Permit No. 79614S01

SECONDARY

THE STATE OF NEVADA

PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant:	**UNITED STATES OF AMERICA FISH AND WILDLIFE SERVICE**
Source:	**STORAGE**
Basin:	**CARSON DESERT**
Manner of Use:	**RECREATIONAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**02/19/2010**

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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 secondary permit is issued subject to the terms and conditions under Permit 79614. The granting of this secondary permit is not intended in any way to waive or affect authority or requirements of water quality control agencies or regulations. This permit is further issued subject to the provisions of NRS 533.440 and the State retains the right to regulate the use of the water herein granted at any and all times. This secondary permit is issued subject to existing rights. A totalizing meter must be installed in the discharge pipeline near the point of diversion and accurate measurements must be kept of effluent diverted to beneficial use. The meter must be installed prior to the filing of the Proof of Completion and before any use of effluent begins.

This secondary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this secondary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 1.16 cubic feet per second or 840 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **November 18 2012**

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **November 18 2015**

Map in support of proof of beneficial use shall be filed on or before: **N/A**

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 18th day of **November**, A.D. **2010**

P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

AMENDED

Application No. 79614 S01

SECONDARY

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

THIS SPACE FOR OFFICE USE ONLY

Date of Filing in State Engineer's Office FEB 19 2010

Returned to applicant for correction MAR 05 2010

Corrected Application filed MAR 23 2010 Map filed MAR 23 2010 under 79614

The applicant United States of America, Fish and Wildlife Service

1000 Auction Road (Street Address or P.O. Box) of Fallon (City or Town)

NV 89406 (State and ZIP Code) hereby make(s) application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

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1. The source of the proposed appropriation is Effluent from NAS Fallon's wastewater treatment plant.
   (Name of the stream, lake, underground, spring or other sources.)
2. The amount of water applied for is 1.16 CFS
   (One second foot equals 448.83 gallons per minute.)
   (a) If stored in a reservoir give the number of acre-feet _____
3. The water is to be used for maintenance of wetlands for recreation and wildlife/storage.
   (Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.)
4. If use is for:
   (a) Irrigation, state number of acres to be irrigated _____
   (b) Stockwater, state number and kind of animals _____
   (c) Other use (describe fully in No. 12) _____
   (d) Power:
      (1) Horsepower developed _____
      (2) Point of return of water to stream _____

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

~~SE1/4 SW1/4 Section 23, T. 18N., R. 29E., M.D.B.&M., or at a point from which the SE corner of said Section 23 bears S64 22'E, a distance of 2,360.00 feet.~~

SW 1/4 SE 1/4 of Section 23, T. 18N., R. 29E., M.D.B. & M., or at a point from which the SE corner of Section 26, T. 18N., R 29E., M.D.B. & M., bears S. 21°56'20"E. a distance of 6,980 feet.

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated)

All federally owned or controlled lands within the approved boundary of the Stillwater National Wildlife Refuge as described in Exhibit "A". Refer to maps filed under Permit ~~65700~~ ~~79614~~ 63652

REV per phone call

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day) of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with a pump and motor, etc.)

Effluent will be conveyed from the existing NAS Fallon waste water treatment plant through the former E4X Drain, thence via the Lower Diagonal Drain to Stillwater NWR. All necessary works are already completed.

9. Estimated cost of works: N/A

10. Estimated time required to construct works: N/A
(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: ten (10) years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This secondary application to appropriate effluent from NAS Fallon's wastewater treatment plant is made pursuant to the attached Memorandum of Agreement between the Department of the Navy, U.S. Bureau of Reclamation and U.S. Fish and Wildlife Service. Treated effluent will be discharged to a ditch thence into the Lower Diagonal Drain under a permit issued by the Nevada Department of Environmental Protection (Permit NV0110001). The proposed point of diversion is the point at which this effluent is discharged.

3/23/10

Richard Grimes, Supervisory Realty Specialist
~~Type or print name clearly~~

Signature, applicant or agent

NV Realty Field Office, U.S. Fish & Wildlife Service
Company Name

1000 Auction Road
Street Address or PO Box

Fallon NV 89406
City, State, ZIP Code

richard_grimes@fws.gov
E-mail Address

(775) 423-5128 extension 225
Phone No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$250 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

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
Sections: All

Township 20 North, Range 32 East, Mount Diablo Meridian
Sections: 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 1 8, 19, 20, 21, 29 and 30

Township 20 North, Range 31 East, Mount Diablo Meridian
Sections: All

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 NE ¼, NE¼ NW¼, SE¼ NW¼ and SW¼ NE¼