



## THE STATE OF NEVADA

### PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

**Name of applicant:** JULIAN TOMERA RANCHES, INC  
BATTLE MOUNTAIN DIVISION

**Source:** ROCK CREEK

**Basin:** LOWER REESE RIVER VALLEY

**Manner of Use:** IRRIGATION

**Period of Use:** January 1st to December 31st

**Priority Date:** 01/01/1880

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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 place and manner of use of the waters of Rock Creek heretofore appropriated under claim of vested right as evidenced by Proof of Appropriation of Water V01034 is issued 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 at or near the point of diversion 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 is issued subject to any determination of the waters of Rock Creek that may be made under adjudication proceedings under NRS 533.090 through 533.320.

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 78249, 78250, 78251, 78252, 78253 and 78254 shall not exceed 1680 acre-feet.

The total combined duty of water under Permits 78250 and 78251 shall not exceed 1280 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 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 1.6 cubic feet per second or 640.0 acre-feet seasonally, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

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

December 13 2011

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

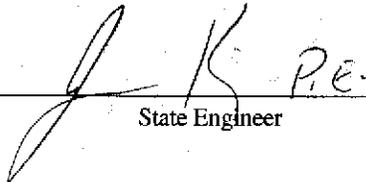
December 13 2012

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

December 13 2012

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 13<sup>th</sup> day of December, A.D. 2010

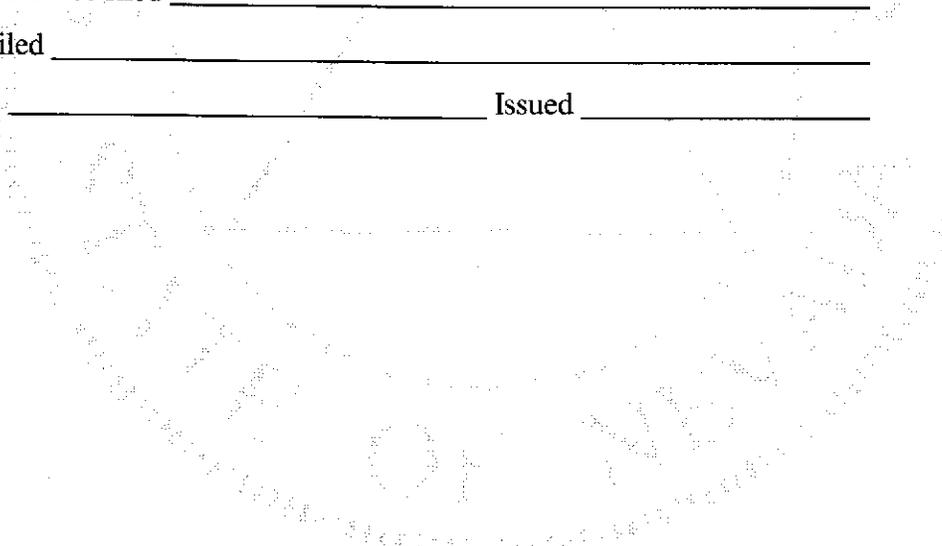
  
\_\_\_\_\_  
State Engineer

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

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

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

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



**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 APR 13 2009

Returned to applicant for correction APR 20 2009

Corrected application filed APR 30 2009 Map filed APR 30 2009 under 78249

The applicant Julian Tomera Ranches, Inc., Battle Mountain Division

PO Box 276 of Battle Mountain  
Street Address or P.O. Box City or Town

Nevada 89820-0276, hereby make(s) application for permission to change the  
State and Zip Code

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.)

Claim #01034

1. The source of water is Rock Creek  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed all (unspecified in claim) 160 acres  
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 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.)  
unchanged (believed to be within the SW¼SE¼, Section 5, T.30N., R46E, M. D. M., same point of diversion described in permit #13461), being at a point from which the E¼ corner of said Section 5, bears N.35°17'E., 3,178 ft. dist. (see map under #01034). use map under 13461
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
SW¼SE¼, Section 5, T.30N., R46E, M. D. M., (believed to be same point of diversion described in permit #13461). (see map under #01034). map 13461

REL

REL

59-UD

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)  
420 acres, within portions of S½S½ Section 25, S½SE¼ Section 26, E½ Section 35, Section 36, T. 31N., R.45E., M.D.M., and portions of W½ Section 31, T.31N., R.46E., M.D.M.

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.)  
160 acres in NE¼, Section 36, T.31N., R.45E., M. D. M.

MAP 13461

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

10. Existing use permitted from April 1 to end of stream flow 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.) (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 rock and earth diversion dam, ditch to small pond, from which distribution pipelines and ditches emanate.

12. Estimated cost of works estimate \$20,000.00

13. Estimated time required to construct works existing works, as described under claim #01034 and permit #13461.  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use three 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.)

Water from this and other surface and underground sources will be co-mingled and distributed to irrigated fields within described proposed place of use.

16. Miscellaneous remarks:  
Please send copies of notices and correspondence to the undersigned agent.

(775) 738-2121  
Phone No.

wnisbet@chilton-inc.com  
E-mail

By William A. Nisbet, Agent  
Print or type name clearly

William A. Nisbet  
Signature, applicant or agent

Chilton Engineering & Surveying, Ltd.  
Company Name

421 Court Street  
Street Address or P.O. Box

Elko, NV 89801-3527  
City, State, Zip Code

RECEIVED  
2009 APR 13 PM 2:34  
STATE ENGINEERS OFFICE

**APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT**

**\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION**