TEMPORARY

NO. 63388 T

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 28 1997

Returned to applicant for correction

Corrected application filed

Map filed NOV 15 1996 under 62513

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The applicant **Barker Homes, Inc.**, hereby makes application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **portions of Claim 609 of the Truckee River Decree, said Decree entered by the District Court of the United States for Nevada in that certain action entitled "The United States of America vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket A-3.**

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1. The source of water is **Truckee River by Stephens Ditch, as decreed**

2. The amount of water to be changed **1.56 afa and prorata share of the diversion rate**

3. The water to be used for **As decreed**

4. The water heretofore permitted for **As decreed**

5. The water is to be diverted at the following point **within the NE¼ of the SW¼ of Section 17, T.19N., R.19E., M.D.M., or at a point from which the SW corner of said Section 17 bears South 44°40′ West a distance of 3211 feet. For proposed point of diversion, this application, see existing point of diversion for Orr Ditch on map supporting Application No. 62513.**

6. The existing permitted point of diversion is located within **the SE¼ of the SW¼ of Section 8, T.19N., R.20E., M.D.M., or at a point from which the Northwest corner of said Section 8 bears North 21°00′ West a distance of 5405 feet. Stephens Ditch per Orr Ditch Decree. See Map No. 63138 for existing point of diversion, this application.**

7. Proposed place of use **within the South Half (S½) and Northeast quarter (NE¼) of Section 11, T.20N., R.20E., M.D.M.. See map supporting Application No. 62513.**

8. Existing place of use **See attached Exhibit "A". Also refer to map supporting Application No. 63138 filed May 20, 1997 in the Office of the Nevada State Engineer. (A total of 0.446 acres in being stripped by this application.)**

9. Use will be from **As Decreed** to **As Decreed** of each year.

10. Use was permitted from **As Decreed** to **As Decreed** of each year.

11. Description of proposed works **Works are existing.**

12. Estimated cost of works **None. Works are existing.**

13. Estimated time required to construct works **None. Works are existing.**

14. Estimated time required to complete the application of water to beneficial use **1 year**

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15. Remarks: **This application would allow the use of decreed waters from the parcels depicted on map No. 63138 for use "as decreed" within the proposed place of use depicted on map supporting application No. 62513.**

By **s/ George G. Lindesmith**
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared cl/jr

Protested _____

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_____ **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:

WITHDRAWN BY ~~APPLICANT~~ agent OCT 01 1997

STATE ENGINEER

EXHIBIT "A"
EXISTING PLACE OF USE

Diversion	40-acre Sub'n.		Section	Township	Range	Claim #	APN	ACREAGE	DUTY	
Stephens Ditch	SE	SW	9	19N.	20E.	609	34-353-14	0.224	0.78	#1
	SE	SW	9	19N.	20E.	609	34-353-15	0.222	0.78	#2
TOTALS								**0.446**	**1.56**	

#1 Area A and G on map.
#2 Area B and H on map.