

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

APR 28 1995

Date of filing in State Engineer's Office

Returned to applicant for correction

Corrected application filed Map filed 3/23/82 under 45241

The applicant CLYDE K. EMERY (also known as CLYDE K. EMERY, JR.)

4009 Pacific Coast Highway of Torrance

California 90505 hereby make s application for permission to change the

Point of Diversion, Place and Manner of Use OF A PORTION

of water heretofore appropriated under Claims 94 and 94A - United States v. Orr Ditch CO., et

al. Final Decree (Truckee River Decree)

1. The source of water is Truckee River

2. The amount of water to be changed 194 acre-feet, 0.27 c.f.s. (See Item 15)

3. The water to be used for Quasi-Municipal

4. The water heretofore permitted for Irrigation

5. The water is to be diverted at the following point in the SW 1/4 SW 1/4 Sec. 9, T. 19N., R. 18E. M.D.B&M., or at a point from which the SW Cor. of said Sec. 9, Bears S.86°40' 57" W., a distance of 1,216.69 feet

6. The existing permitted point of diversion is located within The SE 1/4 NE 1/4 Sec. 30, T.19N., R.18E., M.D.B&M., shown as the Coldron Ditch in the Truckee River Decree - at a point from which the NW Cor. Sec. 29, T.19N., R.18E. M.D.B.&M. Bears N 8°33' E. a distance of 1520.0 feet.

7. Proposed place of use Portion of SE 1/4 SE 1/4 Sec. 8; Portions of the S 1/2 SW 1/4, and SW 1/4 SE 1/4 Sec.9 all in T.19N., R.18E. M.D.B&M.; between old Highway U.S. 40, and the Truckee River

8. Existing place of use Portions of Decreed Water Rights totaling 43.2 acres (194.4 acre feet) lying North of old Highway 40 - Specifically 22-acres in the NW 1/4 SW 1/4 and the Westerly 21.2 acres of the NE 1/4 SW 1/4 Sec. 9, T.19N., R.18E., M.D.B.&M.

9. Use will be from January 1 to December 31 of each year.

10. Use was permitted from (As Decreed) to 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.) Infiltration gallery to pump station at point of diversion; thence through Verdi Meadows Utility Co., Inc. system to Glenn Meadows Village

12. Estimated cost of works \$750,000

13. Estimated time required to construct works Complete

14. Estimated time required to complete the application of water to beneficial use Ten Years or more to full build out

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:  
Total 173 units plus club house and lawn. Using 1.12 af/yr/unit 194 af. a recent study (Sept. 1993 - Sept. 1994) shows a total metered use of 42.4 af. for 47 homes and club house already built. This equates to 0.9 af/unit or 155.7 af/yr. If ongoing studies indicate, the requested amount will be reduced accordingly before final actions; if approved by the State Engineer. Please use map filed under 45241 to support this application.

By s/Clyde K. Emery  
4009 Pacific Coast Highway  
Torrance, CA 90505

Compared jk/ sm cl/jr

Protested 7/24/95 by; Truckee Carson Irrigation District

Pro. Overruled 1/24/96;  
Ruling No. 4287

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 and manner of use of the waters of the Truckee River as heretofore granted under Claims 94 and 94A, 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.

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 permittee shall file quarterly reports based on monthly measurement of the use of water under this permit.

The use of water under this permit is only allowed when water is not available under Permit 45241.

This permit is issued subject to the State Engineer's Ruling No. 4287 dated January 24, 1996.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.27 cubic feet per second but not to exceed 194.0 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before April 9, 1998

Proof of completion of work shall be filed before May 9, 1998

Application of water to beneficial use shall be made on or before April 9, 2006

Proof of the application of water to beneficial use shall be filed on or before May 9, 2006

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

Completion of work filed SEP 04 1996  
Proof of beneficial use filed \_\_\_\_\_  
Cultural map filed \_\_\_\_\_  
Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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 9th day of April

A.D. 1996  
R. Michael Turnipseed P.E.  
State Engineer