AMENDED

Serial No. 60380

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 23 1994

Returned to applicant for correction SEP 07 1994

Corrected application filed SEP 19 1994 Map filed SEP 19 1994

The applicant Philip & Judith Burger

4495 Solias (Street and No. or P.O. Box No.) of Fallon (City or Town)

Nevada 89406 (State and Zip Code No.) hereby make.... application for permission to change the

place of use of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Truckee-Carson Irrigation District No. 139-1 United (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

States of America v. Orr Water Ditch Co. in Equity No. A.13 Claim No. 3; 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 9.0 acft (Second feet, acre feet. One second foot equals 448.83 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 SW¼-SE¼, Section (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.)

   33, Township 19 North, Range 26 East, M.D.B.&M.
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 SW¼ NW¼ (2.0 Ac.) Sec. 15, T.18N., sR.28E., M.D.B.&M. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use SW¼ NW¼ (2.0 Ac.) Sec. 15, T.18N., R.28E., M.D.B.&M. (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 (Month and Day) to (Month and Day) of each year.
10. Use was permitted from as decreed (Month and Day) to (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.) 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 "A" Line Canal.

By s/Barry A. Fitzpatrick
Barry A. Fitzpatrick S.W.R.S. #817
137 Keddie Street
Fallon, Nevada 89406

Compared bc/bc jr/bk

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 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 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 amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 7.0 acre-feet ~~XXXXXXXXXXXXXXX cubic feet per second~~ as decreed

Work must be prosecuted with reasonable diligence and be completed on or before August 31, 1996

Proof of completion of work shall be filed before October 1, 1996

Application of water to beneficial use shall be made on or before August 31, 1999

Proof of the application of water to beneficial use shall be filed on or before October 1, 1999

Map in support of proof of beneficial use shall be filed on or before October 1, 1999

Completion of work filed FEB 21 1996

Proof of beneficial use filed NOV 08 1999

Cultural map filed

Certificate No. 15638 Issued JAN 03 2001

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 31st day of August, A.D. 19 95

State Engineer