

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 **MAY 05 1995**

Returned to applicant for correction.....

Corrected application filed..... Map filed **MAY 05 1995**

The applicant **Ted R. Smitten Jr.**

985 Sheckler Cut-Off

Street and No. or P.O. Box No.

of **Fallon**

City or Town

Nevada 89406

State and Zip Code No.

hereby make^s application for permission to change the

Existing place of use

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under

Truckee-Carson Irrigation Districts No. 569

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

Truckee River & Carson River

- The source of water is **44.8 a/i**
Name of stream, lake, underground spring or other source.
- The amount of water to be changed **as Decreed**
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for **as decreed**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for **Lahontan Dam being within the SW 1/4 SE 1/4**
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point **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.
- The existing permitted point of diversion is located within **no change**
If point of diversion is not changed, do not answer.
- Proposed place of use **SW SW Section 29, NW NW, NE NW Section 32, T19N., R28E., M.D.B.&M. T.C.I.D. Serial# 569 12.8 ac. @ 3.5**
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
- Existing place of use **SW SW, SE SW Section 29, NW NW, NE NW Section 32 T19N., R28E., M.D.B.&M. T.C.I.D. Serial# 569 12.8 ac. @ 3.5**
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.
- Use will be from **March 15, 1995** to **November 15, 1995** of each year.
Month and Day
- Use was permitted from **March 15, 1995** to **November 15, 1995** of each year.
Month and Day
- 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.
- Estimated cost of works **complete**
- Estimated time required to construct works **complete**

NA

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

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

Stacking water on transfer 49120 Permit

~~RESERVATION OF RIGHTS~~ Temporary measures being taken to allow the irrigation of the subject parcel are not to be construed as an admission that the original transfer is invalid under federal or state law. The applicant reserves the right to continue to assert that the original transfer is valid and that the applicant is entitled to use the original water right in the manner requested. In no way are these temporary measures to be construed as a withdrawal of the prior transfer, or as an abandonment or forfeiture of the original water right."

By s/Ted R. Smitten Jr.
985 Sheckler Cut-Off
Fallon, Nevada 89406

Compared jr/bk 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 temporary 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 temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on November 15, 1995 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

This temporary permit does not authorize more than the decreed duty to be placed on the proposed place of use.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....cubic feet per second but not to exceed 44.8 acre-feet as decreed.

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

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

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

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

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, I, MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 23rd day of August

A.D. 19 95

[Signature]
State Engineer

TEMPORARY