AMENDED

Serial No. 59449

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 DEC 1 1993

Returned to applicant for correction FEB 9 1994

Corrected application filed APR 8 1994 Map filed APR 8 1994 under 59421

The applicant WestPac Utilities, a Division of Sierra Pacific Power Company

P.O. Box 30028 (Street and No. or P.O. Box No.) of Reno (City or Town)

Nevada, 89520-3028 (State and Zip Code No.) hereby make.... application for permission to change the

Point of Diversion, Place of Use of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit No. 24869, Cert. No. 8044 (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 0.0933 cfs - 67.63 ac.ft./an. (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Municipal and Domestic (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Municipal 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 within the NE¼ NW¼ of Section 34, T18N, R19E., (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.) M.D.M., or at point from which the NW corner of Section 34, T18N, R19E, MDM, bears N 89° 28' 18" W 2382.12 feet.
6. The existing permitted point of diversion is located within SW¼ SE¼ of Section 6, T19N, R20E, MDM (If point of diversion is not changed, do not answer.) from which the E¼ corner of said Section 6 bears N 38° 28' 29' E 2845.82 feet.
7. Proposed place of use The certificated water service area of Sierra Pacific Power Company (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.) as described in the legal description and shown on the map on file with the State Engineer's Office, Division of Water Resources
8. Existing place of use The Sparks area within the E½ Section 6, Section 5, and W½ Section 4, T19N, R20E, M.D.M. (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.) Water will be diverted from a drilled and cased well to existing company facilities, (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.) treated, and placed into the existing distribution system
12. Estimated cost of works Approximately $100,000.00
13. Estimated time required to construct works 2 years

14. Estimated time required to complete the application of water to beneficial use 10 years

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

SEE ATTACHMENTS A

By s/Susan L. Oldham/Philip G. Seges
Philip G. Seges, President WestPac Utilities
P.O. Box 30028
Reno, Nevada 89520-3028

Compared bc/bc

Protested ~~See File~~

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 changed 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 made 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. 19.....

State Engineer

FEB 28 2003

WITHDRAWN BY APPLICANT

STATE ENGINEER

(O)-1108 (Rev. 6-81)

ATTACHMENT A - AMENDED APPLICATION NO. 59449

AMENDED APPLICATION FOR PERMISSION TO CHANGE THE POINT OF DIVERSION AND PLACE OF USE OF A PORTION OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED BY WESTPAC UTILITIES, A DIVISION OF SIERRA PACIFIC POWER COMPANY ("Sierra Pacific")

ITEM NO. 15 - REMARKS:

Sierra Pacific intends to develop municipal production wells within the areas defined by Applications to Change No.s 59421 through 59542. The water developed will be provided to existing and new customers within present and future service areas of Sierra Pacific. The proposed source of water is the fractured bedrock aquifers. The total combined duty of Applications to Change No.s 59421 through 59542 is 10,077 acre feet annually.

The proposed total combined duty of 10,077 acre feet, Applications to Change No.s 59421 through 59542, is intended to be in addition to Sierra Pacific's "Administrative Capped" groundwater rights and its acquired groundwater rights. Short term and long term limits to the Truckee Meadows groundwater rights currently subject to the State Engineer's "Administrative Cap" should not be impacted by these applications. By filing the above Applications to Change, Sierra Pacific proposes to divert groundwater from the fractured bedrock aquifers which are resources distinct from the aquifers which are subject to present and future administrative "caps", but not to exceed the certified right of the respective water rights.

Applications to Change No.s 59448 through 59474 propose to move the point of diversion and place of use of water allocated under Permit No. 24869 (Certificate No. 8044). The total combined duty of Applications to Change No.s 59448 through 59474 is 1,826 acre feet annually.

Applications to Change No.s 59448 through 59474 are part of larger group of applications, Applications to Change No.s 59421 through 59474 (the "Thomas\Whites Creek Applications"). The Thomas\Whites Creek Applications have been filed in the Thomas Creek and Whites Creek bedrock aquifer target area in order to transfer a total combined duty of 3,440 acre feet annually. Based on the assumption that a municipal production well in this target area will produce 800 gallons per minute or more, a total of four to six production wells in this target area may be required to provide 3,440 acre feet annually.

The Applicant plans to locate these four to six production well sites by filing applications for waivers in accordance with NRS § 534.050(2). After the four to six production well sites are located in the target area, the Applicant intends to file new Change Applications to change the point of diversion and place of use of water from Permit No. 24869 (Certificate No. 8044) to one of the newly located production well sites (the "New Applications").

Water transferred under these New Applications will be replaced by water transferred under Change Application No. 59580 (the "Replacement Application"). Water transferred under the Replacement Application will be based on Vested Right No. 05533.

The New Applications will be conditioned on the simultaneous approval of the corresponding Replacement Application. To the extent that some but not all of the New Applications are approved and/or denied, it is the Applicant's intent that the amount of water ultimately transferred under the New Applications be approximately equal to the amount of water transferred by the corresponding Replacement Application, and vice versa. The Applicant intends that the ultimate approval of the New Applications and the corresponding Replacement Application be expressly conditioned on their simultaneous approval.