

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

Date of filing in State Engineer's Office NOV 20 1992

Returned to applicant for correction

Corrected application filed

Map filed NOV 20 1992

The applicant Heavenly Valley, A Nevada Limited Partnership

Post Office Box 2180, of Stateline, Nevada 89449

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.) Heavenly Corporation, General Partner Heavenly Valley Ski & Resort Corporation, Limited Partner

1. The source of the proposed appropriation is Lake Tahoe

2. The amount of water applied for is 4.46 c.f.s. up to 350 acre-feet annually

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

3. The water to be used for Recreation (snowpack augmentation)

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

5. The water is to be diverted from its source at the following point NW1/4NE1/4 Section 33, T.13 N., R.18 E.,

MDB&M, or at a point from which the NE corner of said Section 33 bears North 55° East,

1850 feet (El Dorado County, California)

6. Place of use S1/2SE1/4 Section 25, SE1/4SE1/4 Section 26, E1/2NE1/4, portion of the SE1/4

Section 35 lying within the State of Nevada, N1/2, portion of the S1/2 Section 36

lying within the Lake Tahoe Basin and within the State of Nevada, T.13N., R.18 E.,

portions of E1/2NW1/4, W1/2NE1/4 and SW1/4 Section 30 lying within the Lake Tahoe Basin, portion of W1/2 Section 31 lying within the Lake Tahoe Basin, T.13 N., R.19 E.; portion of N1/2 Section 1 lying within the Lake Tahoe Basin and within the State of Nevada, T.12 N., R.18 E., MDB&M

7. Use will begin about September 15 and end about April 15 of the next 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.) intake system in Lake Tahoe, pipeline, reservoir,

booster pump and pipeline to snowmaking equipment

9. Estimated cost of works in excess of \$200,000.....
10. Estimated time required to construct works within 2 years of all necessary regulatory approvals
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use within 10 years after construction (may vary with climatic conditions)

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

See attachment

By: Bruce R. Scott
Bruce R. Scott, Resource Concepts, Inc.
340 North Minnesota Street
Carson City, Nevada 89703

Compared nsr/jv.....

Protested.....

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:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed..... cubic feet per second.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be filed on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

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

Completion of work filed.....
Proof of beneficial use filed.....
Cultural map filed.....
Certificate No. Issued.....

IN TESTIMONY WHEREOF, I,,
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this..... day of.....,
A.D.....

State Engineer

Attachment for Application For Permit To Appropriate The Public Waters
Of The State Of Nevada
Item 12 - Remarks

This application is for snowpack augmentation at the Heavenly Valley Ski Resort. The water is applied for under the Nevada allocation in the pending Truckee River Operating Agreement under the Truckee River Settlement, P.L. 101-618, Section 204 (b) (2) (A) (i). Water is to be used within the Lake Tahoe Drainage Basin. As indicated under Item 5, the point of diversion is located in El Dorado County, California. Water will be pumped from Lake Tahoe through a steel pipe to Sky Meadow reservoir in California and then on to East Peak reservoir in Nevada. Existing equipment at the reservoir will be used for snowmaking. The amount of water used each year will vary depending on the seasonal needs.

This application is being filed concurrently with a similar application by Incline Village General Improvement District (IVGID). Heavenly Valley and IVGID have agreed on an average annual allocation of 150 acre-feet to Heavenly Valley and 200 acre-feet to IVGID. They have also agreed that relative annual use by the two parties may vary depending on local climatic conditions and other factors. Thus both applicants are filing for an amount up to the total 350 acre-feet annually allocated to Nevada and specified in the working document of the Truckee River Operating Agreement. Subject to approval by the Nevada State Engineer, this will allow each applicant the ability to vary the amount of water used on a yearly basis, with the understanding that the total amount of water diverted between both applicants is not to exceed 350 acre-feet annually.

Two separate applications for Heavenly Valley are also being filed with the State of California, State Water Resources Control Board, Division of Water Rights. One application is for Heavenly Valley's California allocation under the Truckee River Operating Agreement. The other application is for use of this same Nevada allocation and was filed at the request of the California Division of Water Rights because the point of diversion is located within California. For informational purposes, copies of these applications will be provided under separate cover.