TEMPORARY

Serial No. 59881T

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 MAR 30 1994

Returned to applicant for correction

Corrected application filed Map filed May 16, 1990 proposed pod under 54729

The applicant AQUEDUCT I LTD.

P.O. Box 2790 (Street and No. or P.O. Box No.) 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 Claim #528, of the Final Decree, Titled the (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

United States of America Plaintiff vs. Alpine Land & Reservoir Company, a corporation Et al, Defendants Civil No. A-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 (90.25 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 Panning-Jarvis or #2 as shown on the Carson River Decree & Maps. Located within NE¼ SE¼, Section 18, T.11 N. R.20 E., 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 W½ Section 3; E½ Section 4; NE¼ Section 9; NW¼ NW¼ Section 10 T.11 N., R.20 E. Please refer to the Carson River Decree Maps for proposed place of use. (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 Maps for existing place of use. (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 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from As Decreed (Month and Day) to As Decreed (Month and Day) 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.) 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. (State manner in which water is to be diverted, i.e. diversion structure, 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:

Please refer to EXHIBIT "C"

By s/ Gregory M. Bilyeu
SIERRA RESOURCE ENGINEERING, INC.
34 Lakes Blvd., Suite 101
Dayton, NV 89403

Compared ds/ cmg

Protested

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:

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

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

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I, , State Engineer of Nevada, have hereunto set my hand and the seal of my office, this day of , A.D. 19

State Engineer

WITHDRAWN BY APPLICANT NOV 09 1995

STATE ENGINEER

(O)-1108 (Rev. 6-81)

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"

CLAIM#	DITCH	ACRES	SUBDIVISION	SECTION	TWNSHP/RNG
528	PANNING-JARVIS	12.3	NW 1/4 SW 1/4	17	T.11N. R.20E.
	OR JARVIS #2	23.8	SW 1/4 NW 1/4	17	T.11N. R.20E.
	FROM N. BANK				

TOTAL ACREAGE TO BE REMOVED FROM IRRIGATION: 36.1 ACRES

EXHIBIT "C"

This temporary application is being filed along with 9 others to transfer the consumptive use portion of the applicant's Carson River Claims to Mud Lake for storage purposes. Secondary applications will be filed in order to place the stored water to beneficial uses. The applicant intends to begin diverting the waters on April 1, 1994 (or as soon as possible thereafter). The water will be diverted at the proposed diversion point(s) as indicated in Exhibit "A".

The quantities and diversion rates of the water to be diverted will be in accordance with decreed practices and will be done on the 40% - 40% - 20% split basis as detailed in the transfer procedures outlined in Section II of the Thiel, Winchell & Associates report entitled Investigation of the Mud Lake Reservoir and Conveyance Methodology (pages 2 - 19) and submitted as an exhibit at the State Engineer's hearing on Applications 54729 through 54741, inclusive held on March 11, 1994.

The total combined duty of all 10 applications being filed by Aqueduct I, Ltd. is 1894.75 acre-feet. This represents the consumptive use portion of the claims being changed or 2.5 acre-feet per acre from 757.90 acres of water righted land.

A secondary purpose of the applications being filed by Aqueduct is to assist in the investigation and remediation of the structural integrity of the dam at Mud Lake. Testimony provided by the applicant at the March 11, 1994 hearing made reference to the fact that testing was being performed on the dam structure and that Peziometers were being installed to monitor any seepage through the dam.

By placing the additional 1894.75 acre-feet into Mud Lake on top of the decreed amount of 3172.00 acre-feet, sufficient water will be contained behind the dam to allow a thorough assessment of the dam's integrity which will then allow the applicant to proceed with whatever improvements/repairs may be necessary to the dam to insure it's integrity. Dam safety is an area of concern to the State Engineer as provided for in NRS 535.030. Allowing the additional water to be transferred into Mud Lake, will assist the State Engineer in carrying out the provisions under said statute, a matter which is clearly within the public's interest.