

AMENDED

Application No. 80700

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

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>MAR 24 2011</u>
Returned to applicant for correction	<u>APR 11 2011</u>
Corrected application filed	<u>MAY 10 2011</u>
Map filed	<u>MAY 10 2011</u>

The applicant National Fish and Wildlife Foundation (Attention: Director, Walker Basin Restoration Program)
1133 Fifteenth Street NW - Suite 1100 of Washington
Street Address or PO Box City or Town
District of Columbia, 20005 hereby make(s) application for permission to change the
State and ZIP Code

Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Claim Nos. 23, 23-A, 35, 44, 67 and 89 of the Walker River Decree, said Decree entered by the District Court of the United States in and for the District of Nevada in that certain action entitled "the United States of America, Plaintiff, vs Walker River Irrigation District et al, Defendants, in Equity Docket No. C-125" (please refer to Attachment "A" for details)

- The source of water is Walker River and its Tributaries
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 7.745 cubic feet per second (see Attachment "A" Item 2, also Items 15-16)
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Wildlife Purposes in accordance with NRS Chapter 533
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
- The water heretofore used for As Decreed
If for stock, state number and kind of animals.
- The water is to be diverted 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 stated.)
Water to be administered for non-diversion in the Walker River at the Weir Diversion Structure serving the West Hyland Ditch and other ditches w/in SE1/4 NW1/4 Section 2 T13N, R25E, MDM or at a point from which the West 1/4 corner of said Section 2 bears South 83 degrees 43 minutes West, a distance of 1,708.6 feet.
- The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
The existing point of diversion will not be changed (see Item 15).

<u>SE</u>	'S EXHIBITS <u>17</u>
DATE: _____	

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Water under this application will remain within the Walker River from the Weir Diversion Structure (see Item 5) through USGS Wabuska Gauge, then through Weber Reservoir into and including Walker Lake. (Please refer to Attachment "A." Item 7)

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Please refer to Attachment "A." Item 8.

9. Proposed use will be from As Decreed to As Decreed of each year.
Month and Day Month and Day

10. Existing use permitted from As Decreed to As Decreed of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision 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, pipes and flumes or drilled well, pump and motor, etc.)

None (please refer to Item 7)

12. Estimated cost of works None (please refer to Item 7)

13. Estimated time required to construct works None (please refer to Item 7)

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 10 yrs to serve all priorities

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

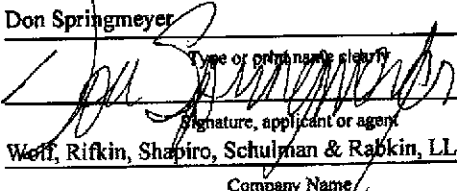
Water under this application will remain within the Walker River from the Weir Diversion Structure (see Item 5) through USGS Wabuska Gauge, then through Weber Reservoir into and including Walker Lake. Applicant intends to manage conveyance of water from Wabuska Gauge to Walker Lake under an agreement to be negotiated with the Walker River Paiute Tribe and the Bureau of Indian Affairs that addresses the operation of Weber Dam and the Walker River Indian Irrigation Project.

16. Miscellaneous remarks:

Applicant will withdraw 646.16 acres of associated supplemental ground water rights in the existing place of use (Item 8) as a condition of exercise following approval by the Nevada State Engineer and the U.S. District Court. Applicant acknowledges that the amount approved for change in Item 2 will not conflict with existing rights as required by law.

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E-mail Address
(702) 341-5200 117
Phone No. Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Don Springmeyer
Type or print name clearly

Signature, applicant or agent
Weit, Rifkin, Shapiro, Schulman & Rabkin, LLP
Company Name
3556 E. Russell Road, 2nd Floor
Street Address or PO Box
Las Vegas, Nevada 89120
City, State, ZIP Code

RECEIVED
STATE ENGINEER'S OFFICE
2011 MAY 10 AM 11:27

AMENDED

Attachment "A"

Page 1 of 7

Serial Number: 80700

Applicant: National Fish and Wildlife Foundation (NFWF)

Item No. 2 - The amount of water to be changed:

(WRID) Ledger Card No.s	Claim No.	ACRES	CFS
NFWF	Deeded by L&M		
28131	28107 23	60.00	0.720
28127	28109 23A	201.32	2.415
28125	28112 23A	80.00	0.960
28135	28102 35	20.00	0.240
28133	28103 44	65.00	0.780
28124	28113 67	168.00	2.010
28129	28108 89	51.84	0.620
Total		646.16	7.745

Date of Priority	Decreed Acres	Decreed CFS
1874	33.36	0.400
1877	72.00	0.860
1880	145.83	1.745
1881	20.00	0.240
1887	32.50	0.390
1888	80.00	0.960
1891	8.93	0.110
1894	7.50	0.090
1896	92.00	1.100
1900	125.04	1.500
1901	15.00	0.180
1904	4.00	0.050
1906	10.00	0.120
Total	646.16	7.745

Applicant: National Fish and Wildlife Foundation (NFWF)

Item No. 7 - Proposed place of use:

The proposed place of use is within the Walker River from the Weir Diversion Structure serving the West Hyland and other Ditches through USGS Wabuska Gauge, then through Weber Reservoir into and including Walker Lake lying within portions of the following sections, townships and ranges:

Section(s)	Township		East
	North	Range	
2	13	25	
36 & 35 25 & 24 13 & 12 1	14	25	
18 7 & 6	14	26	
36	15	25	
31 & 30 25 thru 19 16 thru 14	15	26	
33 thru 29	15	27	
13 thru 11 5 thru 2	14	27	
33 29 & 28 21 thru 18	14	28	
36 26 & 25 23 15 & 14 10 & 9 5 & 4	13	28	
36 25 & 24 1	12	28	Portions unsurveyed

Applicant: National Fish and Wildlife Foundation (NFWF)

Section(s)	Township		East
	North	Range	
34 thru 26 23 thru 18 8 thru 6	12	29	Portions unsurveyed
35 thru 32 28 thru 26 22 thru 20 17 thru 15 9 thru 5	11	29	Portions unsurveyed
31	10 1/2	30	Portions unsurveyed
36 thru 32 29 thru 20 17 thru 8 5 thru 1	10	29	Portions unsurveyed
32 thru 29 20 thru 17 8 thru 5	10	30	Portions unsurveyed
36 & 35 27 thru 21 16 thru 8 5 thru 1	9	29	Portions unsurveyed
35 thru 26 22 thru 16 8 thru 5	9	30	Portions unsurveyed
12 2 & 1	8	29	Portions unsurveyed
9 thru 3	8	30	Portions unsurveyed

Item No. 8 - Existing place of use:

The existing place of use has been grouped by Walker River Decree Claim Numbers.

Portion of Claim No. 23 - WRID Ledger Card Nos. 28107 (Masini) - 28131 (NFWF)
Portion of Lyon County Assessor's Parcel No. 014-201-01
Decreed Defendant: Estate of P.J. Conway (Rallen Ranch) - Page No. 22

Priority	CFS	Acres	Portion of Claim No.
1887	0.390	32.50	23
1894	0.090	7.50	23
1900	0.120	10.00	23
1906	0.120	10.00	23
Total	0.720	60.00	

Existing Place of Use:					
Acres	Section	T.N.	R.E.	QTR	QTR
35.50	10	14	25	NE	SW
24.50	10	14	25	NW	SW
60.00	Total				

Portion of Claim No. 23A - WRID Ledger Card Nos. 28109 (Masini) - 28127 (NFWF)
Portion of Lyon County Assessor's Parcel No. 014-191-02
Decreed Defendant: Estate of P.J. Conway (Warren Ranch) - Page No. 22

Priority	CFS	Acres	Portion of Claim No.
1880	1.035	86.28	23A
1900	1.380	115.04	23A
Total	2.415	201.32	

Existing Place of Use:					
Acres	Section	T.N.	R.E.	QTR	QTR
29.40	9	14	25	NE	NE
39.40	9	14	25	NW	NE
39.00	9	14	25	SW	NE
31.90	9	14	25	SE	NE
28.30	9	14	25	NE	NW
33.32	9	14	25	SE	NW
201.32	Total				

Applicant: National Fish and Wildlife Foundation (NFWF)

Portion of Claim No. 23A - WRID Ledger Card Nos. 28112 (Masini) - 28125 (NFWF)
 Portion of Lyon County Assessor's Parcel No. 014-191-02 and 014-201-03
 Decreed Defendant: Estate of P.J. Conway (Warren Ranch) - Page No. 22

Priority	CFS	Acres	Portion of Claim No.
1888	0.960	80.00	23A

Existing Place of Use:					
Acres	Section	T.N.	R.E.	QTR	QTR
37.00	10	14	25	NW	NW
37.50	10	14	25	SW	NW
5.50	9	14	25	SE	NE
80.00	Total				

Portion of Claim No. 35 - WRID Ledger Card Nos. 28102 (Masini) - 28135 (NFWF)
 Portion of Lyon County Assessor's Parcel No. 014-201-25
 Decreed Defendant: John Dickson, Successor to Mary E. Young - Page No. 24

Priority	CFS	Acres	Portion of Claim No.
1881	0.240	20.00	35

Existing Place of Use:					
Acres	Section	T.N.	R.E.	QTR	QTR
20.00	3	14	25	NE	SE

Applicant: National Fish and Wildlife Foundation (NFWF)

Claim No. 44 - WRID Ledger Card Nos. 28103 (Masini) - 28133 (NFWF)
Portion of Lyon County Assessor's Parcel No. 014-201-04
Decreed Defendant: Mary Parker Farrell, Successor to
John B. Gallagher (per J.O. Parker) - Page No. 25

Priority	CFS	Acres	Portion of Claim No.
1880	0.600	50.00	44
1901	0.180	15.00	44
Total	0.780	65.00	

Existing Place of Use:					
Acres	Section	T.N.	R.E.	QTR	QTR
28.30	10	14	25	NE	NE
36.70	10	14	25	SE	NE
65.00	Total				

Claim No. 67 - WRID Ledger Card Nos. 28113 (Masini) - 28124 (NFWF)
Portion of Lyon County Assessor's Parcel No. 014-181-12
Decreed Defendant: Guild, Penrose and West, Successors to
John B. Gallagher (per Lena Roy) - Page No. 29

Priority	CFS	Acres	Portion of Claim No.
1877	0.860	72.00	67
1896	1.100	92.00	67
1904	0.050	4.00	67
Total	2.010	168.00	

Existing Place of Use:					
Acres	Section	T.N.	R.E.	QTR	QTR
36.10	10	14	25	NE	SE
34.30	10	14	25	NW	SE
38.00	10	14	25	SW	SE
36.50	10	14	25	SE	SE
23.10	15	14	25	NE	NE
168.00	Total				

Attachment "A"

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Applicant: National Fish and Wildlife Foundation (NFWF)

Portion of Claim No. 89 - WRID Ledger Card Nos. 28108 (Masini) - 28129 (NFWF)
Portion of Lyon County Assessor's Parcel No. 014-201-25
Decreed Defendant: Lyon County Bank, (N.P. Nelson),
Successor to Sarah Jane Rallens, et al - Page Nos. 32 & 33

Priority	CFS	Acres	Portion of Claim No.
1874	0.400	33.36	89
1880	0.110	9.55	89
1891	0.110	8.93	89
Total	0.620	51.84	

Existing Place of Use:					
Acres	Section	T.N.	R.E.	QTR	QTR
14.64	3	14	25	NE	NW
37.20	3	14	25	SE	NW
51.84	Total				