

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office. OCT 16 1984

Returned to applicant for correction

Corrected application filed

Map filed. APR 23 1971 under 24461

The applicant. Office of the Presiding Bishop, Church of Jesus

Christ of Latter Day Saints, of Caliente, Nev. 89008

Street and No. or P.O. Box No.

City or Town

State and Zip Code No.

hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is. Underground

Name of stream, lake, spring, underground or other source

2. The amount of water applied for is. for Irrigation - 0.21 second-feet

One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for. Irrigation

Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated: 11.73

(b) Stockwater, state number and kinds of animals to be watered:

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: 4,073.40', N 73°11' E

Tie to N.E. Corner Section 8, in NE 1/4, NW 1/4 Section 8, Describe as being within a 40-acre subdivision of public

T 4 S., R 67 E. MDB&M

survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

6. Place of use. SE 1/4 NE 1/4 Sec 7, SW 1/4 NW 1/4 Sec 8, T 4 S., R 67 E. MDB&M

Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about. March 1 and end about. Nov 1, of each year.

Month and Day

Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) From 4" pipeline from the well,

State manner in which water is to be diverted, i.e. diversion structure, ditches and

then with sprinkler system.

flumes, drilled well with pump and motor, etc.

9. Estimated cost of works. \$4,000

10. Estimated time required to construct works One year - well is now in use, irrigating  
If well completed, describe works.  
5.27 Ac under Cert. 7822

11. Estimated time required to complete the application of water to beneficial use One year

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

We wish to use the same map used in support of Permit No. 24461  
for the 11.73 acres as shown.

By s/ Bishop Kevin J. Phillips  
Caliente LDS Ward  
P.O. Box 2  
Caliente, Nev. 89008

Compared jm/bm pm/se

Protested \_\_\_\_\_

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 is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

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 (CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and

not to exceed 0.21 cubic feet per second, but not to exceed a yearly duty of 5.0 seasonal acre-feet per acre of land irrigated from any and/or all sources and not to exceed 58.65 acre-feet seasonally.

Work must be prosecuted with reasonable diligence and be completed on or before December 13, 1988

Proof of completion of work shall be filed before January 13, 1989

Application of water to beneficial use shall be made on or before December 13, 1989

Proof of the application of water to beneficial use shall be filed on or before January 13, 1990

Map in support of proof of beneficial use shall be filed on or before January 13, 1990

Completion of work filed \_\_\_\_\_ IN TESTIMONY WHEREOF, I PETER G. MORROS,  
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed \_\_\_\_\_ my office, this 13th day of July,

Cultural map filed \_\_\_\_\_  
Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_  
A.D. 19 88  
Peter G. Morros  
State Engineer

~~CANCELLED~~ 218 (Rev.) **FEB 6 1992** BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

[Signature] STATE ENGINEER

(PERMIT TERMS CONTINUED)

holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 24461 Certificate 7822 and 48493 shall not exceed 85 acre-feet annually.

The period of use of this permit is limited from March 1st to November 1st of each year.

ATTACHMENT "A" TO  
 APPLICATION FOR PERMIT TO APPROPRIATE THE  
 PUBLIC WATERS OF THE STATE OF NEVADA

2A. The first component of the amount of water applied for is set forth, by month, as follows:

<u>Month</u>	<u>Flow (CFS)</u>	<u>Volume (AF)</u>
January	150	9,226
February	150	8,333
March		
Week 1	200	2,778
Week 2	400	5,555
Week 3	500	6,944
Week 4 - end of mo.	600	11,904
April		
Week 1	700	9,722
Week 2	800	11,111
Week 3	1,000	13,888
Week 4 - end of mo.	1,500	26,784
May		
Week 1	2,000	27,776
Week 2	2,500	34,720
Week 3	3,000	41,664
Week 4 - end of mo.	3,000	59,520
June		
Week 1	3,000	41,664
Week 2	3,000	41,664
Week 3	2,200	30,554
Week 4 - end of mo.	2,200	39,284
July	150	9,226

<u>Month</u>	<u>Flow (CFS)</u>	<u>Volume (AF)</u>
August	150	9,226
September	150	8,928
October	150	9,226
November	150	8,928
December	150	9,226
		<hr/>
		477,851

These flows are required for the recreational purpose of natural spawning of Lahontan cutthroat trout and cui-ui in the Truckee River below Derby Dam, to fulfill the purposes of the establishment of the Pyramid Lake Indian Reservation, to provide sustenance for the members of the Pyramid Lake Indian Tribe and income to the Tribe, to prevent the loss of and to conserve the endangered cui-ui and the threatened Lahontan cutthroat trout, for operation of Marble Bluff Dam and Pyramid Lake Fishway in support of that fishery and to maintain Pyramid Lake at a stable level to support the lake's use for recreation.

2B. The second component of the amount of water applied for is for the maintenance of the level of Pyramid Lake. For this purpose, an average annual inflow of the Truckee River to the lake of approximately 400,000 acre-feet is required. Based upon the historic flows of the Truckee River and the existing diversions from and depletions of those flows, the Applicant's intent is to appropriate all of the water in the Truckee River and its tributaries that is not subject to valid existing rights.

01531

ATTACHMENT "B" TO

APPLICATION FOR PERMIT TO APPROPRIATE THE  
PUBLIC WATERS OF THE STATE OF NEVADA

6. Place of use: Portion of Truckee River downstream of Derby Dam as it flows within the following sections:  
Township 20 North, Range 23 East, M.D.B.&M.: Section 19; North 1/2, Section 20; Section 21; Section 22; North 1/2, Section 23; Southeast 1/4, Section 14; and South 1/2, Section 13.

Township 20 North, Range 24 East, M.D.B.&M.: Section 18; Northwest 1/4, Section 17; South 1/2, Section 8; Section 9; Southeast 1/4, Section 4; and West 1/2, Section 3.

Township 21 North, Range 24 East, M.D.B.&M.: Southwest 1/4, Section 34; East 1/2, Section 33; Southeast 1/4, Section 28; Section 27; East 1/2, Section 22; Section 15; Section 16; South 1/2, Section 9; East 1/2, Section 8; and Section 5.

Township 22 North, Range 24 East, M.D.B.&M.: West 1/2, Section 32; East 1/2, Section 31; Southwest 1/4, Section 29; Section 30; West 1/2, Section 19; West 1/2, Section 18; Southwest 1/4, Section 7; and Southwest 1/4, Section 6.

Township 22 North, Range 23 East, M.D.B.&M.: East 1/2, Section 13; East 1/2, Section 12; and Section 1.

Township 23 North, Range 23 East, M.D.B.&M.: Section 36; Southwest 1/4, Section 25; Section 26; Southwest 1/4, Section 23; Section 22; Northeast 1/4, Section 21; Section 15; Section 16; and unsurveyed portions of Section 17.

All of Pyramid Lake within the unsurveyed portions of Township 23 North, Range 23 East; Township 23 North, Range 22 East; Township 24 North, Range 21 East; Township 24 North, Range 22 East; Township 24 North, Range 23 East; Township 25 North, Range 20 East; Township 25 North, Range 21 East; Township 25 North, Range 22 East; Township 26 North, Range 20 East; Township 26 North, Range 21 East; Township 26 North, Range 22 East; Township 27 North, Range 21 East; and Township 27 North, Range 22 East, M.D.B.&M.

03811

ATTACHMENT "C" TO

APPLICATION FOR PERMIT TO APPROPRIATE THE  
PUBLIC WATERS OF THE STATE OF NEVADA

8. Flows utilized in the Truckee River and flows into Pyramid Lake will be conducted in the Truckee River natural stream channel and, therefore, no other works are proposed. Flows utilized in connection with the Pyramid Lake Fishway will utilize Marble Bluff Dam and Pyramid Lake Fishway as conduits for conducting the water. These structures have been constructed and are currently operating.

01551

ATTACHMENT "D" TO

APPLICATION FOR PERMIT TO APPROPRIATE THE  
PUBLIC WATERS OF THE STATE OF NEVADA

12. The water sought to be appropriated pursuant to this application has been used historically and will continue to be used for recreational purposes including being used to help maintain Pyramid Lake at a stable level to support use for recreation, to fulfill the purposes of the establishment of the Pyramid Lake Indian Reservation, to provide sustenance for the members of the Pyramid Lake Indian Tribe and income to the Tribe, to prevent the loss of and to conserve the endangered cui-ui and the threatened Lahontan cutthroat trout, to improve and maintain water quality and quantity in Pyramid Lake and the Truckee River downstream of Derby Dam, to provide flows for the operation of Marble Bluff Dam and Pyramid Lake Fishway and to provide suitable flows at proper temperatures for the natural spawning of Lahontan cutthroat trout and cui-ui in the Truckee River downstream of Derby Dam.

The Tribe claims that it is entitled to the water that is the subject of this application as a matter of federal law. That claim is currently being litigated in United States v. Truckee-Carson Irrigation District, et al., Civil No. R-2987-RCB, U.S. District Court for the District of Nevada. This application is therefore filed for protective purposes. By the filing of this application, the Pyramid Lake Paiute Tribe does not waive or relinquish its claim of right to any of the waters encompassed in this application.

01561