

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 31 2006

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 31 2006

The applicant **Dennis P. and Victoria M. Zubieta** 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; in the Federal District Court of Nevada**

- 1. The source of water is **Truckee River**
- 2. The amount of water to be changed **7.20 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 **Derby Dam within the N½ SW¼ Section 19, T.20N., R.23E., M.D.B.&M.**
- 6. The existing permitted point of diversion is located within **no change**
- 7. Proposed place of use **NW¼ NW¼ of Section 20, T20N., R.25E., M.D.B.&M. A total o f1.60 ac. TCID Serial No. 1065-6**
- 8. Existing place of use **SW¼ NW¼ of Section 20, T.20N., R.25E., M.D.B.&M. A total of 1.60 ac. TCID Serial No. 1059-6**
- 9. Use will be from **as decreed**
- 10. Use was permitted from **as decreed**
- 11. Description of proposed works **dams, canals and 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 sc/ ag lb/ gkl

Protested _____

74344

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 River as set forth under Claim Number 3 in the 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.

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 7.2 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

NA

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

December 21, 2009

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

December 21, 2009

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **21st** day of **December,** A.D. **2006**

Tracy Taylor, P.E.
State Engineer

Completion of work filed February 21, 1996 under 60692

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____