

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 AUG 15 2001

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 15 2001

The applicant **KATHLEEN S. HERZING, TRUSTEE OF THE KATHLEEN S. HERZING TRUST DATED 6-30-99, AND MICHAEL F. FAZZARI, TRUSTEE OF THE MICHAEL F. FAZZARI FAMILY TRUST DATED 4-28-92** hereby makes application for permission to change the **POINT OF DIVERSION, MANNER AND PLACE OF USE OF A PORTION** of water heretofore appropriated under **PERMIT 50993, CERTIFICATE 12509**

1. The source of water is **UNDERGROUND**
2. The amount of water to be changed **0.0094 CFS, NOT TO EXCEED 2 ACRE-FEET**
3. The water to be used for **IRRIGATION**
4. The water heretofore permitted for **IRRIGATION AND DOMESTIC**
5. The water is to be diverted at the following point **SW¼ SE¼, SECTION 5, T.16N., R.20E., M.D.B.&M., OR AT A POINT FROM WHICH THE S¼ CORNER OF SAID SECTION 5 BEARS S 79° 54' 43" W A DISTANCE OF 950 FEET.**
6. The existing permitted point of diversion is located within **NE¼ SE¼, SECTION 8, T.16N., R.20E., M.D.B.&M., OR AT A POINT FROM WHICH THE NE¼ CORNER OF SAID SECTION 8 BEARS N. 17° 53' 27" E. A DISTANCE OF 3858.73 FEET.**
7. Proposed place of use **SW¼ SE¼, SECTION 5, T.16N., R.20E., M.D.B.&M., (REFERENCE WASHOE COUNTY APN 050-301-71)**
8. Existing place of use **39.3 ACRES, SE¼ SE¼; 39.41 ACRES, NE¼ SE¼; 38.25 ACRES, SE¼ NE¼, ALL IN SECTION 8, T.16N., R.20E., M.D.B.&M., 0.5207 ACRES BEING REMOVED FROM IRRIGATION WITHIN THE SE¼ NE¼ OF SAID SECTION 8 AND AS ILLUSTRATED ON THE SUPPORTING MAP**
9. Use will be from **JANUARY 1 to DECEMBER 31** of each year.
10. Use was permitted from **MARCH 1 to NOVEMBER 30** of each year.
11. Description of proposed works **DRILLED AND CASED WELL, EQUIPPED WITH A MOTOR, PUMP, METER, AND IRRIGATION SYSTEM**
12. Estimated cost of works **\$25,000**
13. Estimated time required to construct works **ONE (1) YEAR**
14. Estimated time required to complete the application of water to beneficial use **THREE (3) YEARS**

15. Remarks: THIS APPLICATION IS BEING FILED TO TRANSFER 2 ACRE-FEET, APPURTENANT TO 0.5207 ACRES TO WASHOE COUNTY APN 050-301-71. THIS TRANSFER LEAVES 3.52 ACRE-FEET, APPURTENANT TO 0.9163 ACRES REMAINING UNDER PERMIT 50993. REFERENCE IS MADE TO RICHARD DAVIS (NDWR) LETTER OF 2/15/2000 REGARDING THE PER ACRE DUTY OF PERMIT 50993.

By GREGORY M. BILYEU
 s/ GREGORY M. BILYEU
 500 DAMONTE RANCH PARKWAY, SUITE 1056
 RENO, NV 89511

Compared cm/cm f lb/cm f

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 point of diversion, place of use, manner of use of a portion of the waters of an underground source as heretofore granted under Permit 50993 is issued subject to the terms and conditions imposed in said Permit 50993 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.

Permit 67908 is limited to the irrigation of 0.5207 acres within the described place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0094 cubic feet per second, but not to exceed 2.0 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

June 24, 2003

Proof of completion of work shall be filed before:

July 24, 2003

Water must be placed to beneficial use on or before:

June 24, 2005

Proof of the application of water to beneficial use shall be filed on or before:

July 24, 2005

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

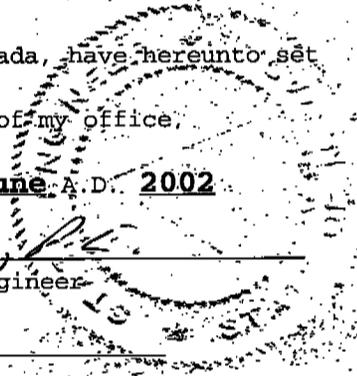
July 24, 2005

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 24th day of, June A.D. 2002


State Engineer



Completion of work filed JUL 14 2003

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

