TEMPORARY

TEMPORARY **No. 71407-T**

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 JUL 02 2004

Returned to applicant for correction

Corrected application filed

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 **47.69 irrigated 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 **Upper New Virginia - from left bank near center, within the NE¼NE¼, Section 15, T.12N., R20E., M.D.M., or at a point from which the NE corner of said Sec. 15 bears North 46°29'20" East a distance of 611 feet. (Please see map on file to support Application 70893.)**

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 NE¼SW¼ of Section 32, T.13N., R.20E., M.D.M. (Please see map on file to support Application 70893.)**

7. Proposed place of use **within the NW¼SE¼ (22.39 acres) and SW¼SE¼ (25.3 acres) of Section 13, T.13N., R.19E., M.D.M., Douglas County, Nevada. (Please see map on file to support Application 70893.)**

8. Existing place of use **within the NW¼SE¼ (22.39 acres) and SW¼SE¼ (25.3 acres) of Section 13, T.13N., R.19E., M.D.M., Douglas County, Nevada. (Please see map on file to support Application 70893.)**

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 diversion 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**

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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 **jm/sam**

Protested

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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 (47.69 acres)

15. Remarks:

The purpose of this Application is to temporarily 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. A permanent Application has been filed but not yet acted upon. A temporary permit is necessary and justified to allow irrigation this season. 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.

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