Serial No. 58297

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 NOV 04 1992

Returned to applicant for correction

Corrected application filed Map filed NOV 13 1992 under 58294

The applicant Lyon County

15 South Main Street (Street and No. or P.O. Box No.) of Yerington (City or Town)

Nevada 89447 (State and Zip Code No.) hereby make S application for permission to change the

Manner & Place of Use (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit 30107 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Underground (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 0.35 c.f.s. (N.T.E. 74.46 M.G.A.) (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Quasi-Municipal & Domestic (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Quasi-Municipal, subdivision (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
5. The water is to be diverted at the following point NE¼ NE¼ Section 32, T.17N., R.22E., (Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.) M.D.B.&M., or at a point from which the NE corner of said Section 32 bears N. 15° 14' 00" E., 638.00 feet.
6. The existing permitted point of diversion is located within Unchanged (If point of diversion is not changed, do not answer.)
7. Proposed place of use N½ N½; portions of S½ NE¼; portions of N½ SE¼ Section 32, (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.) T.17N., R.22E., M.D.B.&M.
8. Existing place of use That portion of the N½ N½ of Section 32, T.17N., R.22E., (Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.) M.D.B.&M., occupied by the Mark Twain, Unit 10, Subdivision. Utilize map filed under Permit 30107 for existing Place of Use.
9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled & cased well equipped with a motor, pump & distribution system. (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)
12. Estimated cost of works $3,000.00
13. Estimated time required to construct works completed; Proof of Completion filed under Permit 30107

14. Estimated time required to complete the application of water to beneficial use 10 Years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

See Exhibit "A"

By s/Greg M. Bilyeu
THIEL, WINCHELL & ASSOC., INC.
34 Lakes Blvd., Suite 101
Dayton, Nevada 89403

Compared bc/bc ab/vw

Protested

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 and manner of use of the waters of an underground source as heretofore granted under Permit 30107 is issued subject to the terms and conditions imposed in said Permit 30107 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening 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.

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 total combined duty of water under Permits 58294, 58295, 58296, 58297 and 58298 shall not exceed 557.83 acre-feet annually for use within Mark Twain Unit 10 (204 units) and Daytona Heights Units 1, 2, 3, and 4 (294 units).

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.35 cubic feet per second, but not to exceed 228.51 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before February 18, 1995

Proof of completion of work shall be filed before March 18, 1995

Application of water to beneficial use shall be made on or before February 18, 1996

Proof of the application of water to beneficial use shall be filed on or before March 18, 1996

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

Completion of work filed MAR 29 1995

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

Abrogated By 65132 0035

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 18th day of February, A.D. 19 94

State Engineer

(O)-1108 (Rev. 6-81)

EXHIBIT "A"

Lyon County, a political subdivision of the State of Nevada, as successor in title to Permits 29624, 30107, 43084, 34292 & 35561 is filing five (5) applications to change in order to co-mingle all the rights under the above mentioned permits.

Permits 29624, 30107 & 43084 were issued to serve the Mark Twain Estates (also known as Dayton Valley Estates) subdivision. Permits 34292 & 35561 were issued to serve the Daytona Heights subdivision. Title to the water rights supplying these subdivisions has passed to Lyon County and the necessary documents were submitted to the State Engineer's office.

The water systems that service these two subdivision are interconnected. Dayton Utilities, operator of water systems for Lyon County in the Dayton area, has a long range plan to interconnect all of its water systems and expand its service areas to cover all areas requiring water service. Eventually all water rights are to be co-mingled and the places of uses expanded. This phase of the plan involves co-mingling the water rights under these permits and ensuring that the place of use covers both subdivisions.

The total combined duty of all five applications to change is not to exceed 181.77 million gallons annually.