AMENDED Serial No. 53409

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 JUN 23 1989

Returned to applicant for correction

Corrected application filed JUL 11 1989 Map filed JUL 11 1989 under 53406

The applicant Washoe County

P. O. Box 11130 (Street and No. or P.O. Box No.) of Reno (City or Town)

Nevada 89520 (State and Zip Code No.) hereby makes application for permission to change the

Place of Use and Manner of Use (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit 49379 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Underground (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 1.5 c.f.s., not to exceed 354 acre-feet annually (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Municipal (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Irrigation and Domestic (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
5. The water is to be diverted at the following point NE¼SE¼ Section 22, T.26 N., R.18 E., MDB&M, (Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.) or at a point from which the E¼ corner Section 25, T26N., R.18E., MDB&M bears South 71°10'30" East, a distance of 12,120 feet.
6. The existing permitted point of diversion is located within (If point of diversion is not changed, do not answer.)
7. Proposed place of use A portion of Washoe County, Nevada, as described under NRS 243.340 et seq., being further described as follows: (See "Attachment No. 1") (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use SE¼, NW¼SW¼, S½SW¼ Section 22 (280 acres); W½SW¼ Section 23 (76 acres); NW¼SW¼, NE¼SW¼, W½NW¼, SE¼NW¼ Section 25 (156 acres); N½SE¼ Section 26 (80 acres); NW¼, N½NE¼, SW¼NE¼ Section 27 (280 acres); all Section 33 (640 acres), T.26 N., R18E., MDB&M (1,512 acres total) (Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.
11. 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.) Ground water wells and pumps, pipelines, lift stations as required, and distribution system (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)
12. Estimated cost of works $32.5 million, to point of distribution
13. Estimated time required to construct works 6 months from the date of required approvals

14. Estimated time required to complete the application of water to beneficial use **up to 50 years**

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use. **The annual duty of water proposed to be diverted under this application is based upon a duty of 4.0 acre-feet per acre within the existing place of use under the base permit. The total annual duty of water, proposed under this application and other supplemental applications within Honey Lake Valley for exportation under the Truckee Meadows Project, is 28,861 acre-feet. Applicant reserves the right to file additional applications for the secondary use of the return flow from the water transferred to the new place of use. The existing place of use described under Item # 8 includes an additional 67 acres within Section 25 requested to be reinstated by letter dated May 9, 1989, to the State Engineer.**

s/ Brian A. Randall
By Brian A. Randall, Resource Concepts, Inc.
340 North Minnesota Street
Carson City, Nevada 89703

Compared pm/se lt/gkl

Protested 10/2/89 Pyramid Lake Paiute Tribe; 10/2/89 County of Lassen, CA
10/3/89 Board of Supervisors of Co. of Modoc, CA; 10/4/89 Sierra Army Depot
10/4/89 CA. Dept. of Fish & Game; 10/5/89 Cities of Reno & Sparks

Pro. Overruled 03/01/91,
See Ruling #3787

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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 permit to change the manner of use and place of use of the waters of an underground source as heretofore granted under Permit 49379, is issued subject to the terms and conditions imposed in said Permit 49379, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and 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 the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. 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.

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

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

The total combined duty of water under Permits 53407, 53409, 53410, 53411, 53412, 53414, 53415, 53416, 53417 and 53418 shall not exceed 5,682.52 acre-feet annually.

The total combined duty of water under Permits 53407, 53409, 53410, 53411, 53412, 53413, 53414, 53415, 53416, 53417, 53418 53420, 53422, 53423, 53424, 53425, 53426, 53427, 53428, 53433, 54135, 54136 and 54137 shall not exceed 13,000 acre-feet annually.

This permit is issued pursuant to the approved revised monitoring plan dated May 2, 2006. The State Engineer retains the right to modify said monitoring plan as he sees fit.

(Continued on Page 3)

(PERMIT TERMS CONTINUED)

The permittee or any assignee is required to submit an annual report of the monitoring results to the State Engineer. Upon review of the annual monitoring results, the State Engineer will evaluate the pumping from this well and take any action that may be necessary to protect the public interests or to prevent conflict with existing rights or existing domestic wells.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **1.5** cubic feet per second, **but not to exceed 354.0 acre-feet annually.**

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

November 28, 2007

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

November 28, 2016

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this **28th** day of **November,** A.D. **2006**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

"ATTACHMENT NO. 1"

PROPOSED PLACE OF USE
DESCRIPTION WITHIN WASHOE COUNTY, NEVADA, BY SECTIONS
AND PORTIONS THEREOF

T.15N., R.18E.; That portion of Section 1 lying outside of the natural drainage basin of Lake Tahoe.

T.15N., R.19E.; Section 4 excluding the SE 1/4. Sections 5 and 8. That portion of Sections 6, 7 and the N 1/2 of the N 1/2 of Section 18 lying outside of the natural drainage basin of Lake Tahoe.

T.16N., R.18E.; That portion of Sections 1, 5, 6, 12, 13, 24, 25, and 36 lying outside of the natural drainage basin of Lake Tahoe, and excluding any portion of the W 1/2 of the W 1/2 and the W 1/2 of the E 1/2 of the W 1/2 of Section 6.

T.16N., R.19E.; All, excluding that portion of Sections 6, 7, 18, 19, and 30 lying within the natural drainage basin of Lake Tahoe, and excluding the S 1/2 of Section 35 and the NE 1/4 and the SE 1/4 and the SW 1/4 of Section 36.

T.16N., R.20E.; Sections 2 through 11 inclusive. Section 15 through 20 inclusive. Section 30. The N 1/2 of Section 1. Portions of the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 14.

T.17N., R.18E.; All excluding the W 1/2 of the W 1/2 and the W 1/2 of the E 1/2 of the W 1/2 of Sections 6, 7, 18, 19, 30 and 31, and excluding that portion of Sections 22, 23, 26, 27, 32, 33, 34, 35 and 36 lying within the natural drainage basin of Lake Tahoe.

T.17N., R.19E.; All, excepting that portion of Section 31 lying within the natural drainage basin of Lake Tahoe.

T.17N., R.20E.; All

T.17N., R.21E.; The W 1/2 of Section 7. Section 18.

T.18N., R.18E.; All, excluding the W 1/2 of Sections 6, 7, 18, 19, 30 and 31.

T.18N., R.19E.; All

T.18N., R.20E.; All, excluding Section 1 and the E 1/2 of Section 36.

T.18N., R.21E.; Sections 7, 18 and 19.

T.19N., R.18E.; All, excluding the W 1/2 of Sections 6, 7, 18, 19, 30 and 31.

T.19N., R.19E.; All

T.19N., R.20E.; All, excluding Sections 24, 25 and 36 and the portion of Section 13 south of the Truckee River.

T.19N., R.21 E.; Sections 3 through 9 inclusive. The portions of Sections 1, 2, 10, 11, 15, 16, 17 and 18 north of the Truckee River.

T.19N., R.22E.; The portion of Section 6 north of the Truckee River.

T.20N., R.18E.; All, excluding the W 1/2 and the W 1/2 of the W 1/2 of the E 1/2 of Sections 6, 7, 18, 19, 30 and 31.

T.20N., R.19-21E.; All

T.20N., R.22E.; All, excluding Section 36 and the portions of Sections 24, 25, 26, 28, 29, 31, 32, 33, 34 and 35 south and/or east of the Truckee River.

T.20N., R.23E.; Sections 1 through 12 inclusive. Sections 15, 16, 17 and 18. The portions of Sections 13, 14, 19, 20, 21, 22 and 23 north of the Truckee River.

T.20N., R.24E.; Sections 1 through 7 inclusive. The portions of Sections 8, 9, 17, and 18, north of the Truckee River.

T.20N., R.25E.; Section 6. The NW 1/4 and a portion of the NW 1/4 of the NE 1/4 and a portion of the NE 1/4 of the SW 1/4 and the W 1/2 of the SW 1/4 of Section 5.

T.21N., R.18E; All, excluding the W 1/2 and the W 1/2 of the E 1/2 of Sections 6, 7, 18, 19, 30 and 31.

T.21N., R.19-24E.; All

T.21N.,R.25E.; Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 30 and 31. A portion of the SW 1/4 of the SW 1/4 and a portion of the SW 1/4 of the NW 1/4 and a portion of the NW 1/4 of the SW 1/4 of Section 3. A portion of the W 1/2 of the W 1/2 of Section 10. A portion of the NW 1/4 of the NW 1/4 of Section 15. The NE 1/4 and the NW 1/4 and the SW 1/4 and the NW 1/4 of the SE 1/4 and a portion of the SW 1/4 of the SE 1/4 and a portion of the NE 1/4 of the SE 1/4 of Section 16. A portion of the N 1/2 of the N 1/2 and the W 1/2 of the SW 1/4 and a portion of the SW 1/4 of the NW 1/4 of Section 20. The W 1/2 and the W 1/2 of the E 1/2 of Sections 29 and 32.

T.22N., R.18E.; That portion of Sections 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35 and 36 lying within the natural drainage basin of Cold Spring Valley and Lemmon Valley.

T.22N., R.19E.; That portion of Sections 7, 8, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33 and 34 lying within the natural drainage basin of Lemmon Valley.