TEMPORARY

NO. 72401T

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 MAR 23 2004

Returned to applicant for correction

Corrected application filed

Map filed JAN 06 1978 under 34840

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The applicant **Granite Construction Incorporated (Attn: Mr. Tom Walborn)** hereby make application for permission to change the **point of diversion, place and manner of use of a portion** of water heretofore appropriated under **Claim Nos. 111, 113 and 114 of the Truckee River Decree, said Decree entered by the District Court of the United States in and for the District of Nevada in that certain action entitled "the United States of America, Plaintiff, vs. Orr Water Ditch Company, Defendants" in Equity Docket No. A-3**

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1. The source of water is **Truckee River**

2. The amount of water to be changed **68.193 ac.ft./prorata share of the diversion rate**

3. The water to be used for **Construction Purposes**

4. The water heretofore permitted for **As Decreed Purposes**

5. The water is to be diverted at the following point **w/in NE¼ SW¼ Section 17 T19N, R19E, MDM, or at a point from which the SW corner of said Section 17 bears S 44 degrees 40 minutes W, a distance of 3,211 feet – known as the Orr Ditch.**
Refer to map filed under Permit No. 34840 for proposed point of diversion.

6. The existing permitted point of diversion is located within **SW¼ SE¼ of Section 9 T19N, R18E, MDM or at a point from which the SE corner of said Section 9 bears S 75 degrees 16 minutes E, a distance of 1,650.0 feet-known as the Highland Ditch**
Refer to map filed under Permit No. 69626 for existing point of diversion.

7. Proposed place of use **Portions SE¼ Section 9 T19N, R19E, MDM (Re-Track Project) and portions E½ Section 36 T20N, R19E, MDM; portions W½ Section 31 T20N, R20E, MDM (Clear Acre Project); N½ and SE¼ Section 9 T20N, R20E, MDM (APN 83-011-15 & 83-011-12)(Hidden Canyon Project) Paper Plats herein.**

8. Existing place of use **Claim 111 – 2.793 acres w/in APN 05-190-23 & 0.008 acres w/in NDOT R/W; Claim 113 – 9.50 acres w/in APN 05-190-21; Claim 114 – 0.6472 acres w/in APN 39-161-29 & 4.32 acres w/in APN 05-190-21; and 0.9167 acres w/in NDOT R/W; refer to map filed under Permit 69777**
Totaling 68.193af/ 18.185 acres assigned to Permittee w/in NW¼ Sect.16 T19N, R19E, MDM

9. Use will be from **January 1** to **December 31** 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 at existing Orr Ditch diversion, and transported via Orr Ditch to pump stations for use in the construction projects.**

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 **temporary application**

15. Remarks: **See maps filed under 70941-T and 71564-T**

By s/ **Michael D. Buschelman**
Michael D. Buschelman
Post Office Box 51371
Sparks, Nevada 89435

Compared mt/ gkl 1+/ 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 point of diversion, manner of use and place of use of a portion of the waters of the Truckee River as heretofore granted under Claims 111, 113 and 114, 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 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 **May 18, 2006** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The issuance of this permit expires 70941-T.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.226 cubic feet per second but not to exceed 68.193 acre-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:

TEMPORARY

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

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 **19th** day of **May** A.D. **2005**

Hugh Ricci, P.E.
State Engineer