

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. SEP 15 1989

Returned to applicant for correction.....

Corrected application filed..... Map filed. SEP 18 1989

The applicant. Michael and Claudia Casey assigned to The Nature Conservancy
1525 Bafford Lane of Fallon
Street and No. or P.O. Box No. City or Town

Nevada 89406 hereby make... application for permission to change the
State and Zip Code No.

Place of use of a portion and the manner of use
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under. Truckee Carson Irrigation District Serial No. 24-3-3
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

United States of America v. Orr Ditch Co. in Equity N. A-3, Claim No. 3; United
identify right in Decree.)

States of America v. Alpine Land Reservoir Co., No. D-183 BRT, both by the Federal

District Court of Nevada

1. The source of water is. Truckee River and Carson River
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed. 162.06 acre feet
Second feet, acre feet. One second foot equals 448.3 gallons per minute.

3. The water to be used for. Maintenance of Wetlands for Recreation and Wildlife/Storage
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for. as decreed
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point. Derby Dam being within the N 1/4 SW 1/4, Sec. 19
Describe as being within a 40-acre subdivision of public survey and by course and

T20N, R23E, M.D.B.&M., and Lahontan Dam being within the SW 1/4 SE 1/4 Section 33, T19N,
distance to a section corner. If on unsurveyed land, it should be stated.

R26E, M.D.B.&M.

6. The existing permitted point of diversion is located within. no change
If point of diversion is not changed, do not answer

7. Proposed place of use. See Addendum
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use. 54.20 acres within Parcel No. 3, Large Subdivision Map No. 237453,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

Churchill County in the SW 1/4 SW 1/4, SE 1/4 SW 1/4 Section 34, T18N, R29E, M.D.B.&M. and
manner of use of irrigation permit, describe acreage to be removed from irrigation.

NW 1/4 NW 1/4, NE 1/4 NW 1/4, Section 3, T17N, R29E, M.D.B.&M.

9. Use will be from. as decreed to. of each year.
Month and Day Month and Day

10. Use was permitted from. as decreed to. of each year.
Month and Day Month and Day

11. 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.) No new diversion or storage works on the
State manner in which water is to be diverted, i.e., diversion structure, ditches,

Truckee River and the Carson River will be constructed
pipes and flumes, or drilled well, etc.

12. Estimated cost of works.....

13. Estimated time required to construct works.....

14. Estimated time required to complete the application of water to beneficial use.....1 year.....

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

See Addendum and Exhibits

By s/Robert F. Wigington
The Nature Conservancy, Applicant's Agent
1244 Pine Street, Boulder, CO 80302

Compared..... pm/se..... bp/vw.....

Protested 11/30/89 by TCID

APPROVAL OF STATE ENGINEER

This is to certify 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 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 permit is expressly contingent on the payment of the operation and maintenance charges that are properly assessed and come due the same as if the water rights were still appurtenant to the agricultural land from which it is transferred.

This permit is issued pursuant to NRS 533.370, subsection 1(b).

This permit is issued for the net consumptive use pursuant to Article VII in the United States of America vs. Alpine Land and Reservoir Company et al., D. C. No. D-183 BRT. The net consumptive use is determined to be 2.99 acre feet per acre of land removed from irrigation.

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..... 1.09.....cubic feet per second, and not to exceed 162.06 acre feet per season.

Work must be prosecuted with reasonable diligence and be completed on or before..... April 18, 1992.....

Proof of completion of work shall be filed before..... May 19, 1992.....

Application of water to beneficial use shall be made on or before..... April 18, 1995.....

Proof of the application of water to beneficial use shall be filed on or before..... May 18, 1995.....

Map in support of proof of beneficial use shall be filed on or before..... May 18, 1995.....

Completion of work filed..... JAN 30 1992.....

Proof of beneficial use filed..... MAR 12 1998.....

Cultural map filed..... SEP 18 1989.....

Certificate No. 14884 Issued..... APR 13 1998.....

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this 18th day of April,
A.D. 1990
[Signature]
State Engineer

ADDENDUM TO APPLICATION TO TRANSFER
NEWLANDS PROJECT WATER RIGHT
TCID SERIAL NO. 24-3-3

1. The proposed place of use consists of 56,720 acres more or less in:

All of sections 2 through 11; 14 through 22; 27 through 34, T21N, R32E;

All of sections 1 through 3; 10 through 15; 22 through 27; 34 through 36, T21N, R31E;

All of sections 3 through 10; 16 through 21; 29; 30, T20N, R32E;

All of section 1; section 2, W1/2, E1/2SE1/4, W1/2NE1/4, NE1/4NE1/4; all of sections 11 through 14; section 22, E1/2; all of sections 23 through 26; section 27, E1/2, SW1/4, E1/2NW1/4, SW1/4NW1/4; section 28, E1/2SE1/4; section 33, E1/2, E1/2SW1/4, SE1/4NW1/4; all of sections 34 through 36, T20N, R31E;

All of sections 2 and 3; section 4, E1/2, E1/2NW1/4, E1/2SW1/4, SW1/4SW1/4; all of sections 9 through 11; 14 through 16; section 17, E1/2, SW1/4, NE1/4NW1/4; all of sections 20 through 22, T19N, R31E; M.D.B & M.

2. Applicants seek the approval of the State Engineer to cease the delivery of up to 162.06 acre feet (2.99 acre feet per acre x 54.20 acres irrigated as of 1987 out of 64.88 water righted acres) at the turnout for the existing place of use, to deliver up to that amount to a turnout on the "S" Line of the Newlands Project, and alternatively to use that amount for the maintenance of wetlands for recreation and wildlife at various places within the 56,720 acre (more or less) proposed place of use at the Stillwater National Wildlife Refuge and Management Area (SNWRMA) or to store it in various ponds and reservoirs in that area for such use at a later time.

3. Applicants request that any approval of this transfer be conditioned on the re-opening of the approval and the full reinstatement and consideration of any protest properly lodged by the Pyramid Lake Tribe to the application, in the event that the U.S. Fish and Wildlife Service, or any other federal agency, pursues or accepts a transfer to the proposed place of use or to any other federally owned wetlands in the Lahontan Valley or the Fernely Sink, of Newlands Project water rights which:

a. Are not included in the baseline acreage (water righted and irrigated in 1987, 60,300 acres less any pasture land that is limited by contract to receive 1.5 acre feet per acre)

recognized under the Final Operating Criteria and Procedures for the Newlands Project adopted on April 14, 1988, or

b. Were previously involved in any transfer proceedings approved by the Nevada State Engineer since March 14, 1985.

4. Applicants expressly reserve the right to transfer in a later proceeding .51 acre feet for each of the 54.20 acres irrigated as of 1987, and 3.5 acre feet for each of the remaining 10.68 water righted acres at the existing place of use.

EXHIBITS TO APPLICATION TO TRANSFER
NEWLANDS PROJECT WATER RIGHT
TCID SERIAL NO. 24-3-3

- A. Water Right Surveyor's Maps
 - 1. Existing Place of Use.
 - 2. Proposed Place of Use.
- B. U.S. Bureau of Reclamation Map of Existing Place of Use.
- C. Certification by Truckee Carson Irrigation District of Water Right Ownership
- D. Water Right Owners' Designation of Agent and Consent to U.S. Bureau of Reclamation Water Right Map
- E. Concurrence of U.S. Fish and Wildlife Service.
- F. Concurrence of Nevada Department of Wildlife.