

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 APR 13 2004

Returned to applicant for correction MAY 03 2004

Corrected application filed _____

Map filed MAY 26 2004

The applicant **Somersett Development Company, Ltd.** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Claim 142 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, Plaintiff, vs. Orr Water Ditch Company, Defendants" in Equity Docket A-3**

1. The source of water is **Truckee River**
2. The amount of water to be changed **Claim 142 – 25.00 af; along with a pro-rata 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 SW¼ of the SW¼ of Sec. 14, T19N, R18E, MDB&M from which the SW corner of said Section 14 bears South 58° 30' West a distance of 1400 feet. Map filed with Permit No. 35752 – aka Mogul Pump Station**
6. The existing permitted point of diversion is located within **The SW¼ of the NE¼ of Section 16, T19N, R18E, MDB&M, or at a point from which the NE corner of said Section 16 bears North 42° 01' East, a distance of 2,485 feet – known as the Hogan Ditch Refer to Adjudication Map Sheet No. 1 USA vs Orr Ditch Co.**
7. Proposed place of use **w/in SE¼ SE¼ Sec. 35 T20N,R18E, MDM and portions of the following Sections: S½ Sec. 1, Sec. 2, Sec. 3, Sec. 10, Sec. 11, Sec 12 & N½ NE¼ Sec. 13 T19N, R18E, MDM See map associated with Application to Change No. 70613.**
8. Existing place of use **1.715 acres within NE¼ NE¼ Section 14 and 4.535 acres within NW¼ NW¼ Section 13 T19N, R18E, MDM totaling 6.25 acres within a portion of APN 038-800-08 at a duty of 4.00 acre feet per acre.**
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 **Water will be diverted by existing motor pump, still well system and pipeline to place of use.**
12. Estimated cost of works **Completed**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **5 years**

71032

15. Remarks: For use in irrigation on golf course and landscaping.

By s/ Michael D Buschelman
Michael D Buschelman
Post Office Box 51371
Sparks, NV 89435

Compared sc/sam dl/gkl

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 permit to change the point of diversion and place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 142, 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. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

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.

This permit is limited to the irrigation of 6.25 acres within the described place of use and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.31 cubic feet per second, **but not to exceed 25.00 acre-feet as decreed.**

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

April 28, 2006

Proof of completion of work shall be filed on or before:

May 28, 2006

Water must be placed to beneficial use on or before:

April 28, 2010

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

May 28, 2010

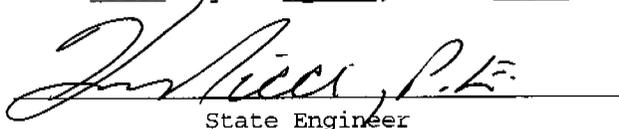
Map in support of proof of beneficial use shall be filed on or before:

May 28, 2010

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

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 28th day of April, A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____