

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. AUG 10 1990

Returned to applicant for correction.

Corrected application filed. Map filed. AUG 10 1990

The applicant THE NATURE CONSERVANCY

1244 PINE STREET of BOULDER

COLORADO, 80302 hereby make application for permission to change the

Place of use of a portion and the manner of use

of water heretofore appropriated under Truckee Carson Irrigation District Serial Nos. 804

and 805; United States of America v. Orr Ditch Co. in Equity N. A-3, Claim No.

3; United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT;

both in the Federal District Court of Nevada.

1. The source of water is Truckee River and Carson River

2. The amount of water to be changed 771.72 acre feet

3. The water to be used for Maintenance of Wetlands for Recreation and Wildlife/Storage

4. The water heretofore permitted for as decreed

5. The water is to be diverted at the following point. Lahontan Dam being within SW 1/4 SE 1/4, Section

33, T19N, R26E, M.D.B.&M. and Derby Dam being within N 1/2 SW 1/4 Section 19, T.20N.,

R.23E., MDBM.

6. The existing permitted point of diversion is located within No change

7. Proposed place of use See Addendum

8. Existing place of use Within the SW 1/4, Section 26, and the SE 1/4, Section 27, T19N,

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

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

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

Truckee River and the Carson River will be constructed

12. Estimated cost of works N/A

13. Estimated time required to construct works N/A

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 Wiggington
Robert Wiggington, Attorney for
The Nature Conservancy
1244 Pine Street. Boulder, CO 80302

Compared am/ se am/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 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 issued subject to the agreement executed by the Truckee Carson Irrigation District, U.S. Fish and Wildlife Service, and the Nature Conservancy, dated June 28, 1990.

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

This permit is also issued for the 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 771.72 acre feet per second, as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before February 1, 1992

Proof of completion of work shall be filed before March 1, 1992

Application of water to beneficial use shall be made on or before February 1, 1994

Proof of the application of water to beneficial use shall be filed on or before March 1, 1994

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

Completion of work filed DEC 19 1991

Proof of beneficial use filed MAR 23 1994

Cultural map filed

Certificate No. 14916 Issued APR 20 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 19th day of September

A.D. 19 91

Signature of R. Michael Turnipseed, State Engineer

**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**

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The applicant THE NATURE CONSERVANCY

1244 PINE STREET of BOULDER  
Street and No. or P.O. Box No. City or Town

COLORADO, 80302 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 Nos. 804 and  
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

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

United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT; both in  
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 771.72 acre feet  
Second feet, acre feet. One second foot equals 448.83 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 Lahontan Dam being within SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section  
Describe as being within a 40-acre subdivision of public survey and by course and  
33, T19N, R26E, M.D.B. & M.  
distance to a section corner. If on unsurveyed land, it should be stated.

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 Within the SW $\frac{1}{4}$ , Section 26, and the SE $\frac{1}{4}$ , Section 27, T19N, R30E,  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or  
M.D.B. & M.  
manner of use of irrigation permit, describe acreage to be removed from irrigation.

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

12. Estimated cost of works N/A

13. Estimated time required to construct works N/A

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 Wigington  
Robert Wigington, Attorney for  
The Nature Conservancy  
1244 Pine Street. Boulder, CO 80302

Compared am/se am/se

Protested.....

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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 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 issued subject to the agreement executed by the Truckee Carson Irrigation District, U.S. Fish and Wildlife Service, and the Nature Conservancy, dated June 28, 1990.

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

This permit is also issued for the 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 771.72 <sup>acre</sup> ~~cubic feet per second~~, as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before February 1, 1992

Proof of completion of work shall be filed before March 1, 1992

Application of water to beneficial use shall be made on or before February 1, 1994

Proof of the application of water to beneficial use shall be filed on or before March 1, 1994

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

Completion of work filed.....  
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 8th day of February,

A.D. 19 91

  
State Engineer

ADDENDUM TO APPLICATION TO TRANSFER PORTIONS OF  
NEWLANDS PROJECT WATER RIGHTS  
TCID SERIAL NOS. 804 AND 805

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. Applicant seeks the approval of the State Engineer to cease the delivery of up to 771.72 acre feet (2.99 acre feet per acre x 258.10 acres recognized in the 1987 baseline for the Operating Criteria and Procedures for the Newlands Project adopted on April 14, 1988 out of 275.54 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 or other point of delivery for the Stillwater National Wildlife Refuge and Management Area, 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 or to store it in various ponds and reservoirs in that area for such use at a later time.

3. Applicant expressly reserves the right to transfer in a later proceeding .51 acre feet for each of the 258.10 acres in the 1987 OCAP Baseline and 3.5 acre feet for each of the remaining 17.44 water righted acres at the existing place of use.

EXHIBITS TO APPLICATION TO TRANSFER  
PORTIONS OF NEWLANDS PROJECT WATER RIGHTS TCID  
SERIAL NOS. 804 AND 805

1. Confirmation of Water Right Acreage by U.S. Bureau of Reclamation.
2. Concurrence by U.S. Fish and Wildlife Service.
3. Concurrence by Nevada Department of Wildlife.



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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 Truckee River and the Carson River will be constructed

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See Addendum and Exhibits

By s/Robert Wigington  
Robert Wigington, Attorney for  
The Nature Conservancy  
1244 Pine Street. Boulder, CO 80302

Compared bc/ nsm am/se

Protested.....

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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 258.10 acre ~~cube~~ feet per second, as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before February 1, 1992

Proof of completion of work shall be filed before March 1, 1992

Application of water to beneficial use shall be made on or before February 1, 1994

Proof of the application of water to beneficial use shall be filed on or before March 1, 1994

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

Completion of work filed.....

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 1st day of February,

A.D. 19 91

[Signature]  
State Engineer

**ADDENDUM TO APPLICATION TO TRANSFER PORTIONS OF  
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TCID SERIAL NOS. 804 AND 805**

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

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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. Applicant seeks the approval of the State Engineer to cease the delivery of up to 771.72 acre feet (2.99 acre feet per acre x 258.10 acres recognized in the 1987 baseline for the Operating Criteria and Procedures for the Newlands Project adopted on April 14, 1988 out of 275.54 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 or other point of delivery for the Stillwater National Wildlife Refuge and Management Area, 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 or to store it in various ponds and reservoirs in that area for such use at a later time.

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