

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 9 1990

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAY 16 1990

The applicant AQUEDUCT I LTD.

P.O. Box 2790 of Reno
Street and No. or P.O. Box No. City or Town

Nevada, 89505 hereby make S application for permission to change the
State and Zip Code No.

Point of Diversion, Place of Use and Manner of Use
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Claims #520, 521, 522 of the Final Decree, Titled
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

The United States of America Plaintiff vs. Alpine Land & Reservoir Company,
identify right in Decree.

a corporation Etal, Defendants Civil No. D-183BRT.

1. The source of water is West fork of the Carson River
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed As decreed (411.75 ACRE FEET)
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for 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 Please refer to EXHIBIT "A"
Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing permitted point of diversion is located within Chambers ditch as shown on the Carson
If point of diversion is not changed, do not answer.
River Decree & Maps within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, T.11N., R.20E. M.D.B.&M.

7. Proposed place of use Mud lake located within portions of W $\frac{1}{2}$ Section 3; E $\frac{1}{2}$ Section 4;
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
NE $\frac{1}{4}$ Section 9; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 T.11N., R.20E. Please refer to the Carson
River Decree Maps.

8. Existing place of use See EXHIBIT "B" and please refer to the Carson River Decree Map
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from As Decreed to As Decreed 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 Headgate located in the Carson River known as specifications of your diversion or storage works.) Millich ditch and the alternate diversion
Snowshoe Thompson #2, Indian Creek, inlet to State manner in which water is to be diverted, i.e. diversion structure, Mud Lake, gauging station and Reservoir facility; as provided under claim 463.
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works Completed under Carson River Decree

13. Estimated time required to construct works Completed under Carson River Decree

14. Estimated time required to complete the application of water to beneficial use..... 5 year

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

Applicant intends to place the full duty of the decreed water into storage at Mud Lake in the amount of 4632.3 Acre feet. Both the Millich and Snowshoe Thompson ditches will be used to divert the necessary flows throughout the year to satisfy the decreed duty.

/s/Jack D. Ferris
By THIEL, WINCHELL & ASSOCIATES
34 Lakes Blvd., Suite 101
Dayton, NV. 89403

Compared..... bp/ap jr/bk

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 to change the point of diversion, manner and place of use of Claim Nos. 520, 521 and 522 of the Carson River as heretofore granted under the Final Carson River Decree No. D-183, in the District Court of the United States in and for the District of Nevada, is issued subject to the terms, conditions and irrigation period imposed in said Final decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

The total combined duty of water under Permits 54729, 54730, 54731, 54732, 54733, 54734, 54735, 54736, 54737, 54738 and the Permittee's portions of Claim No's. 463, 814 and 814A shall not exceed 1894.75 acre feet annually.

On April 1st of each year, the permittee shall report to the State Engineer and the Federal Water Master, the quantity of water stored in the Mud Lake Reservoir, under his portions of Claim No's. 463, 814 and 814A, during the just concluded non-irrigation season. This quantity of water, up to a maximum of 1057.33 acre feet, shall be subtracted from 1894.75 acre feet, the total quantity of water approved under Permits 54729, 54730, 54731, 54732, 54733, 54734, 54735, 54736, 54737 and 54738. The remainder is the quantity of water allowed to be diverted under Permits 54729, 54730, 54731, 54732, 54733, 54734, 54735, 54736, 54737 and 54738 this season, measured near the point of diversion from the West Fork of the Carson River. 40% of this quantity may be diverted in April, 40% in May, and the remaining 20% will be diverted as regulated, in June.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 228.75 acre-feet per season, ~~xxxxxx for xxxxxx~~ as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before..... September 12, 1996

Proof of completion of work shall be filed before..... October 12, 1996

Application of water to beneficial use shall be made on or before..... N/A

Proof of the application of water to beneficial use shall be filed on or before..... N/A

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... OCT 22 1996

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

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..... 12th day of..... September

A.D. 19 95

[Signature]
State Engineer

Abrogated By 66638 915 AC wdn 5/3/04

(PERMIT TERMS CONTINUED)

The permittee shall install flow measuring devices at points in the Millich and Snowshoe Thompson Ditch No. 2, near the points of diversion from the West Fork of the Carson River and at a point where the water enters Mud Lake Reservoir. Measuring devices at other points in the conveyance system may be required, if necessary for a full accounting of the water. The specific locations shall be pre-approved by the State Engineer and the Federal Water Master.

An inspection to determine the adequacy and the structural stability of the conveyance system to Mud Lake Reservoir shall be performed by a qualified person, at least once during the months of April, May, and June. A report of the inspections shall be sent to the State Engineer and Federal Water Master by July 31st of each year. Any damage or interruption of flow to any water user shall be reported immediately.

Permits 54729, 54730, 54731, 54732, 54733, 54734, 54735, 54736, 54737 and 54738 are considered reservoir permits pursuant to NRS 533.440. Proof of beneficial use is not required under these primary permits. A secondary application must be filed by any party wishing to place the water, stored under Permits 54729, 54730, 54731, 54732, 54733, 54734, 54735, 54736, 54737 and 54738 and the Permittee's portions of Claim No's. 463, 814 and 814A, to a beneficial use. Further assessments for transportation loss will be made by the State Engineer before approval of any secondary permits.

The permittee shall divert water under Permits 54729, 54730, 54731, 54732, 54733, 54734, 54735, 54736, 54737 and 54738 and its portions of Claim No's. 463, 814 and 814A, only in an amount equal to secondary permits issued by the State Engineer.

The approval of Permits 54729, 54730, 54731, 54732, 54733, 54734, 54735, 54736, 54737 and 54738 becomes null and void if an attempt by any party is made to drill wells and irrigate, from a groundwater source, the lands being stripped of water.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is issued subject to State Engineer's Ruling No. 4207, dated July 25, 1995.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.



EXHIBIT A

Millich ditch - NW1/4 SE1/4, Section 34, T.11 N., R.19 E., M.D.B.&M. or at a point from which the SE corner of Section 35 T.11 N., R.19 E., M.D.B.&M. bears S. 76° 45' 39" E. A distance of 7039 feet.

or from Alternate diversion:

Snowshoe Thompson #2 - NE1/4 NW1/4, Section 35, T.11 N., R.19 E., M.D.B.&M. or at a point from which the SE corner of said Section 35, bears S. 42° 47' 16" E. A distance of 5586.77 feet.

EXHIBIT "B"

<u>CLAIM #</u>	<u>DITCH</u>	<u>ACRES</u>	<u>QTR/QTR</u>	<u>SECTION</u>	<u>TWP.</u>	<u>R. M.D.B.&M.</u>
	CHAMBERS	20.0	NESE	18	11N	20E
		17.0	NESE	18	11N	20E
		18.0	SENE	18	11N	20E
		15.1	SENE	18	11N	20E
		1.2	SWNE	18	11N	20E
		20.2	NENE	18	11N	20E
	TOTALS					
520		20.0				
521		35.2				
522		36.3				

TOTAL TO BE REMOVED FROM IRRIGATION: 91.5 ACRES

