

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 09 1990

Returned to applicant for correction

Corrected application filed Map filed MAY 16 1990 under 54729

The applicant AQUEDUCT I LTD.

P.O. Box 2790 of Reno City or Town

Nevada 89505 State and Zip Code No. hereby makes application for permission to change the

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 # 534, 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 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 (88.65 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 Jarvis 3 as shown on the Carson River Decree & Maps located within the SW1 NW1, Section 17, T. 11N., R. 20E. M.D.B. & M. If point of diversion is not changed, do not answer.

7. Proposed place of use Mud lake located within portions of W1 Section 3; E1 Section 4; NW1 Section 9; NW1 NW1 Section 10 T. 11N. R. 20E. Please refer to the Carson River Decree Maps Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

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 specifications of your diversion or storage works) Headgate located in the Carson River known as Millich ditch and the alternate diversion Snowshoe Thompson #2, Indian Creek, inlet to Mud Lake gauging station and reservoir facility, as provided under claim 463. State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and number of units used, etc.

12. Estimated cost of works Completed under Carson River Decree

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

5 year

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

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.

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

Compared jr/bk 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 No. 534 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 49.25 acre-feet per season 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

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P. E.

Proof of beneficial use filed.....

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 12th day of September

Cultural map filed.....

A.D. 1995

Certificate No. Issued.....

[Signature] State Engineer

Abrogated By: 60641 19.7 EC udn 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. R.</u> M. D. B. & M.
	JARVIS #3	9.2	NENW	17	11N 20E
	FROM WEST	2.8	SENW	17	11N 20E
	BANK	7.7	SWNW	17	11N 20E

TOTAL TO BE REMOVED FROM IRRIGATION:

534

19.7

