

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

SEP 23 1988

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed..... Map filed SEP 23 1988

The applicant..... Frank Soares Trust

320 N. CROOK RD. of Fallon Nevada 89406

State and Zip Code No. hereby make application for permission to change the

a place of use of a portion of water heretofore appropriated under

Truckee- Carson Irrigation District No. 701,734 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

United States of America v. Orr Water Ditch Co. in Equity No. A. 3 Claim No. 3; identify right in Decree.)

United States of America v. Alpine Land & Reservoir Co. D.C. No D- 183 BRT

1. The source of water is Truckee River & Carson River Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 5.25 Ac.Ft. Second feet, acre feet. One second foot equals 448.3 gallons per minute.

3. The water to be used for as decreed Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for as decreed 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 Lahontan Dam being within the SW1/4-SE1/4, Section 33, Township 19 North, Range 26 East, M.D.B.&M. 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.

6. The existing permitted point of diversion is located within no change If point of diversion is not changed, do not answer

7. Proposed place of use All in Sec. 35, T. 19N., R. 29E., M.D.B.&M. 1.50 Ac in the SE1/4-SW1/4. Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use All in Sec. 28, T. 19N., R. 29E., M.D.B.&M. 1.50 Ac in the NW1/4-SE1/4. 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.

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

10. Use was permitted from as decreed to of each year. Month and Day Month and Day

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.) dam, canal & ditches 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 complete

13. Estimated time required to construct works complete

14. Estimated time required to complete the application of water to beneficial use 3 years

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

Water will be delivered to the proposed place of use via the "S" Line Canal.

/s/ Barry A. Fitzpatrick

By Barry A. Fitzpatrick S.W.R.S. #817
141 Industrial Way
Fallon, Nevada 89406

Compared kh/se am/se

Protested 10/17/88-Pyramid Lake Paiute Tribe of Indians

Pro. Overruled 1/30/92;
See Ruling #3868

APPROVAL OF STATE ENGINEER

This is to certify 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 of the waters of the Truckee and Carson Rivers as set forth under the Newlands Reclamation Project rights in the Truckee and Carson River final decrees is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein. This permit is also issued subject to the State Engineer's Ruling No. 3868, dated January 30, 1992.

The duty under this permit is further conditioned upon possible modification by the United States District Court of Nevada in pending litigation.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.25 ~~cubic feet per second~~ acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before March 4, 1994

Proof of completion of work shall be filed before April 4, 1994

Application of water to beneficial use shall be made on or before March 4, 1996

Proof of the application of water to beneficial use shall be filed on or before April 4, 1996

Map in support of proof of beneficial use shall be filed on or before April 4, 1996

Completion of work filed APR 12 1994

Proof of beneficial use filed APR 23 1996

Cultural map filed _____

Certificate No. 16439 Issued 1-11-05

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 4th day of March,

A.D. 19 92

R. Michael Turnipseed, P.E.
State Engineer