NO. 66794

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 2000**

Returned to applicant for correction **NOV 14 2000**

Corrected application filed

Map filed **JAN 08 2001**

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The applicant **MIKE & CINDY MERKLEY** hereby makes application for permission to change the **existing place of use of a portion** of water heretofore appropriated under **Truckee-Carson Irrigation District Serial No. 514-3-C & 561-1-C United States of America v. Orr Ditch Co. In Equity No. A-3, Claim No. 3; United States of America v. Alpine Land and Reservoir Co., No. D-183; Both in the Federal District Court of Nevada**

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1. The source of water is **Truckee River & Carson River**

2. The amount of water to be changed **3.50 ac. ft.**

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 **Lahontan Dam being within the SW¼ SE¼ Section 33, T.19N., R.26E., M.D.B.&M.**

6. The existing permitted point of diversion is located within **no change**

7. Proposed place of use **a portion of the SW¼ NE¼ of Section 28, T.19N., R.28E., M.D.B.&M. (T.C.I.D. Serial No. 561-1-C) a total of 1.00 ac.**

8. Existing place of use **a portion of the SE¼ NW¼ of Section 20, T.19N., R.28E., M.D.B.&M. (T.C.I.D. Serial No. 514-3-C) a total of 1.00 ac.**

9. Use will be from **as Decreed**

10. Use was permitted from **as Decreed**

11. Description of proposed works **Dam, Canal and Ditches**

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 **4 years**

15. Remarks: **Water will be delivered via the "N" Lateral.**

By s/ Barry A. Fitzpatrick
Barry A. Fitzpatrick, Lumos & Associates
137 Keddie Street
Fallon, Nevada 89406

Compared **gkl/** cmf ds/cmf

Protested

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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 a portion 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 appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **3.50 acre-feet as decreed.**

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

N/A

Proof of completion of work shall be filed before:

N/A

Water must be placed to beneficial use on or before:

June 15, 2005

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

July 15, 2005

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

July 15, 2005

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **15th** day of, **June** A.D. **2001**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____