No. 70888

AMENDED
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 19 2004

Returned to applicant for correction MAR 03 2004

Corrected application filed APR 21 2004

Map filed MAY 03 2004 under 70885

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The applicant **Park Cattle Company** hereby make application for permission to change the **Point of Diversion of a portion** of water heretofore appropriated under **Claim 432 as issued in the Carson River Decree entitled "United States Of America, Plaintiff v. Alpine Land and Reservoir Company, a Corporation et al, defendants," the same in Equity Docket No. D-183 in the United States District Court for the District of Nevada.**

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1. The source of water is **East Fork of the Carson River**

2. The amount of water to be changed **12.31 acres**

3. The water to be used for **irrigation and stockwatering purposes, as decreed**

4. The water heretofore permitted for **irrigation and stockwatering purposes, as decreed**

5. The water is to be diverted at the following point **Williams Slough – from right bank in SW corner of NE¼ SW¼ of Sec. 24, T.13N., R.19E., M.D.M.**

6. The existing permitted point of diversion is located within **Klauber or Cohn or Yori - from right bank of Topping No. 1 Ditch about 230 feet below its diversion from Cottonwood Slough NE¼ SW¼ of Section 32, T.13N., R.20E., M.D.M.**

7. Proposed place of use **within NW¼ SE¼ (2.41 acres) and SW¼ SE¼ (9.9 acres) of Section 13, T.13N., R.19E., M.D.M., Douglas County, Nevada**

8. Existing place of use **within NW¼ SE¼ (2.41 acres) and SW¼ SE¼ (9.9 acres) of Section 13, T.13N., R.19E., M.D.M., Douglas County, Nevada**

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

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

11. Description of proposed works **existing in-stream diverstions and earthen ditches**

12. Estimated cost of works **complete**

13. Estimated time required to construct works **complete**

14. Estimated time required to complete the application of water to beneficial use **one (1) year**

15. Remarks: **Please see attached sheet**

R.O. ANDERSON ENGINEERING, INC.
By Robert O. Anderson, P.E.
s/Robert O. Anderson
P.O. Box 2229
Minden, Nevada 89423

Compared cmf/sam

Protested 7/9/04 by: Hone Family Trust, Settlemeyer Ranches Inc., Mack Land & Cattle Co. Galeppi Land & Livestock Co.

70888

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Addendum to:
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 APPROPRIATE

Claim 432 (12.31 acres)

15. Remarks:

The purpose of this Application is to replace the point of diversion recognized in the Alpine Decree with what Applicant believes is also an historic point of diversion. In addition, the point of diversion recognized in the Alpine Decree now has severely restricted capacity as a result of urbanization. The lands to which the water right proposed to be changed by this Application is appurtenant are not lands whose water right was transferred to the Allerman Canal when the 1/3-2/3 Alpine Decree provision is in effect. However, Applicant will continue to cooperate with the Federal Water Master in order to avoid litigation concerning the issue of whether this water right may be exercised when the 1/3-2/3 provision of the Alpine Decree is in effect. This voluntary cooperation will continue to be without prejudice to any position the Applicant or the Federal Water Master might take if that issue must eventually be litigated. However, if that issue cannot be resolved, it will have to be resolved by the court having jurisdiction over the Alpine Decree.