

# 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:** TOPAZ LODGE, INC  
**Source:** UNDERGROUND  
**Basin:** ANTELOPE VALLEY  
**Manner of Use:** COMMERCIAL  
**Period of Use:** January 1st to December 31st  
**Priority Date:** 01/17/1989

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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 point of diversion, place and manner of use of the waters of an underground source as heretofore granted under Permit 52865, is issued subject to the terms and conditions imposed in said Permit 52865 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. 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 temporary 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 Permit 33662, Certificate 10614 and Temporary Permit 78567T shall not exceed 28.26 acre-feet annually.

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

(Continued on Page 2)

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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 0.11 cubic feet per second or 26.82 acre-feet annually.**

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:

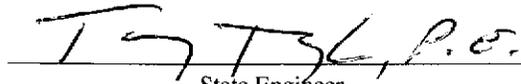
N/A

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 22<sup>nd</sup> day of July, A.D. 2009

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

**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 MAY 18 2009

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed MAY 05 2009 under 78445

The applicant Topaz Lodge Inc.

1979 US Highway 395 S of Gardnerville

Street Address or P.O. Box City or Town

Nevada, 89410, 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.)

Permit No. 52865

1. The source of water is underground  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.11 cfs, 8.74 mga (26.82 af)  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for commercial 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 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.)  
The SW 1/4 SW 1/4 of Section 29, T.10N., R.22E., MDB&M at a point from which the South quarter corner of said Section 29 bears S. 88° 37' E., a distance of 1,375 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
The NW 1/4 SW 1/4 of Section 29, T.10N., R.22E., MDB&M at a point from which the Southwest corner of said Section 29 bears S. 25° 50' 23" W., a distance of 1,781 feet.

*Per tel call  
5/27/2009  
95D*

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)  
A portion of the S 1/2 of Section 29, T.10N., R.22E., MDB&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.)  
The NW 1/4 SW 1/4 of Section 29 T.10N., R.22E., MDB&M.

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 January 1 to December 31 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.)

12. Estimated cost of works Approximately \$10,000 to improve existing well

13. Estimated time required to construct works 2 months to get operational  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 7 years

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 occurrence: (Failure to provide a detailed description may cause a delay in processing.)  
This temporary change is necessary to allow Topaz Lake Water Co. to carry out construction of an arsenic remediation project in compliance with an administrative order from the Nevada Department of Environmental Protection. This temporary permit will allow use of the well while Change Application No.78445 is being processed.

16. Miscellaneous remarks:  
Place of use map previously filed under Permit 16425. A map for the point of diversion was filed with Application No. 78445.

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Phone No.

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E-mail

By Douglas A. Cannon, Esq.  
Print or type name clearly  
  
Signature, applicant or agent  
Lionel Sawyer & Collins  
Company Name  
50 W. Liberty St., Ste. 1100  
Street Address or P.O. Box  
Reno, NV 89501  
City, State, Zip Code

2009 MAY 18 PM 3:12  
STATE ENGINEERS OFFICE  
RECEIVED

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

**\$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION**