

TEMPORARY

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

MAR 30 1994

Date of filing in State Engineer's Office.....

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

Nevada 89505 hereby makes 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 #535, 536 of the Final Decree, Titled The
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

United States of America vs. Alpine Land & Reservoir Company, a
Identify right in Decree.

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 (429.00 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 Deluchi or Hellwinkel East #1 ditches
If point of diversion is not changed, do not answer.
as shown on the Carson River Decree & Maps.
Located within the SW 1/4 NW 1/4 Section 17, T.11 N., R.20 E. M.D.B.&M.
Area served also by Falk & Tillman Ditch from E Bank West fork in
SW cor. SE SW-18-11-20.

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

8. Existing place of use See EXHIBIT "B" and please refer to teh Carson River
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
Decree Maps for existing place of use.
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
State manner in which water is to be diverted, i.e. diversion structure.
known as Millich Ditch and the alternate
diversion Snowshoe Thompson #2, Indian Creek, inlet to Mud Lake,
ditches, pipes and flumes, or drilled well, etc. gauging station and reservoir facility.

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 _____

WITHDRAWN BY agent **NOV 09 1995**
[Signature]
STATE ENGINEER

State Engineer

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.
	DELUCHI OR	0.2	SWSW	8	11N 20E
	HELLWINKEL	25.6	SESW	8	11N 20E
	East #1	7.8	SESW	8	11N 20E
		1.0	SWSE	8	11N 20E
		2.8	NWSE	8	11N 20E
		14.5	NWSE	8	11N 20E
		12.2	NESW	8	11N 20E
		22.8	NESW	8	11N 20E
		5.7	NWSW	8	11N 20E
		18.4	SWNE	8	11N 20E
		6.2	SESW	8	11N 20E
		5.6	SWNW	8	11N 20E
		6.9	NENW	8	11N 20E
		13.8	SESW	8	11N 20E
		* 20.0	SESW	8	11N 20E
		* 1.7	NESW	8	11N 20E
		* 6.4	NENW	8	11N 20E

TOTALS

535 99.8
536 71.8

* AREA SERVED ALSO BY FALK & TILMAN DITCH FROM
E. BANK WEST FORK IN SW. COR. SE SW - 18-11-20 *Revised*

TOTAL TO BE REMOVED FROM IRRIGATION: 171.6 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.

