

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

Date of filing in State Engineer's Office JUL 8 1980
Returned to applicant for correction JUL 24 1980
Corrected application filed SEP 5 1980
Map filed SEP 17 1980 under 41660

The applicant George I. Benny c/o Double Diamond Development Company
100 N. Arlington, Suite 350, of Reno, Nevada 89501

hereby make 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.)

1. The source of the proposed appropriation is an underground source Well #P-4

2. The amount of water applied for is 2.07 second-feet

(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for Quasi-Municipal Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation (state number of acres to be irrigated)

(b) Stockwater (state number and kinds of animals to be watered)

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream within

5. The water is to be diverted from its source at the following point: SW 1/4 NE 1/4, Sec. 8, T. 18N., R. 20E.

MDB&M at a point from which the north 1/4 corner of said Sec. 8 bears N. 14° 30' W.

a distance of 1940 feet. it should be stated.

6. Place of use See Attached Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 and end about December 31, 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.) Well, pump, and pipelines

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

- 9. Estimated cost of works \$20,000.00
- 10. Estimated time required to construct works 1 year
- 11. Estimated time required to complete the application to beneficial use 5 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water to be used in proposed Double Diamond Development consisting of 8000 residential units, 1315 acres of open space and 489 acres of commercial and industrial properties. Well to be used to divert excess surface waters which have been recharged to the groundwater basin for "carry over" storage, and/or utilize groundwaters currently lost to evapotranspiration. Due to the proposed

Applicant management scheme, no net loss to groundwater basin will occur.

By s/Brien B. Walters  
Brien B. Walters

Compared sg/ha gk/bc 248 W. 1st St., Suite 106  
Reno, NV 89501

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:

Applications 41661-41669 (inclusive) for injecting and temporarily storing a portion of existing surface water rights underground as recharge and Applications 41674-41679 (inclusive) for withdrawing up to the amount recharged underground on an average long-term basis are part of a proposed but unproved water use and management procedure in a limited segment of the South Truckee Meadows Ground Water Basin. It is expressly understood from recorded testimony at the hearing of April 16, 1981, in which Applications 41674-41679 (inclusive) were considered, that the procedure as proposed would be developed and refined in stages. Hence, the amounts, places, and timing for water stored and placed to beneficial use will occur in stages. Water for each stage must be approved or rejected by the State Engineer.

The permittee shall submit a proposal and receive approval from the State Engineer for the first stage of the water use and management procedure before placing water to beneficial use. Water for the second stage and subsequent stages will be dependent upon the State Engineer's determination that:

1. As a result of water use and management during the previous stage:
  - a. There has been no net average long-term depletion of ground water within the place of use.
  - b. Existing surface water and ground water rights have not been adversely affected.

If the State Engineer determines that condition 1 above has been satisfied, he may approve the next stage of the use and management procedure as proposed. Otherwise,

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and

not to exceed 2.07 cubic feet per second.

WITHDRAWN BY APPLICANT SEP 24 2004

WITHDRAWN BY APPLICANT SEP 02 1998

SEE P.2 FOR ADDIT'L withdrawal of portions

*J. H. Hesi, P.E.*  
STATE ENGINEER

*Richard D. ...*  
STATE ENGINEER

Actual construction work shall begin on or before 777.38 cfs wan

- Proof of commencement of work shall be filed before N/A
- Work must be prosecuted with reasonable diligence and be completed on or before July 22, 1983
- Proof of completion of work shall be filed before August 22, 1983
- Application of water to beneficial use shall be made on or before July 22, 1988
- Proof of the application of water to beneficial use shall be filed on or before August 22, 1988
- Map in support of proof of beneficial use shall be filed on or before August 22, 1988

Commencement of work filed IN TESTIMONY WHEREOF, I, PETER G. MORROS  
Completion of work filed State Engineer of Nevada, have hereunto set my hand and the seal of  
Proof of beneficial use filed my office, this 22nd day of JULY  
Cultural map filed

Certificate No. SEP 29 1983 AD 19 81  
CANCELLED BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

*Peter G. Morros*  
STATE ENGINEER  
Cancellation  
OR cancelled 12-13-84

Permit Terms Continued  
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the State Engineer may reject the proposal and refuse to allow further development of water for the procedure. The final extent to which this water management procedure can be allowed for using the ground water reservoir as an exchange medium for implementing the use of surface water may be considerably less than the extent of the surface water rights proposed to be stored and used under Applications 41661-41669 (inclusive).

A quarterly water balance for the place of use shall be maintained as a written record by the permittee and reported annually or at lesser time intervals to the State Engineer as he may require. The water balance shall be developed in a manner and format satisfactory to the State Engineer. Such balance shall contain measured amounts of water input, withdrawal, and accumulation by place and time for specific sources and uses. Sufficient information shall be developed and reported to enable the State Engineer to determine the effectiveness of the use and management procedure for exchanging surface and ground water through the medium of storage underground.

Strategically placed ground water monitor wells are to be installed within the place of use at locations satisfactory to the State Engineer before any diversion of ground water from the production wells. The monitor wells must be suitably cased, perforated, sealed, and capped and must penetrate at least 50 feet below the water table. The State Engineer may order the placement of additional monitoring wells if necessary.

The combined diversion from this well and the wells under Permits 41674, 41675, 41676, 41678, and 41679 shall not exceed 1,000 acre-feet for each 12-month period beginning April 1st and ending March 31st of the following year. The permittee shall maintain a written record including but not limited to the amounts of water diverted and used from the well under this permit, and from each of the wells under Permits 41674, 41675, 41676, 41678, and 41679 the amount of water diverted and used under Permits 41661-41669 (inclusive); for the purpose or recharging the underground reservoir; the water level in wells for monitoring the ground water reservoir prior to recharge; and the water level in the said monitor wells subsequent to recharge.

The water allowed under this permit and Permits 41674, 41675, 41676, 41678, and 41679 may not be diverted and used until such time as the water granted under Permits 41661-41669 (inclusive) is not sufficient to supply the needs of the development for which Permits 41661-41669 (inclusive) were granted. The water allowed under this permit and Permits 41674, 41675, 41676, 41678, and 41679 may not be diverted and used during the irrigation season set on the Truckee River and its tributaries without specific written authorization of the State Engineer. The permittee must make written application to the State Engineer for such authorization.

Since the proposed water use and management procedure provides the potential for exchange of surface and ground water rights in addition to those allowed herein, the limitation of 1,000 acre-feet annual diversion from the wells under this permit and Permits 41674, 41675, 41676, 41678, and 41679 may be waived and the period of use extended by the State Engineer after sufficient operating experience has been evaluated.

This permit is subject to the State Engineer's verbal ruling at the hearing of April 16, 1981.

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

Cancellation, termination, withdrawal or any other restriction that may be imposed on the right to divert or use the water under Permits 41661-41669 (inclusive), shall result in the same loss or restriction to divert and use the water granted under Permits 41674 through 41679 (inclusive).

The total combined annual duty of water under this permit and Permits 41674, 41675, 41676, 41678, and 41679 shall not exceed 4,848.40 acre-feet or that amount less than 4,848.40 acre-feet as authorized and approved by the State Engineer.

\* WITHDRAWN BY APPLICANT MAR 24 2000.  
a portion being 1,748.02 afa, combined  
from all permits. An additional  
1,170.27 afa, combined from all permits  
was withdrawn JUN 15 2000.  
STATE ENGINEER R. MICHAEL TURNIPSEED cmf

## ATTACHMENT - ANSWER TO QUESTION 6

<u>USE WITHIN</u>	<u>1/4 of 1/4</u>	<u>SECTION</u>	<u>T.18N., R.20E., M.D.B. &amp; M.</u>
	SE - NW	4	
	SE - NE	4	
	S 1/2	4	
	E 1/2 - NE	5	
	E 1/2 - SE	5	
	SW - SE	5	
	NW - SE	5	
	NE 1/4	8	
	N 1/2 - SE	8	
	SW - SE	8	
	<del>SE</del> SE	8	JDJ
	SE - SW	8	
	NE - SW	8	
	ENTIRE SECTION	9	
	N 1/2	16	
	NW - SE	16	
	NE - SE	16	
	NW - SW	16	
	NW - NE	17	
	NE - NE	17	
	SE - NE	17	
	SW - NE	17	
	NE - SE	17	
	SE - SE	17	
	SW - SE	17	
	NW - SE	17	

1

App See Table

## ATTACHMENT - continued

<u>USE WITHIN</u>	<u>1/4 of 1/4</u>	<u>SECTION</u>	<u>T.19N., R.20E., M.D.B. &amp; M.</u>
	NE - SW	33	
	SE - SW	33	
	SW - SW	33	
	NW - SW	33	