



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: ELKO COUNTY NEVADA
 Source: HUMBOLDT RIVER - SOUTH FORK
 Basin: DIXIE CREEK-TENMILE CREEK AREA
 Manner of Use: WILDLIFE
 Period of Use: AS DECREED
 Priority Date: AS DECREED

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 The Humboldt River as heretofore appropriated under Proof DHR 00242 as appears in the Humboldt River Decree No. 2804 entered October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, 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. A measuring device must be installed and measurements of water use kept.

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 August 15, 2010 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.

(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 3.926 cubic feet per second or 430.74 acre-feet as decreed.**

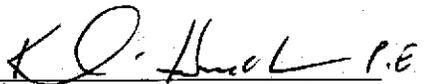
Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: N/A

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 29th day of January, A.D. 2010



for 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 NOV 24 2009
Returned to applicant for correction _____
Corrected application filed _____ Map filed DEC 11 1987 under 5 1 46 1

The applicant Elko, County Nevada
569 Court Street of Elko
Street Address or PO Box City or Town
Nevada 89801 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 KWC
11/25/09

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.)

Proof Number 00242, in the manner of designation of relative rights inland to the waters of the Humboldt River and its tributaries.

1. The source of water is The South Fork of the Humboldt River
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 430.74 acre feet
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Wildlife
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 As decreed
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.)
SW1/4 SE 1/4 Section 4, T. 32 N., R. 55 E., M.D.B. & M. or at a point from which the E1/4 section corner of said Section 4 bears North 60 degrees 03 minutes and 19 seconds East, a distance of 2,654.49 feet. Map filed under 5461.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
As Decreed See attached exhibit "A".

KWC
11/25/09

79043T

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

Section 2: S1/2. Section 3: S1/2. Section 4: SE1/4, N1/2SW1/4, SE 1/4 SW1/4. Section 9: Portions of the NE1/4 NW1/4 and Portions of the E1/2. Section 10 All. Section 11 All. Section 13: Portions of the W1/2 SW1/4. Section 14: All. Section 15: Portions of the N1/2. Section 16 E1/2 NE1/4 NE1/4. Section 23: Portions of the E1/2. Section 24: SW1/4 SE1/4, S1/2 NW1/4, NW1/4 NW1/4. Section 25: NW1/4, Portions of the NE1/4 SW1/4, Portions of the NW1/4 SE1/4. All in T.32N., R.55E., M.D.B.&M. SW1/4 of section 24 map filed under 50030.

KWC 11/25/09

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.)

As Decreed See attached exhibit "B".

KWC 11/25/09

9. Proposed use will be from As decreed to As decreed of each year.
Month and Day Month and Day

10. Existing 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.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

South Fork Dam 40,000 Acre Feet.

12. Estimated cost of works N/A

13. Estimated time required to construct works N/A

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Temporary 1 Year

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 Water is being used on a temporary basis for storage at the South Fork Dam. For existing point of diversion and place of use please use Humboldt River Decree Maps. For proposed point of Diversion and Place of Use please use map under permit 51461

16. Miscellaneous remarks:

rbrown@elkocountynv.net

E-mail Address

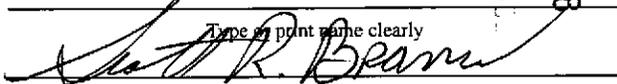
775-738-6816

Phone No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

Scott R. Brown

Type in print name clearly



Signature, applicant or agent

Elko County Nevada

Company Name

569 Court Street

Street Address or PO Box

Elko, Nevada 89801

City, State, ZIP Code

STATE ENGINEERS OFFICE
2009 NOV 24 AM 11:18

Exhibit A

Existing POD

~~77975T~~
79043T

<u>PROOF #</u>	<u>NAME</u>	<u>DITCH</u>	<u>SOURCE</u>	<u>PT. DIV.</u>	<u>TIE</u>
00235	J.W. Yowell	Slough	Humboldt	S.E. 1/4, S.E. 1/4, Sec. 11 T. 34 N., R. 55 E.	
00235	J.W. Yowell	Ehlersens Dam	Humboldt	S.E. 1/4, N.W. 1/4, Sec. 14 T. 34 N., R. 55 E.	
00234	James Russell	Slough	Humboldt	S.E. 1/4, S.E. 1/4, Sec. 14 T. 34 N., R. 55 E.	
00234	James Russell	Slough	Humboldt	S.W. 1/4, S.E. 1/4, Sec. 14 T. 34 N., R. 55 E.	
00234	James Russell	Slough & Dam #1	Humboldt	N.W. 1/4, N.E. 1/4, Sec. 22 T. 34 N., R. 55 E.	
00234	James Russell	2 Sloughs & Dam #2	Humboldt	N.E. 1/4, N.W. 1/4, Sec. 22 T. 34 N., R. 55 E.	
00234	James Russell	Slough	Humboldt	N.W. 1/4, N.W. 1/4, Sec. 22 T. 34 N., R. 55 E.	
00233	H.S. Van Drielen	H.G. & 2 Sloughs	Humboldt	S.E. 1/4, N.E. 1/4, Sec. 21 T. 34 N., R. 55 E.	
00233	H.S. Van Drielen	Slough	Humboldt	N.W. 1/4, S.E. 1/4, Sec. 21 T. 34 N., R. 55 E.	
00233	Hunter & Lytton	Slough	Humboldt	N.E. 1/4, N.W. 1/4, Sec. 12 T. 34 N., R. 55 E.	
00236	Hunter & Lytton	2 Dams	Humboldt	S.E. 1/4, N.W. 1/4, Sec. 14 T. 34 N., R. 55 E.	
00238	Isabella Dewar	Burner Ditch	Humboldt	S.E. 1/4, N.E. 1/4, Sec. 31 T. 35 N., R. 56 E.	
00239	Mrs. M.H. & E. R. Green	Slough	Humboldt	S.E. 1/4, N.E. 1/4, Sec. 31 T. 35 N., R. 55 E.	
00239	Mrs. M.H. & E.R. Green	Dam	Humboldt	N.W. 1/4, S.E. 1/4, Sec. 31 T. 35 N., R. 55 E.	
00240	James Bett	Bett Dam & Ditch	Humboldt	N.E. 1/4, S.E. 1/4, Sec. 15 T. 34 N., R. 55 E.	
00241	George Elmore	Dam & Ditch #1	Humboldt	N.W. 1/4, N.W. 1/4, Sec. 14 T. 35 N., R. 57 E.	
00241	George Elmore	Dam #2	Humboldt	S.W. 1/4, N.W. 1/4, Sec. 14 T. 35 N., R. 57 E.	
00241	George Elmore	Ditches 2,3,& 4	Humboldt	S.E. 1/4, N.E. 1/4, Sec. 15 T. 35 N., R. 57 E.	
00241	George Elmore	Dam #3 - Ditch #5	Humboldt	N.E. 1/4, S.E. 1/4, Sec. 15 T. 35 N., R. 57 E.	
00241	George Elmore	Ditches #6 & #7	Humboldt	S.W. 1/4, N.E. 1/4, Sec. 15 T. 35 N. R. 57 E.	
0242 heet 1	Chas Clubine	Dam	Humboldt	N.W. 1/4, S.W. 1/4, Sec. 10 T. 35 N., R. 56 E.	
0242	Chas Clubine	South Osino #1	Humboldt	N.E. 1/4, S.W. 1/4, Sec. 10 T. 35 N., R. 56 E.	
0242	Chas Clubine	South Osino #2	Humboldt	N.W. 1/4, S.E. 1/4, Sec. 10 T. 35 N., R. 56 E.	
0242 heet 2	Chas Clubine	Ditch	Jackstone Creek	N.W. 1/4, S.E. 1/4, Sec. 29 T. 36 N., R. 56 E.	
0242 heet	Chas Clubine	N. Osino Ditch	Humboldt	S.E. 1/4, S.W. 1/4, Sec. 11 T. 35 N., R. 56 E.	
0242	Chas Clubine	Sherman Cr. Ditch	Sherman Creek	S.W. 1/4, N.E. 1/4, Sec. 9 T. 35 N., R. 56 E.	

EXISTING
PODS

THE EDWARDS DECREE

J. N. Phillips—Continued.

Priority	CULTURE ACRES			LOCATION				Length of Season	DUTY OF WATER	
	Harvest	Meadow	Diversified Pasture	Subdivision	Sec.	Tp.	R.		C. F. S.	Acres Feet
1879			4.90		6	34	56	4-15- 5-15	.060	3.87
1880	56.39				31	35	56	4-15- 8-15	.694	169.17
1880			4.90		6	34	56	4-15- 5-15	.060	3.87
1881	79.12			NW1/4	6	34	56	4-15- 8-15	.973	237.36
1881			6.88	SW1/4	6	34	56	4-15- 5-15	.085	5.16
				SE1/4	1	34	55			
				NE1/4	6	34	56			
				SE1/4	6	34	56			
				SE1/4	31	35	56			
				NW1/4	31	35	56			
				NE1/4	31	35	56			
				SW1/4	31	35	56			
				SE1/4	31	35	56			
1888	288.28			SW1/4	31	35	56	4-15- 8-15	3.300	804.84
1888			90.04	NW1/4	31	35	56	4-15- 5-15	1.107	67.53
				NE1/4	31	35	56			
				NW1/4	31	35	56			
				SW1/4	31	35	56			
				SE1/4	31	35	56			
				NW1/4	6	34	56			
				NE1/4	6	34	56			

Claimant—CHARLES CLUBINE. 00242
Source—Humboldt River. >>
Ditch—Charles Clubine Ditches.

1872	93.42			N1/4	15	35	56	4-15- 8-15	1.149	280.26
1872			62.28	SW1/4	10	35	56	4-15- 5-15	.766	46.71
1883	85.38			W1/2	10	35	56	4-15- 8-15	1.050	256.14
1883			56.92	NE1/4	10	35	56	4-15- 6-15	.700	42.69
	12.90			NW1/4	11	35	56	4-15- 8-15	.159	38.70
				S1/4	10	35	56			
				SW1/4	11	35	56			

Source—Sherman and Jackson Creeks.
Ditch—Charles Clubine Ditches.

1887	16.98							4-15- 8-15	.208	50.98
1887			26.44					4-15- 5-15	.325	19.83
			26.44	S1/4	3	35	56	4-15- 5-15	.325	19.83
1888	16.98			NW1/4	10	35	56	4-15- 8-15	.208	50.98
1888			26.44	SW1/4	10	35	56	4-15- 5-15	.325	19.83
1889	16.98			NE1/4	10	35	56	4-15- 8-15	.208	50.98
1889			26.44	NW1/4	11	35	56	4-15- 6-15	.325	19.83
1890	16.98							4-15- 8-15	.208	50.98
1890			26.44					4-15- 5-15	.325	19.83
1891	16.98							4-15- 8-15	.208	50.98
1891			26.44					4-15- 5-15	.325	19.83
			26.44					4-15- 5-15	.325	19.83
			26.44					4-15- 5-15	.325	19.83

Source—Jackstone Creek.
Ditch—Charles Clubine Ditches.

1888			12.40	SE1/4	32	35	56	4-15- 5-15	.133	9.30
1888			10.80	SW1/4	33	35	56	4-15- 5-15	.133	8.10

Claimant—J. J. HENDERSON.
Source—Humboldt River.
Ditch—J. J. Henderson Ditches.

				SE1/4	1	34	55			
				NW1/4	6	34	56			
				NW1/4	6	34	56			
				SE1/4	1	34	55			
1879	194.40			SE1/4	1	34	55	4-15- 8-15	2.391	583.20
1879			57.30	NE1/4	12	34	55	4-15- 5-15	.705	42.97
				N	12	34	55			
1880	194.40			NE1/4	12	34	55	4-15- 8-15	2.391	583.20
1880			57.30	NW1/4	12	34	55	4-15- 5-15	.705	42.97
				N1/4	12	34	55			
				NW1/4	12	34	55			
				S1/4	12	34	55			
				NW1/4	12	34	55			
				SE1/4	12	34	55			