No. 70947

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 16 2004**

Returned to applicant for correction_____

Corrected application filed_____

Map filed **FEB 13 2001 under 67215**

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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 No. 223-1-C, 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.**

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1. The source of water is **Truckee and Carson Rivers**

2. The amount of water to be changed **85.22 acre-feet (28.50 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.**

8. Existing place of use **8.24 acres in the NW¼ NE¼, 8.87 acres in the NE¼ NE¼, 5.05 acres in the SW¼ NE¼, and 6.34 acres in the SE¼ NE¼ of Section 8, Township 18 North, Range 29 East, M.D.B. and M.; 28.50 acres total, as shown on the supporting map filed with Application No. 67215.**

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 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 reserves the right to transfer in a later proceeding: 0.51 acre-feet for each of the 28.50 acres from which the 2.99 acre-feet per acre are to be**

transferred by this application, and 3.5 acre-feet for the .73 water righted acres remaining at the existing place of use.

By: s/Richard P. Grimes
Richard P. Grimes, Project Leader
Nevada Realty Field Office
U.S. Fish and Wildlife Service
1000 Auction Road
Fallon, NV 89406

Compared sg/ cmf bcm/ gkl

Protested 5/28/2004 by: City of Fallon
Pro. Overruled 9/9/05 See Ruling # 5506

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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 a portion of the waters of the Truckee and Carson Rivers as set forth 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 were 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.

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The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **85.22 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 on or before:
N/A

Water must be placed to beneficial use on or before:
February 13, 2016

Proof of the application of water to beneficial use shall be filed on or before:
March 13, 2016

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 **February** A.D. **2006**

State Engineer

Completion of work filed June 25, 1998 under 62742

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

Township19 North, Range 30 East, Mount Diablo Meridian

Section 13; all those portions of the NE¼ NE¼, SE¼ NE¼, NE¼ SE¼, and SE¼ SE¼ lying east of Stillwater Slough

Section 24; NE¼ NE¼, NW¼ NE¼, NE¼ NW¼, SE¼ NW¼ and SW¼ NE¼