NO. 68661

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 MAR 29 2002

Returned to applicant for correction

Corrected application filed

Map filed MAR 29 2002

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The applicant **David V. and Jacquelyn M. Burger** hereby make application for permission to change the **Place of Use of a portion** of water heretofore appropriated under **Truckee Carson Irrigation District Serial No. 538-33-C and 188-6-E-1, 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 BRT; both in the Federal District Court of Nevada**

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

2. The amount of water to be changed **3.96 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 within 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 **SE¼ SW¼ of Section 23, T18N., R.28E., M.D.B.&M. A total of 1.13 ac.**

8. Existing place of use **SW¼ SE¼ of Section 25, T.19N., R.28E., M.D.B.&M. (.43 ac.) and NW¼ SW¼ of Section 34, T.19N., R.29E., M.D.B.&M. (.70 ac.) A total of 1.13 ac.**

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

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

11. Description of proposed works **dams, canals & 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 **3 years**

15. Remarks

By **Barry A. Fitzpatrick S.W.R.S. #817**
s/ Barry A. Fitzpatrick Agent
800 E. College Pkwy
Carson City, Nevada 89706

Compared **gkl**/sam dr/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 **3.96 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:

November 4, 2005

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

December 4, 2005

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

December 4, 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 **4th** day of **November,** A.D. **2002**

Hugh Ricci, P.E.

State Engineer

Completion of work filed June 25, 1998 under 62742

Proof of beneficial use filed AUG 04 2003

Cultural map filed

Certificate No. 16326 Issued APR 05 2004