



## THE STATE OF NEVADA

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

Name of Permittee: TOPAZ LODGE, INC  
 Source: UNDERGROUND  
 Basin: ANTELOPE VALLEY  
 Manner of Use: QUASI-MUNICIPAL AND DOMESTIC  
 Period of Use: JANUARY 1ST THROUGH 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 permit to change the point of diversion and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 78445, is issued subject to the terms and conditions imposed in said Permit 78445 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 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 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.

The permittee shall keep monthly records of the amount of water pumped from this well and the records submitted to the State Engineer on an annual basis by February 15th of each year.

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 16425, Certificate 5398; and Permits 53073, 78445 and 82968 shall not exceed 40.962 acre-feet annually.

If any water under this permit is cancelled or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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 0.041 cubic feet per second or 10.0 acre-feet annually.**

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

November 16 2016

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

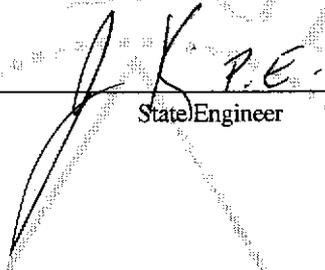
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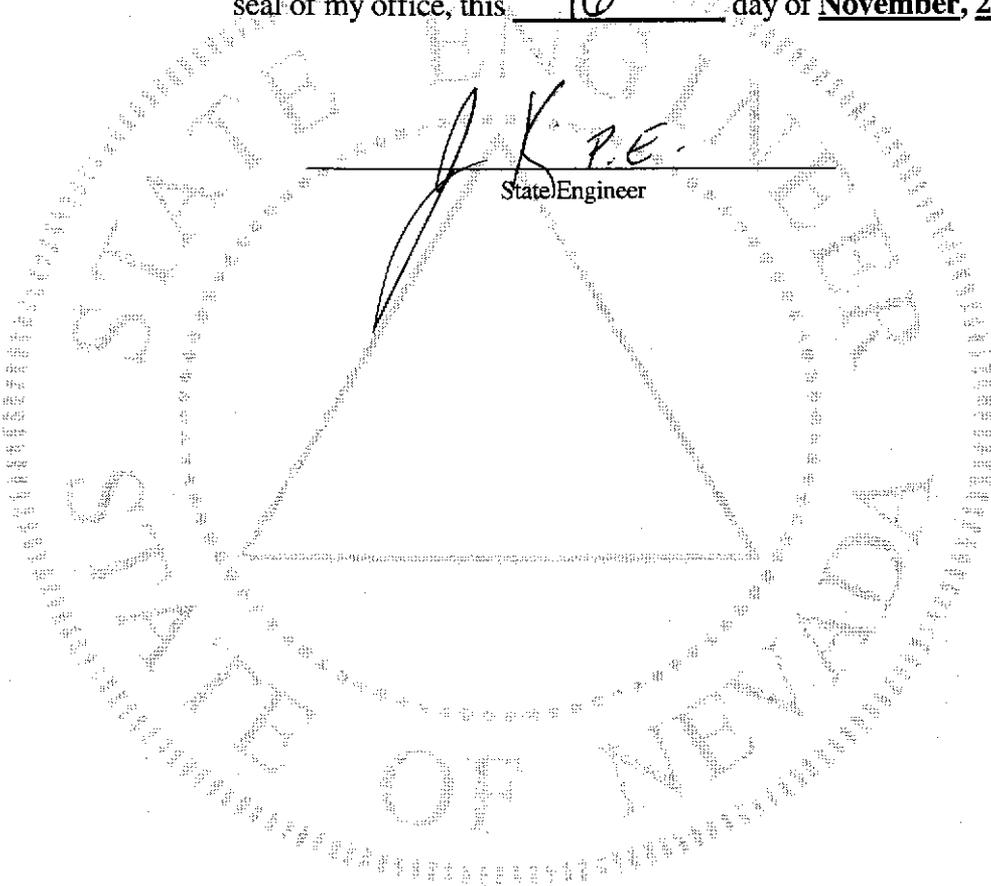
Map in support of proof of beneficial use shall be filed on or before:

N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 16<sup>th</sup> day of November, 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 APR 05 2013

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

Corrected application filed \_\_\_\_\_ Map filed APR 25 1955 under 16425

The applicant Topaz Lodge, Inc.  
1979 US Highway 395 South of Gardnerville  
Street Address or PO 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 rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit No. 78445

- The source of water is underground  
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 10 afa  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for quasi-municipal, ~~commercial~~ and domestic *SNC E-MAIL*  
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 commercial and domestic  
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.)  
The SW 1/4 SE 1/4 of Section 29, T.10N, R.22E, MDB&M at a point from which the S 1/4 of corner of said Section 29 bears S. 38° 17' W a distance of 387.50 feet. *or*
- The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
The SW 1/4 SW 1/4 of Section 29, T.10N, R.22E, MDB&M at a point from which the S 1/4 corner of said Section 29 bears S. 88° 37' E, a distance of 1,375 feet. *or*

*Antelope Valley  
9-106  
Doy*

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

82698

Within a portion of the S 1/2 of Section 29, T.10N, R22E, 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.)

Within a portion of the S 1/2 of Section 29, T.10N, R22E, 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.)

Pump and motor divert water from existing well to pressure distribution system.

12. Estimated cost of works \$0 (existing well)

13. Estimated time required to construct works none (existing well)

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 3-5 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 from this permit will be used to provide water service to residential and commercial water users in Topaz Lake, Nevada. Water users include but are not limited to the Topaz Lodge, the Topaz Lake Marina, and the Douglas County Fire Department. The water is being moved to an existing well. This change application is being submitted in response to the Division of Water Resources' letter to Topaz Lodge, Inc., dated November 8, 2012, regarding Permits 16425, Certificate 5398 and 53073, and the purported over-pumping of 5.53 acre-feet.

16. Miscellaneous remarks:

Place of use map previously filed under permit 16425.

bschusterman@lionelsawyer.com

E-mail Address

775.788.8690

Phone No.

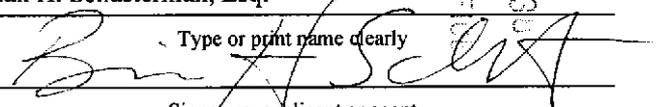
n/a

Ext.

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

Brian H. Schusterman, Esq.

Type or print name clearly



Signature, applicant or agent

Lionel Sawyer & Collins

Company Name

50 W. Liberty Street, Suite 1100

Street Address or PO Box

Reno, Nevada 89501

City, State, ZIP Code

RECEIVED  
2013 APR -5 PM 2:30  
STATE ENGINEERS OFFICE