

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 FEB 21 2001

Returned to applicant for correction _____

Corrected application filed _____

Map filed FEB 21 2001

The applicant **United States of America, Fish and Wildlife Service**, hereby makes application for permission to change the **place of use of a portion**, of water heretofore appropriated under **Truckee Carson Irrigation District Serial Nos. 318-1 and 318-2, United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No 3; United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT**; both in the United States District Court of Nevada

1. The source of water is **Truckee and Carson Rivers**
2. The amount of water to be changed **194.65 acre-feet (65.10 acres @2.99 acre-feet per acre)**
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 the SW¼ SE¼, Section 33, T19N, R26E, M.D.B.&M.**
6. The existing permitted point of diversion is located within **No change.**
7. Proposed place of use **All Federally-owned or controlled lands within the approved boundary of Stillwater National Wildlife Refuge, as described in Exhibit "A" and supporting map filed with Serial No. 65700, and Carson Lake Area, as described in Exhibit "B" and supporting map filed with Serial No. 66229.**
8. Existing place of use **27.40 acres in the NW¼ NE¼ and 37.70 acres in the NE¼ NE¼ of Section 35, Township 18 North, Range 29 East, M.D.B.&M.; 65.10 acres total.**
9. Use will be from **As Decreed**
10. Use was permitted from **As Decreed**
11. Description of proposed works **No new diversion or storage works on the Truckee River and 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 **10 years**

15. Remarks: Applicant expressly reserve the right to transfer in a later proceeding: 0.51 acre-feet for each of the 65.10 acres from which the 2.99 acre-feet per acre are to be transferred by this application, and 3.5 acre-feet for the 3.50 water righted acres remaining at the existing place of use.

By s/Richard P. Grimes
 Richard P. Grimes, Project Leader
 Stillwater Realty Field Office
 U.S. Fish and Wildlife Service
 P.O. Box 1236
 Fallon, NV 89407-1236

Compared my/cmf 1b/cmf

Protested 4/26/01 by the City of Fallon; 5/16/01 by Churchill County;
 Protests Overruled 4-10-03 see Ruling #5224

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 a portion 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 expressly contingent on the payment of the operation and maintenance charges that are properly assessed and come due the same as if the water was still appurtenant to the agricultural land from which it is transferred, pursuant to NRS 533.370 subsection 1(b).

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.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount, which can be applied to beneficial use, but not to exceed 194.65 acre-feet as decreed.

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

N/A

Proof of completion of work shall be filed before:

N/A

Water must be placed to beneficial use on or before:

May 13, 2013

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

June 13, 2013

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

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 13th day of May, A.D. 2003


State Engineer

Completion of work filed N/A

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

EXHIBIT A

PROPOSED PLACE OF USE
APPLICATION TO CHANGE NEWLANDS PROJECT WATER RIGHT

The proposed place of use is Stillwater National Wildlife Refuge, consisting of all Federally-owned or Federally-controlled lands within:

Township 21 North, Range 32 East, Mount Diablo Meridian

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34

Township 21 North, Range 31 East, Mount Diablo Meridian

All Sections

Township 20 North, Range 32 East, Mount Diablo Meridian

Sections 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 29 and 30

Township 20 North, Range 31 East, Mount Diablo Meridian

All Sections

Township 19 North, Range 31 East, Mount Diablo Meridian

Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32 and 33

Township 19 North, Range 30 East, Mount Diablo Meridian

Section 13; all those portions of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of Stillwater Slough

Section 24; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$

EXHIBIT B

PROPOSED PLACE OF USE
APPLICATION TO CHANGE NEWLANDS PROJECT WATER RIGHT

The proposed place of use is Carson Lake, consisting of lands within:

Township 16 North, Range 29 East.

- tract 37;
- sec. 1, lots 3 to 6, inclusive, S1/2SW1/4, and SE1/4;
- sec. 2, lots 1, 2, and 5 to 10, inclusive, S1/2SE1/4;
- sec. 3, lots 3, 4, and 6 to 9, inclusive, S1/2NW1/4, SW1/4, and SE1/4;
- sec. 4, lots 1, 2, and 5 to 7, inclusive, NE1/4SW1/4, S1/2SW1/4, and SE1/4;
- sec. 5, lots 1 to 4, inclusive, S1/2SW1/4, and S1/2SE1/4;
- sec. 6, lots 1 to 3, inclusive, and lots 8, 11, 12, 14, and 17, S1/2SE1/4.

Township 17 North, Range 29 East.

- tract 37;
- tract 38;
- tract 40;
- sec. 9, lots 4, 6, 8, and 10.
- sec. 19, lots 1 to 4, inclusive

Township 18 North, Range 29 East.

- sec.35, S1/2SE1/4.

Township 16 North, Range 30 East.

- sec. 5, lots 3 to 6, inclusive, and lots 11 and 12, SW1/4;
- sec. 6, lots 1 to 21, inclusive, and SE1/4.

Township 17 North, Range 30 East.

- tract 37;
- sec. 5, lots 3 and 4, S1/2NW1/4 and SW1/4;
- sec. 6, lots 1 to 5, inclusive, and lots 9 to 12, inclusive, S1/2NE1/4, and SE1/4;
- sec. 7, lot 4, and lots 7 to 12, inclusive, NW1/4NE1/4, and E1/2NE1/4;
- sec. 8, W1/2;
- sec.17, W1/2;
- sec.18, lots 1 to 4, inclusive;
- sec.19, lot 1;
- sec.20, lots 1 to 4, inclusive, E1/2NW1/4, and E1/2SW1/4;
- sec.29, lots 1 to 4, inclusive, E1/2NW1/4, and E1/2SW1/4;
- sec.30, lot 1;
- sec.31, lots 1, 2, and 6 to 9, inclusive;
- sec.32, W1/2.