

AMENDED

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

Date of filing in State Engineer's Office JUN 26 1961

Returned to applicant for correction DEC 1 1961

Corrected application filed JAN 22 1962 Map filed DEC 19 1961

Estate of A.W. Nichols, deceased, Marion C. Nichols Mendez, The applicant formerly Marion C. Nichols, and Florence M. Nichols Sells, formerly Florence M. Nichols, c/o Adams, Reed & Bowen, P.O. Box 187, Reno, Nev. of Reno County of Washoe

State of Nevada hereby makes application for permission to change the point of diversion of that certain hereinafter specified portion of water heretofore appropriated under Claim No. 611-Truckee River Final Decree, Docket in equity No. A-3, in the District Court of the United States in and for the District of Nevada, The United States of America vs. Orr Water Ditch Company.

1. The source of water is Truckee River (Name of stream, lake or other source.)

2. The amount of water to be changed 5.2 C.F.S. not to exceed 550 acre-feet per year (Second feet, acre feet.)

3. The water to be used for irrigation, stock and domestic (If for stock state number and kind of animals.)

4. The water heretofore used for irrigation, stock and domestic (If for stock state number and kind of animals.)

5. The water is to be diverted at the following point whence the east quarter corner of Sec. 7, T. 19 N., R. 20 E., M.D.B.&M., bears South 77°30' East 26 chains. SW 1/4 NE 1/4 Sec. 7, T. 19 N., R. 20 E., M.D.B.&M. (North Truckee Ditch)

6. The existing point of diversion is located within Whence the center of Sec. 8, T. 19 N., R. 20 E., bears North 11 1/4° East 36 chains. SE 1/4 SW 1/4 Sec. 8, T. 19 N., R. 20 E., M.D.B.&M. (Stephens Ditch)

7. Proposed place of use 25 acres in NE 1/4 NE 1/4 Section 9, 40 acres in the NW 1/4 NW 1/4, 40 acres in the NE 1/4 NW 1/4, 13.3 acres in the SW 1/4 NW 1/4, 19.3 acres in SE 1/4 NW 1/4, Section 10, T. 19 N., Range 20 E., M.D.B.&M. -137.6 acres. (See Exhibit "A" attached hereto).

8. Existing place of use 25 acres in NE 1/4 NE 1/4, Section 9, 40 acres in the NW 1/4 NW 1/4, 40 acres in the NE 1/4 NW 1/4, 13.3 acres in the SW 1/4 NW 1/4, 19.3 acres in SE 1/4 NW 1/4, Section 10, T. 19 N., Range 20 E., M.D.B.&M. -137.6 acres. (See Exhibit "A" attached hereto).

9. Use will be from as decreed to of each year.

10. Use has been from as decreed to of each year.

11. Description of proposed works.

Dam, headgate and ditches

(Under the provisions 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, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.)

12. Estimated cost of works.....\$1,000.00

13. Estimated time required to construct works..... 5 years

14. Remarks...portion of the water right represented by said Claim No. 611. The place of use is not changed for the water right for which the application to change point of diversion is made. The point of diversion remains the same for the remainder of Claim No. 611, for which no application to change point of diversion is made hereby.

Compared...hs/lb.....hs/lb

Applicant...Estate of A.W. Nichols, deceased, Marion C. Nichols Mendez, formerly Marion C. Nichols, and Florence M. Nichols Sells, formerly Florence M. Nichols

By s/ Ruth S. Nichols APPROVAL OF STATE ENGINEER Ruth S. Nichols, Agent

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 of a portion of the waters of the Truckee River as heretofore granted under Claim 611 Truckee River Final Decree 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.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.2 cubic feet per second, or 550 acre-feet annually.

Actual construction work shall begin on or before November 25, 1962

Proof of commencement of work shall be filed before December 25, 1962

Work must be prosecuted with reasonable diligence and be completed on or before November 25, 1963

Proof of completion of work shall be filed before December 25, 1963

Application of water to beneficial use shall be made on or before November 25, 1964

Proof of the application of water to beneficial use shall be filed on or before December 25, 1964

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

Commencement of work filed NOV 8 1962

Completion of work filed DEC 13 1962

Proof of beneficial use filed DEC 13 1962

Cultural map filed DEC 19 1961

Certificate No. 5533 Issued 4/26/63 for 5.2 cfs

Recorded 5/13/63 Bk 19 Page 244 for

2407 Washoe County

irrigation stock water & dam.

WITNESS MY HAND AND SEAL this 25th day

of May, 1962

EDMUND A. MUTH

State Engineer

By Edmund A. Muth Assistant State Engineer

Revised 26972 Abrogated 42727 of 2.3.68

EXHIBIT "A"

(Answer to Question No. 7, Proposed Place of Use)

The proposed place of use for the waters for which the point of diversion is to be changed is the same as the place of use for Claim No. 611, Truckee River Final Decree, excluding, however, therefrom the following described lands:

Those certain parcels of land situate in the County of Washoe, State of Nevada, described as follows:

PARCEL A: Beginning at a point from which the North quarter corner of Section 9, Township 19 North, Range 20 East, M.D.B.&M. bears North 54°14'40" West 19.48 feet, said point being on the easterly line of Stanford Way and the southerly right-of-way line of U.S. 40, and a point on a curve to the right; thence along the southerly right-of-way line of U.S. 40 along a curve to the right having a radius of 1950.00 feet through a central angle of 31°33'34" an arc distance of 1074.09 feet; thence along the southerly right-of-way line of U.S. 40, South 59°27'00" East 1980.15 feet to a point on the section line common to Sections 9 and 10, Township 19 North, Range 20 East; thence along said section line South 1°36'00" East 545 feet to the Southeast corner of the NE¼ of NE¼ of Section 9; thence along the 1/16th line South 89°03'22" West 2681.70 feet to a point on the easterly line of Stanford Way; thence along the easterly line of Stanford Way North 2°08'31" West 1327.43 feet to the point of beginning, containing an area of 48.772 acres, more or less.

PARCEL B: Beginning at the West quarter corner of Section 10, Township 19 North, Range 20 East, M.D.B.&M.; thence along the section line North 1°36'00" West 781.23 feet to a point on the southerly line of right-of-way of Southern Pacific Railroad; thence along said southerly right-of-way line South 84°26'15" East 773.92 feet; Thence South 5°19'35" West 35.00 feet; thence South 84°26'15" East 1832.40 feet; thence North 5°33'45" East 35.00 feet; thence South 84°26'15" East 47.43 feet; thence South 1°52'00" East 406.07 feet; thence South 87°26'15" West 2635.45 feet to the true point of beginning, containing an area of 34.423 acres, more or less.