

**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 MAR 05 2010

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

Corrected application filed \_\_\_\_\_ Map filed MAR 24 2000 under 65936  
*Sheet 2 of 2*

The applicant Bright Holland Co., a Nevada Corporation  
4005 Quail Rock Lane of Reno  
Street Address or PO Box City or Town  
Nevada 89511 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 2579, Certificate 7692

- The source of water is Cottonwood Creek  
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 3.2 cfs, not to exceed 600 acre-feet  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Irrigation  
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  
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.)  
SE ¼ SE ¼, Section 34, T.35N., R.22E., M.D.B. & M., or at a point from which the SW Corner of said Section 34 bears S. 77° 47' 51" W., a distance of 4284.30 feet. Refer to map filed under Application 65936 for proposed point of diversion.
- The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
SE ¼ SE ¼, Section 34, T.35N., R.22E., M.D.B. & M. Refer to map filed under Permit 2579 for existing point of diversion.

*24-MP*

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

See Attachment "A" and map filed under Application 65936 for proposed place of use.

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.)

80 acres - E 1/2 SE 1/4, 80 acres - W 1/2 NE 1/4, 40 acres - NE 1/4 NW 1/4, all in Section 35, T.35N., R.23E., M.D.B. & M. Please refer to map filed under Permit 2579 for existing place of use. Entire place of use is being changed by this application.

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 15 to October 15 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 diversion structure and diversion ditch into Heward Reservoir, then by the channel of Wagon Tire Creek to Cottonwood Creek and then via the Upper Gerlach Ditch to the place of use.

12. Estimated cost of works \$100,000.00 to repair and improve existing infrastructure

13. Estimated time required to construct works Three (3) years

If well completed, describe well.

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

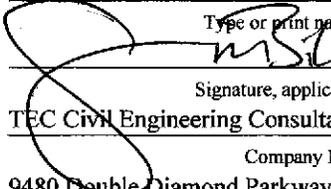
Water will be commingled with rights from Rock Creek, Hot Springs and Red Mountain Creek to irrigate 2000 acres. This application correctly identifies the point of diversion of a certificated water right with a 1912 priority. Based on field investigations performed in 1999, water originates from a branch of Wagon Tire Creek (North Fork of Cottonwood Creek) which is tributary to Cottonwood Creek. Applicant has filed documentation with the BLM showing the extent of their historical ditches and reservoirs as they existed on public lands prior to 1976.

16. Miscellaneous remarks:

Original change application filed in 2000 (Application 65939). This application is being filed as a result of recent NV Supreme Court ruling affecting the status of water right applications filed prior to 2003.

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Phone No.

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

Gregory M. Bilyeu  
Type or print name clearly  
  
Signature, applicant or agent  
TEC Civil Engineering Consultants  
Company Name  
9480 Double Diamond Parkway, Suite 200  
Street Address or PO Box  
Reno, NV 89521  
City, State, ZIP Code

## ATTACHMENT "A"

## 7. Proposed Place of Use

SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 26, T.35N., R.23E., M.D.B. & M.  
SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 27, T.35N., R.23E., M.D.B. & M.  
E  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Section 34, T.35N., R.23E., M.D.B. & M.  
NW  $\frac{1}{4}$ , Section 35, T.35N., R.23E., M.D.B. & M.  
W  $\frac{1}{2}$  NE  $\frac{1}{4}$ , Section 35, T.35N., R.23E., M.D.B. & M.  
E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , Section 35, T.35N., R.23E., M.D.B. & M.  
SE  $\frac{1}{4}$ , Section 35, T.35N., R.23E., M.D.B. & M.  
NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 36, T.35N., R.23E., M.D.B. & M.  
S  $\frac{1}{2}$  SW  $\frac{1}{4}$ , Section 36, T.35N., R.23E., M.D.B. & M.  
W  $\frac{1}{2}$  Section 1, T.34N., R.23E., M.D.B. & M.  
NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Section 1, T.34N., R.23E., M.D.B. & M.  
E  $\frac{1}{2}$ , Section 2, T.34N., R.23E., M.D.B. & M.  
E  $\frac{1}{2}$  W  $\frac{1}{2}$ , Section 2, T.34N., R.23E., M.D.B. & M.  
E  $\frac{1}{2}$ , Section 11, T.34N., R.23E., M.D.B. & M.  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 12, T.34N., R.23E., M.D.B. & M.  
W  $\frac{1}{2}$  W  $\frac{1}{2}$ , Section 12, T.34N., R.23E., M.D.B. & M.  
W  $\frac{1}{2}$  W  $\frac{1}{2}$ , Section 13, T.34N., R.23E., M.D.B. & M.  
E  $\frac{1}{2}$ , Section 14, T.34N., R.23E., M.D.B. & M.