No. 70951

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 **MAR 16 2004**

Returned to applicant for correction **APR 06 2004**

Corrected application filed **MAY 25 2004**

Map filed **MAR 02 1998 under 63883**

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The applicant **United States of America, Bureau of Indian Affairs** hereby makes application for permission to change the **place of use of a portion** of water heretofore appropriated under **Permit No. 47883 and Truckee Carson Irrigation District Serial No. 783-1, 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 Federal 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 **186.73 acre-feet (62.45 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 lands within the boundary of Fallon Indian Reservation, as described in Exhibit A and as shown on the supporting map filed with Application No. 63883**

8. Existing place of use **26.80 acres in the NW¼ SW¼ and 35.65 acres in the NE¼ SW¼ of Section 19 (of which 4.55 acres is from Permit No. 47883), Township 19 North, Range 30 East, M.D.B.&M.; 62.45 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 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**

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15. Remarks: **Applicant expressly reserves the right to transfer in a later proceeding 0.51 acre-feet for each of the 62.45 acres from which the 2.99 acre-feet per acre are to be transferred by this application, and 3.5 acre-feet for the 4.05 water righted acres remaining at the existing place of use.**

By s/Richard P. Grimes
Richard P. Grimes, Project Leader
U.S. Fish and Wildlife Service
For: U.S. Bureau of Indian Affairs
1000 Auction Road
Fallon, NV 89406

Compared sg/sam dl/gkl

Protested

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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 and under Permit 47883, Certificate 16313 which changed the place of use of a portion of 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 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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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 186.73 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:

April 28, 2015

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

May 28, 2015

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 **28th** day of **April,** A.D. **2005**

Hugh Ricci, P.E.

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 the Fallon Indian Reservation, consisting of all lands within:

Township 19 North, Range 30 East, Mount Diablo Meridian

Sections 3, 4, 8 , 9, 10, 15, 16, 17, 20, 21 and 22; all
Section 2; the Northwest quarter (NW¼)
Section 11; the Northwest quarter (NW¼)
Section 23; the Northwest quarter of the Northwest quarter (NW¼ NW¼)

Township 20 North, Range 30 East, Mount Diablo Meridian

Section 33; the South half (S½)
Section 34; the South half (S½)
Section 35; the Southwest quarter (SW¼) and the West half of the Southeast quarter (W½ SE¼)