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BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrille Street
Santa Barbara, CA 93101

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

ALPINE LAND & RESERVOIR CO., et
al.,

Defendant.

Case No. 3:73-cv-00183-LDG
Subfile: 3:73-CV-207-LDG

ORDER

Good cause being shown, it is hereby ordered:

1. The South Tahoe Public Utility District's Motion for Order Approving Temporary Change in Point of Diversion, Place and Manner of Use of Decreed Water Rights in California is GRANTED. During 2011, the South Tahoe Public Utility District ("District") is authorized to use 2.5 acre feet of water for recreational purposes in Indian Creek Reservoir for each acre identified in the Final Decree entered in Case No. 3:73-cv-00183-LDG, under Claims Nos. 451, 452, 466, 470, 471, 472 and 473, less those acres to which such rights are supplemental, not to exceed the total amount of 1,847 acre feet. That water is to be measured at a Parshall flume located at the downstream end of the Upper Dressler Ditch in section 4, Lot 12, Township 10 North, Range 20 East. That water may be diverted from the West Fork of the Carson River into the Snowshoe Thompson No. 1 Ditch and that water turned into the District's Upper Dressler Ditch and carried in said Upper Dressler Ditch to Indian Creek Reservoir.


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2. The Court retains jurisdiction and authorizes the Watermaster to change the point of measurement of said waters as provided in paragraph 1 if the Watermaster determines that the amount of water diverted from the West Fork of the Carson River exceeds the amount that would have been diverted if the water had been used for irrigation purposes on the Diamond Valley Ranch.

3. During the 2011 irrigation season, to the extent that the water rights designated in the Final Decree as Claims Nos. 451, 452, 466, 470, 471, 472 and 473 are not used to provide water for recreational purposes in Indian Creek Reservoir as provided in paragraph 1, they may continue to be used for irrigation of the appurtenant water righted lands identified in the Final Decree under Claims Nos. 451, 452, 466, 470, 471, 472 and 473, with the applicable irrigation water duty.

4. The District shall comply with all orders or directives of the Watermaster, and with the applicable Administrative provisions and other provisions of the Final Decree.

Dated: this 14th day of February, 2011


LLOYD D. GEORGE, UNITED STATES
DISTRICT JUDGE