

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 10 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed JUL 23 2002

The applicant **CAPURRO-DURKEE ENTERPRISES, INC., C/O MARIAN DURKEE** hereby makeS application for permission to change the **POINT OF DIVERSION OF A PORTION** of water heretofore appropriated under **ClaimS #192 AND 192A** of **The Truckee River Decree**, said decree entered in 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, et al., defendants,"** in Equity Docket No. A-3.

1. The source of water is **TRUCKEE RIVER**
2. The amount of water to be changed **0.05 CFS NOT TO EXCEED 6.16 ACRE FEET ANNUALLY**
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 **SW¼ SE¼ OF SECTION 9, T.19N., R.18E., M.D.B.&M. OR AT A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 9 BEAS S.75°16'E. A DISTANCE OF 1650.00 FEET (HIGHLAND DITCH)**
6. The existing permitted point of diversion is located within **NW¼ SE¼ OF SECTION 13, T.19N., R.18E., M.D.B.&M., OR AT A POINT FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 13 BEARS N. 43°33'W. A DISTANCE OF 3750.00 FEET (SPARKS-CAPURRO DITCH)**
7. Proposed place of use **NO CHANGE – SEE ITEM #8**
8. Existing place of use **SECTION 13, T.19N., R.18E., M.D.B.7M. SE¼ SE¼ - 1.54 ACRES SEE MAP TR-114 APN 38-160-08**
9. Use will be from **AS DECREED**
10. Use was permitted from **AS DECREED**
11. Description of proposed works **WATER WILL BE DIVERED FROM THE HIGHLAND DITCH INTO EXISTING DISTRIBUTION LATERALS WITHIN THE PLACE OF USE.**
12. Estimated cost of works **EXISTING**
13. Estimated time required to construct works **EXISTING**
14. Estimated time required to complete the application of water to beneficial use **TEN YEARS.**

71552

15. Remarks:

By **ROBERT E. FIRTH**
s/Robert E. Firth
360 E. RIVERVIEW CIRCLE
RENO, NV 89509

Compared sg/sc lb/gki

Protested 10/18/04 by: TMWA W/D 7/17/06

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 of a portion of the waters of the Truckee River as heretofore granted under Claim 192/192A 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.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.054 cubic feet per second, **but not to exceed 6.17 acre-feet as decreed.**

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

October 20, 2007

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

November 20, 2007

Water must be placed to beneficial use on or before:

October 20, 2011

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

November 20, 2011

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

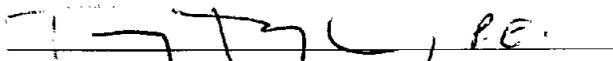
N/A

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 20th day of October, A.D. 2006


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____