

TEMPORARY

NO. 73105T

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 JUL 25 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 29 1978 under 35752

The applicant **Somerset Development Company, Ltd.** hereby makes application for permission to change the **Point of Diversion and Place of Use** of a portion of water heretofore appropriated under **Claim 130 of the Truckee River Decree**, said Decree entered by 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, Defendants**" in Equity Docket A-3

1. The source of water is **Truckee River**
2. The amount of water to be changed **Cl. 130 -3.9 af; /pro-rata share of the diversion rate.**
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 **within the SW¼ of the SW¼ of Sec.14, T19N, R18E, MDM** from which the SW corner of said Section 14 bears South 58° 30' West a distance of 1400 feet. Map filed with Permit No. 35752 - aka Mogul Pump Station
6. The existing permitted point of diversion is located within **See attached Exhibit A**
7. Proposed place of w/in **SE¼ SE¼ Sec. 35 T20N, R18E, MDM** and portions of the following Sections: **S½ Sec.1, Sec.2, Sec.3. Sec.10, Sec.11, Sec 12 & N½ NE¼ Sec. 13 T19N, R18E, MDM** See map associated with Application to Change No. 70613.
8. Existing place of use **Refer to Exhibit B**
9. Use will be from **As Decreed** to **As Decreed** 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 by existing motor pump, still well system and pipeline to place of use.**
12. Estimated cost of works **Completed**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **5 years**

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15. Remarks: For use in irrigation on golf course and landscaping. This is a temporary application to change to provide needed Truckee River water for the Somersett golf course and landscaping. Refer to pending Permanent Application to Change No. 72785.

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

Compared mt/gkllt/gkl

Protsted _____

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 and place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 130, 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 limited to the irrigation of 0.65 acres within the described place of use and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources. The period of use is as decreed.

The issuance of this temporary permit fully abrogates 3.90 acre-feet per season associated with the 1.039 acres under Truckee River Claim 130 as described in the existing place of use.

The issuance of this temporary permit is for the consumptive use portion only, being 2.5 acre-feet per acre of the base right. The remaining portion of the base right will remain in the river for use by other decreed right holders.

A monthly report shall be submitted to the Federal Water Master within 10 days from the end of each month which shall include the amount of water diverted and the amount of water used.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on September 15, 2006 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 0.017 cubic feet per second, but not to exceed 2.60 acre-feet 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:

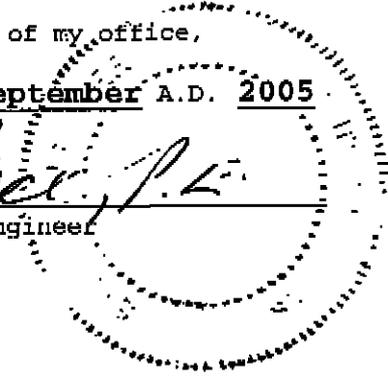
Map in support of proof of beneficial use shall be filed on or before:

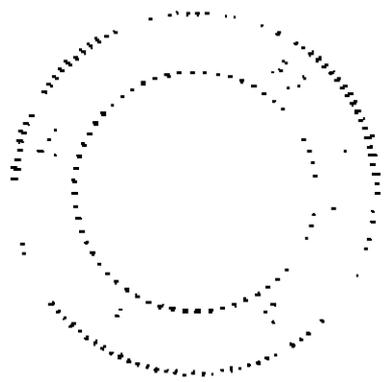
TEMPORARY

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,
State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 16th day of September A.D. 2005

Hugh Ricci, P.E.

State Engineer





A
Exhibit "E"

REL

Highland Ditch - Claim 130

The SW 1/4 of the SE 1/4 of Section 9, T19N, R18E, MDB&M, or at a point from which the Northwest corner of Section 15, T19N, R18E, MDB&M bears South 75° 16' East a distance of 1,650 feet. Highland Ditch Per Orr Ditch Decree.

Scott Ranch Ditch - Claim 505

~~The SW 1/4 of the NW 1/4 of Section 12, T19N, R19E, MDB&M, or at a point from which the Northwest corner of Section 14, T19N, R19E, MDB&M bears South 64° 28' West a distance of 5,055 feet. Scott Ranch Ditch Per Orr Ditch Decree.~~

REL
FAX

B
Exhibit "E"

REL

Claim 130 - 2.31 ac. in the SW 1/4 NE 1/4 in Section 3, T19N, R19E, MDB&M under Assessor's Parcel Numbers: 002-040-63 (1.01ac) and 002-040-65 (1.30ac). THIS APPLICATION STRIPS ONLY 3.90 AF FROM THE EXISTING PLACE OF USE.

~~Claim 505 - 0.22 ac. in the NE 1/4 NE 1/4 in Section 13, T19N, R19E, MDB&M under TR-122 Parcel Number 013-141-01.~~

REL
FAX

30
6/16

