No. 73417

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 **NOV 01 2005**

Returned to applicant for correction

Corrected application filed

Map filed **NOV 01 2005**

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The applicant **UNITED STATES OF AMERICA, FISH AND WILDLIFE SERVICE** hereby make application for permission to change the **MANNER AND PLACE OF USE** of water heretofore appropriated under **CLAIM 783 OF THAT DECREE ENTITLED "UNITED STATES OF AMERICA V. ALPINE LAND AND RESERVOIR CO., NO. D-183 BRT, IN THE UNITED STATES DISTRICT COURT OF NEVADA"**

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1. The source of water is **CARSON RIVER**

2. The amount of water to be changed **270 ACRE-FEET (108 ACRES)**

3. The water to be used for **MAINTENANCE OF WETLANDS FOR RECREATION AND WILDLIFE.**

4. The water heretofore permitted for **AS DECREED**

5. The water is to be diverted at the following point **BUCKLAND DITCH FROM LEFT BANK TO SE CORNER NW ¼ SE ¼ SECTION 32, T. 17N., R. 24E., MOUNT DIABLO BASE AND MERIDIAN.**

6. The existing permitted point of diversion is located within **UNCHANGED.**

7. Proposed place of use **SEE ATTACHMENT "A"**

8. Existing place of use **7 ACRES, NE¼ NE¼; 12 ACRES, SE¼ NE¼; 5 ACRES, NE¼ SE¼; OF SECTION 35, T. 17N., R. 24E., M.D.B.&M; 50 ACRES, N½ NW¼; 13 ACRES, S½ NW¼; 21 ACRES, SW¼ NE¼; SECTION 36, T. 17N., R. 24E., M.D.B.&M.- A TOTAL OF 108 ACRES.**

9. Use will be from **AS DECREED.**

10. Use was permitted from **AS DECREED.**

11. Description of proposed works **EXISTING DIVERSION STRUCTURE AT BUCKLAND DITCH, THEN BY THE MAIN CHANNEL OF THE CARSON RIVER AND VIA EXISTING DITCHES TO THE PLACE OF USE.**

12. Estimated cost of works **COMPLETED**

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

14. Estimated time required to complete the application of water to beneficial use **TEN (10) YEARS**

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15. Remarks: **SEE ATTACHMENT "B"**

RICHARD GRIMES, PROJECT LEADER
By **U.S. FISH & WILDLIFE SERVICE, NEVADA REALTY FIELD OFFICE**
s/ **RICHARD GRIMES**
1000 AUCTION ROAD
FALLON NV 89406

Compared **mt/gkl**

Protested **2-1-06 by Albert Mussi, 2-3-06 by Pyramid Lake Paiute Tribe of Indians & Depaoli O Lazy L Trust** W/D 5-2-07

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DENIAL OF STATE ENGINEER

The protests are upheld, in part, and this application is hereby denied on the grounds its issuance would conflict with existing rights and threaten to prove detrimental to the public interest.

IN TESTIMONY WHEREOF, I, **TRACY TAYLOR, P.E.**, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 30th day of May, A.D. 2008

State Engineer

ATTACHMENT "A"

7. Proposed place of use

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 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

ATTACHMENT "B"

This application is being filed to change the manner and place of use of decreed surface water rights from the Carson River as originally allocated under the Carson River Decree. The point of diversion is unchanged (Segment 7E of the Carson River). Water will be diverted at the point of diversion when in priority and will be conveyed downstream through the Carson River, Lahontan Reservoir and thence to the proposed place of use via the existing river channel and canals as illustrated on the map filed in support of this application. No storage will occur in Lahontan Reservoir.

After passing through Lahontan Reservoir and depending upon need, water will continue down through the Carson River and then be routed through existing canals to the Stillwater Point Reservoir within the Stillwater National Wildlife Refuge.

This application is being made for the net consumptive duty of 2.5 acre-feet per acre as provided for under the Carson River Decree. Water will be used for the maintenance of wetlands for recreation/wildlife within the proposed place of use.