	<b>143.64</b>					<b>431</b>	

78067T

Attachment B

## Proposed Place of Use

T20N, R24E, M.D.B.&amp;M.

Portion of Sections 9 and 10, Sections 11, 12, 13, 14 and 15;  
Portion of Sections 16, 17 and 20, Sections 21, 22, 23, 24, 25, 26,  
27 and 28; Portion of Sections 29, 30 and 31, Sections 32, 33, 34,  
35 and 36.

T20N, R25E, M.D.B.&amp;M.

Sections 1, 2 and 3; Portion of Sections 4 and 5, Sections 7  
through 36.

T20N, R26E, M.D.B.&amp;M.

Portion of Section 5, Sections 6 and 7; Portion of Sections 8 and  
17, Sections 18 and 19; Portion of Sections 20 and 29, Sections 30  
and 31; Portion of Section 32.

T21N, R25E, M.D.B.&amp;M.

Portion of Sections 13, 23 and 24, Section 25; Portion of Sections  
26, 27, 28 and 33, Sections 34, 35 and 36.

T21N, R26E, M.D.B.&amp;M.

Portion of Sections 5, 7 and 8, Section 17; Portion of Section 18,  
Sections 19, 20, 29, 30, 31 and 32.

T22N, R26E, M.D.B.&amp;M.

Portion of Sections 28, 32 and 33.

T19N, R25E, M.D.B.&amp;M.

All of Sections 1 through 36.

T19N, R24E, M.D.B.&amp;M.

Sections 1, 2, 3, 4 and 5; Portion of Section 6, Sections 7 through  
36.

T19N, R23E, M.D.B.&amp;M.

Portion of Sections 1, 12, 13, 14 and 23, Sections 24 and 25;  
Portion of Sections 26, 27 and 34, Sections 35 and 36.