

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 20 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 20 2004

The applicant **James N. and Nancy A. Upham** hereby make application for permission to change the **Place of Use of a portion** of water heretofore appropriated under **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**

1. The source of water is **Truckee River & Carson River**
2. The amount of water to be changed **12.32 ac ft**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **Lahontan Dam 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 **SW¼ NW¼ (.18 ac.), SE¼ NW¼ (3.34 ac.), of Section 34, T.19N., R.28E, M.D.B.&M. a total of 3.52 ac. Truckee Carson Irrigation District Serial No.'s 599 & 599-A**
8. Existing place of use **NW¼ NE¼ (2.02 ac.), of Section 25, T.18N., R.28E., M.D.B.&M. and NE¼ NW¼ (1.50 ac.), of Section 9, T.18N., R.29E., M.D.B.&M. A total of 3.52 ac. Truckee Carson Irrigation District Serial No.'s 162-3-A & 196-B**
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
178 S. Maine Street
Fallon, Nevada 89406

Compared cmf/sam lt/ **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 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.

(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 12.32 acre-feet as decreed.

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

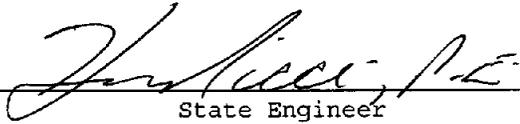
Proof of completion of work shall be filed on or before:
N/A

Water must be placed to beneficial use on or before:
October 7, 2008

Proof of the application of water to beneficial use shall be filed on or before:
November 7, 2008

Map in support of proof of beneficial use shall be filed on or before:
November 7, 2008

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,
State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 7th day of October A.D. 2005


State Engineer

Completion of work filed June 25, 1998 under 62742

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____