TEMPORARY

No. 72638T

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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 20 2005

Returned to applicant for correction

Corrected application filed

Map filed APR 20 2005

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The applicant **JAMES AND KAREN L. SUSTACHA**, hereby makes application for permission to change the **PORTION OF THE EXISTING PLACE OF USE** of water heretofore appropriated under **TRUCKEE CARSON IRRIGATION DISTRICT SERIAL NO. 517-1-A 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 AND CARSON RIVER**

2. The amount of water to be changed **1.00 ACRES @ 3.5 A/F = 3.5 A/F**

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, TOWNSHIP 19 NORTH, RANGE 26 EAST, M.D.B.&M.**

6. The existing permitted point of diversion is located within **NO CHANGE**

7. Proposed place of use **SW SE SECTION 20, T19N., R28E., M.D.B.&M. 1.00 AC.**

8. Existing place of use **SE SE SECTION 20, T19N., R28E., M.D.B.&M. 1.00 AC.**

9. Use will be from **15-MAR-05** to **15-NOV-05** of each year.

10. Use was permitted from **AS DECREED** to **AS DECREED** of each year.

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 **NA**

15. Remarks: **Same transfer as permit 70278-T (2003) Same transfer as permit 70913-T (2004)**

By **Jim Sustacha**
s/ **Jim Sustacha Permitee**
720 Thompson Ln
Fallon, NV 89406

Compared aem/sam lt/gkl
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 temporary 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 temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **November 15, 2005** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **3.5 cubic feet as decreed.**

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

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

Water must be placed to beneficial use on or before:

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

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

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **5th** day of **August** A.D. **2005**

State Engineer