



CORRECTED

THE STATE OF NEVADA

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

Name of Permittee: RIGHTWAY INVESTMENTS SMITH VALLEY, LLC
Source: UNDERGROUND
Basin: SMITH VALLEY
Manner of Use: IRRIGATION AND DOMESTIC
Period of Use: JANUARY 1ST THROUGH DECEMBER 31ST
Priority Date: 04/16/1970

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 of use of a portion of the waters of an underground source as heretofore granted under Permit 36524, Certificate 12481, is issued subject to the terms and conditions imposed in said Permit 36524, Certificate 12481, and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water. 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.

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 75185, 75186, and 78886 shall not exceed 875.0 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 0.0177 cubic feet per second or 2.46 acre-feet annually.**

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

February 26, 2016

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

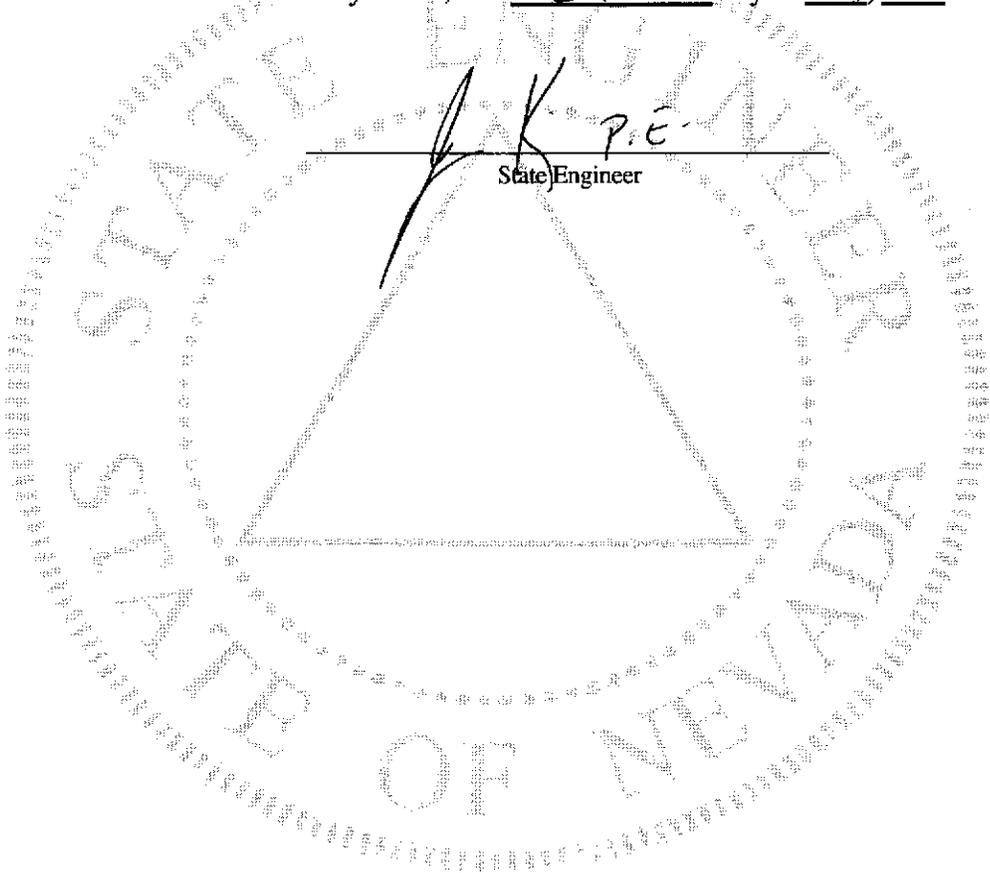
February 26, 2018

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

February 26, 2018

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of May, 2015



J. King
P.E.

State Engineer

*See Corrected***THE STATE OF NEVADA****PERMIT TO CHANGE THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

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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 Permit 55027, 55028, 74982, 74983, 74984, 75185, 75186, and 78886 shall not exceed 1,011.22 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)

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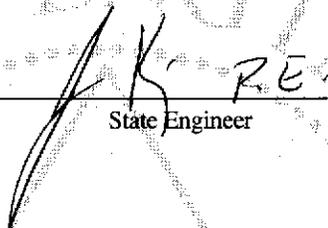
February 26 2018

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

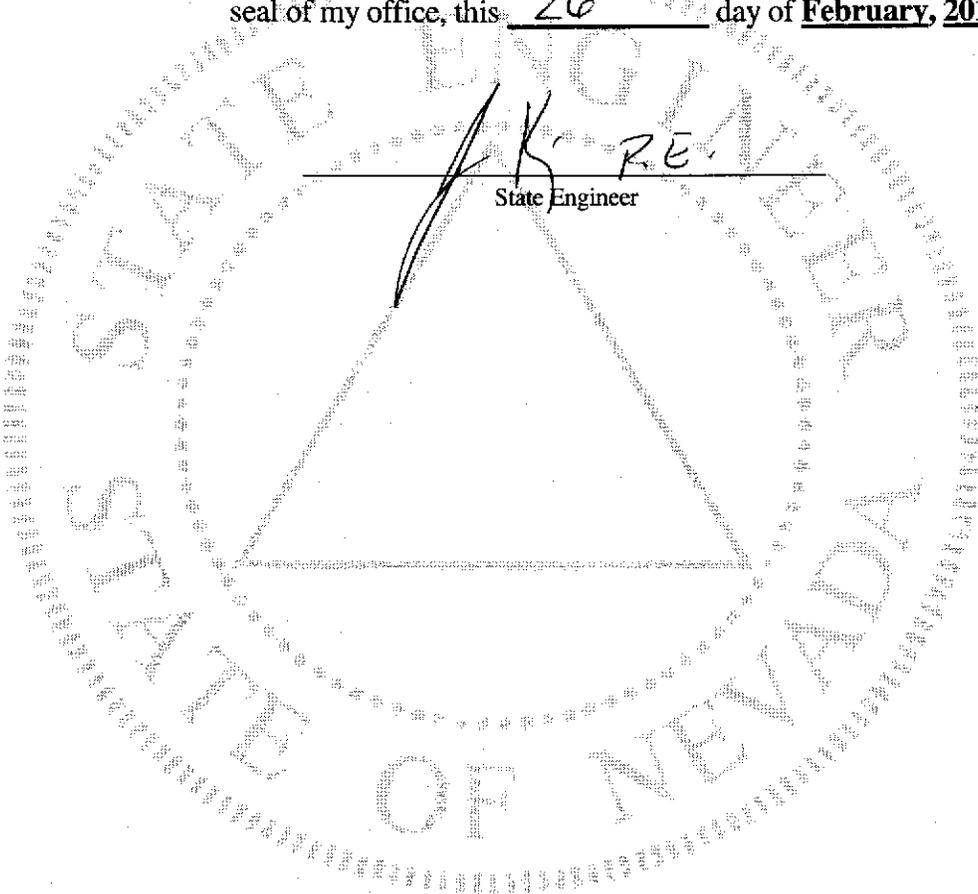
February 26 2018

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26th day of February, 2015



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	<u>SEP 09 2009</u>
Returned to applicant for correction	_____
Corrected application filed	Map filed <u>APR 19 2007</u> under <u>75185</u>

The applicant Rightway Investments Smith Valley LLC
5945 Los Altos Parkway, Suite 101 of Sparks
Street Address or PO Box City or Town
Nevada 89436 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 rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit No. 36524 (Cert. 12481)

- The source of water is Underground
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 2.46 AFA - pro rata share of diversion rate
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Irrigation and Domestic Use
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
- The water heretofore used for Irrigation and Domestic Use
If for stock, state number and kind of animals.
- 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.)
Same as existing point of diversion.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
NW1/4 SE1/4 Section 31, T12N, R24E, MDM., or at a point from which the N1/4 corner of said Section 31, bears N 8° 51' 00" W, a distance of 2811.00 feet. Refer to map filed under Permit No. ~~36524~~ 75051

App 185

KWC
10/22
per fax

107-24

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

within portions of the following NW1/4, S1/2 NE1/4, and S1/2 Section 31, T12N, R24E, MDM. map 75185

KWC
10/22
per fax

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.)

0.615 acres within the NW1/4NW1/4 of Section 31, T12N, R24E, MDM. map 78888

KWC
10/22

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.)

Existing well, motor, pump and flow meter under Permit No. 36524.

12. Estimated cost of works Complete

13. Estimated time required to construct works Complete

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 a delay in processing.)

This amount is the remainder owned by Rightway Investments out of Permit No. 36524 Cert. #12481. The other portion was moved under Application No. 78185.

16. Miscellaneous remarks: SEE EXHIBIT "A"

STATE ENGINEERS OFFICE
2009 SEP -9 PM 2:54
RECEIVED

E-mail Address
775-355-9628
Phone No.

Michael D. Buschelman, PLS, WRS
Type or print name clearly
Michael D. Buschelman
Signature, applicant or agent
Michael D. Buschelman, Consulting, Inc.
Company Name
P.O. Box 51371
Street Address or PO Box
Sparks, NV 89435
City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

Exhibit "A"

Item No. 16

Applicant -- RightWay Investments Smith Valley, LLC

Item No. 16 -- Remarks

The intent of this application is to change the place of use of the water rights owned by the applicant to consolidate previously split duties, to reconfigure portions of the irrigation system and to accurately represent the beneficial use of ground water. Previous proofs of beneficial use filed under Permit Nos. 36524 and 36525 caused the duty of 4.0 acre feet per acre to be split between four certificates. The resulting split duties are unnecessarily complex and present the potential for unintentional loss of allocated acre footage placed to beneficial use. Refer to the following permits with split duties. Refer to correspondence under Permit No. 68043 to demonstrate the potential for confusion related to filing a proof of beneficial use on a permit with a split duty.

- Permit Nos. 36524 (Certificate No. 12455)
- Permit Nos. 36524 (Certificate No. 12481)

Permit No. 36524 (Certificate No. 12455 & Certificate No. 12481) are located on a single well within the NW1/4 SE1/4 of Section 31, T12N, R24E, MDM. Application to Change No. 78886 proposes to apply the total acre footage allocated to the Rightway Investments Smith Valley, LLC for irrigation purposes at a duty of 4.0 acre feet per acre

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