

**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 JUL 11 1996
 Returned to applicant for correction JUL 31 1996
 Corrected application filed _____
 Map filed AUG 15 1996 under 62290

The applicant **RENO MORNINGSTAR 101, L.P., A DELAWARE LIMITED PARTNERSHIP, BY AND THROUGH WESTSTAR COMMUNITIES, LTD, A NEVADA LIMITED LIABILITY COMPANY**, hereby make application for permission to change the **POINT OF DIVERSION, MANNER AND PLACE OF USE OF A PORTION** of water heretofore appropriated under **CLAIM #478/479 OF THE TRUCKEE RIVER DECREE SAID DECREE ENTERED BY THE DISTRICT COURT OF THE UNITED STATES FOR NEVADA IN THAT CERTAIN ACTION ENTITLED, "THE UNITED STATES OF AMERICA, PLAINTIFF VS. ORR WATER DITCH COMPANY, ETAL., DEFENDANTS," IN EQUITY DOCKET A-3.**

1. The source of water is **TRUCKEE RIVER**
2. The amount of water to be changed **20.00 AC. FT. - 0.125 CFS**
3. The water to be used for **MUNICIPAL AND DOMESTIC PURPOSES**
4. The water heretofore permitted for **AS DECREED**
5. The water is to be diverted at the following point **SEE EXHIBIT "A"**
6. The existing permitted point of diversion is located within **THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 11, T.19N., R.19E., M.D.M., OR AT A POINT FROM WHICH THE NORTHWEST CORNER OF SECTION 14, T.19N., R.19E., M.D.M., BEARS S. 69 DEGREES 15' W., A DISTANCE OF 3640.00 FEET (COCHRAN DITCH).**
7. Proposed place of use **SEE EXHIBIT "B" AND SUPPORTING MAP FILED WITH THIS APPLICATION**
8. Existing place of use **5.00 ACRES IN THE NW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 29 T.19N., R.20E., M.D.M.**
9. Use will be from **AS DECREED** to **AS DECREED** of each year.
10. Use was permitted from **AS DECREED** to **AS DECREED** of each year.
11. Description of proposed works **WATER WILL BE DIVERTED BY EXISTING COMPANY FACILITIES, TREATED AND PLACED INTO EXISTING DISTRIBUTION SYSTEM.**
12. Estimated cost of works **EXISTING**
13. Estimated time required to construct works **EXISTING**
14. Estimated time required to complete the application of water to beneficial use **FIVE (5) YEARS**
15. Remarks:

By **s/Michael D. Buschelman**
5405 MAE ANNE AVENUE
RENO, NEVADA 89523

Compared cms/bk dl/cms

Protested _____

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 point of diversion, place of use and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claims 478 and 479, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

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 amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.125 cubic feet per second, but not to exceed 20.0 acre-feet as decreed.

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

May 6, 2000

Proof of completion of work shall be filed before:

June 6, 2000

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

May 6, 2004

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

June 6, 2004

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

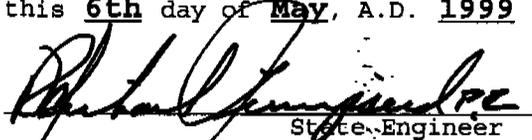
June 6, 2004

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 6th day of May, A.D. 1999


State Engineer

Completion of work filed WAIVED BY LETTER DATED 04/28/00

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

EXHIBIT "A"

The following describes the multiple points of diversion for Sierra Pacific Power Company Water Treatment Plants, which are shown on the map accompanying Application No. 58882 on file with the State of Nevada, Division of Water Resources, more particularly described as follows:

STEAMBOAT CANAL (HUNTER CREEK RESERVOIR):

The existing point of diversion is situated within the Northeast one-quarter of the Southwest one-quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, T.19N., R.18E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 31 bears South 62°04' East, a distance of 3,195.00 feet.

HIGHLAND DITCH (HIGHLAND RESERVOIR):

The existing point of diversion is situated within the Southwest one-quarter of the Southeast one-quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 9, T.19N., R.18E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 9 bears South 75°16' East, a distance of 1,650.00 feet.

IDLEWILD TREATMENT PLANT:

The existing point of diversion is situated within the Southeast one-quarter of the Southeast one-quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 10 bears South 69°57'58" East, a distance of 842.34 feet.

NORTH TRUCKEE DITCH (GLENDALE TREATMENT PLANT):

The existing point of diversion is situated within the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, T.19N., R.20E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Northeast corner of said Section 7 bears North 39°28' East, a distance of 3,015.00 feet.

ORR DITCH PUMP STATION (CHALK BLUFF TREATMENT PLANT):

The point of diversion is situated within the Northeast one-quarter of the Southeast one-quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada from said point of diversion the Northeast corner of said Section 17 bears North 15°39'36" East, a distance of 3,264.77 feet.

ORR DITCH (CHALK BLUFF TREATMENT PLANT):

The point of diversion is situated within the Northeast one-quarter of the Southwest one-quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada from said point of diversion the Southwest corner of said Section 17 bears South 44°40' West, a distance of 3,211.00 feet.

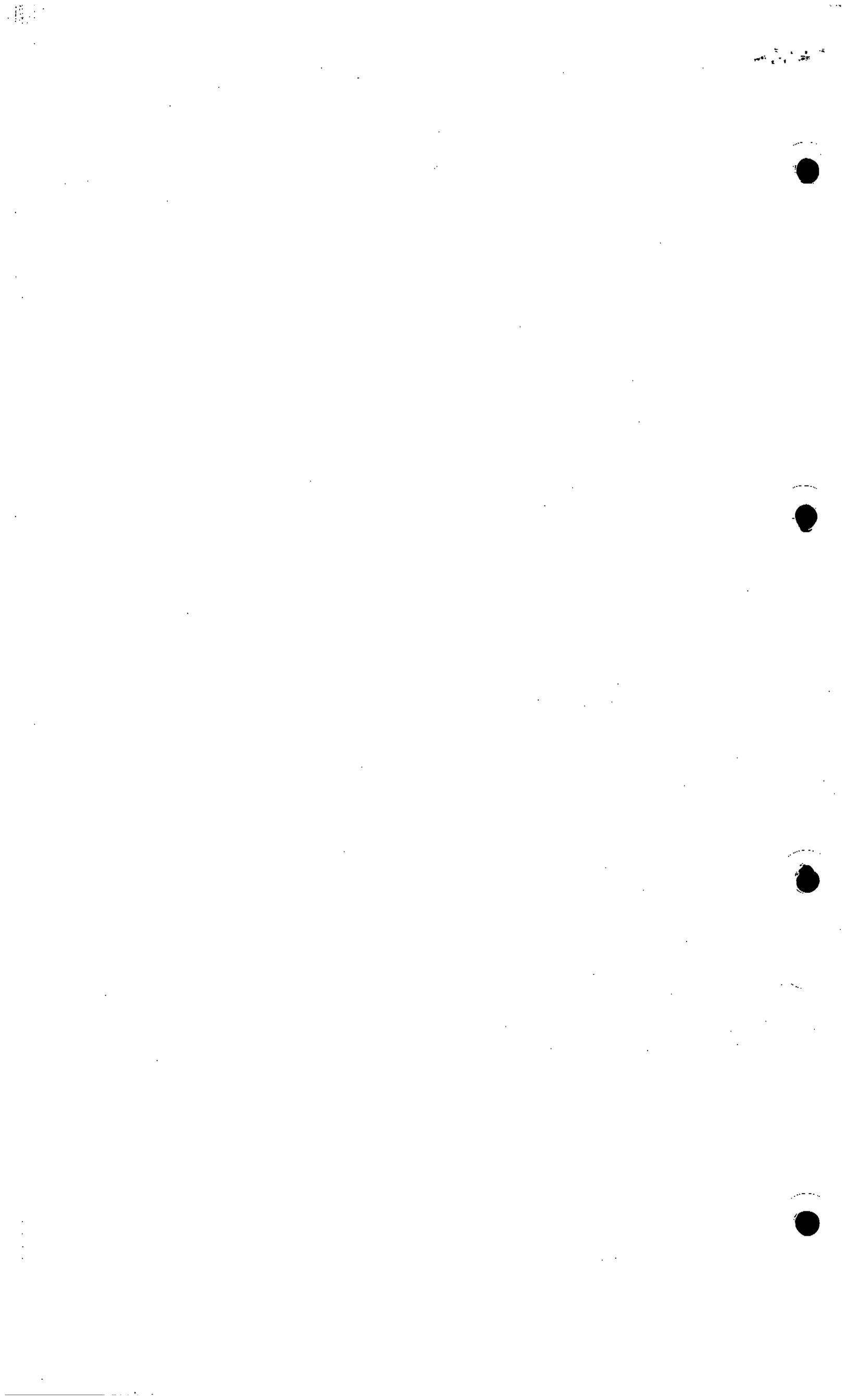


EXHIBIT "B"
PROPOSED PLACE OF USE

<u>DIVISION</u>	<u>SECTION</u>	<u>T-N</u>	<u>R-E</u>	
ALL	1 - 5	18	18	M.D.B. & M.
E 1/2	6 & 7	18	18	M.D.B. & M.
ALL	8 - 17	18	18	M.D.B. & M.
E 1/2	18 & 19	18	18	M.D.B. & M.
ALL	20 - 29	18	18	M.D.B. & M.
E 1/2	30 & 31	18	18	M.D.B. & M.
ALL	32 - 36	18	18	M.D.B. & M.
ALL	1 - 5	19	18	M.D.B. & M.
E 1/2	6 & 7	19	18	M.D.B. & M.
ALL	8 - 17	19	18	M.D.B. & M.
E 1/2	18 & 19	19	18	M.D.B. & M.
ALL	20 - 29	19	18	M.D.B. & M.
E 1/2	30 & 31	19	18	M.D.B. & M.
ALL	32 - 36	19	18	M.D.B. & M.
ALL	1 - 5	20	18	M.D.B. & M.
E 1/2	6 & 7	20	18	M.D.B. & M.
ALL	8 - 17	20	18	M.D.B. & M.
E 1/2	18 & 19	20	18	M.D.B. & M.
ALL	20 - 29	20	18	M.D.B. & M.
E 1/2	30 & 31	20	18	M.D.B. & M.
ALL	32 - 36	20	18	M.D.B. & M.
ALL	1 - 5	21	18	M.D.B. & M.
E 1/2	6 & 7	21	18	M.D.B. & M.
ALL	8 - 17	21	18	M.D.B. & M.
E 1/2	18 & 19	21	18	M.D.B. & M.
ALL	20 - 29	21	18	M.D.B. & M.
E 1/2	30 & 31	21	18	M.D.B. & M.
ALL	32 - 36	21	18	M.D.B. & M.
ALL	1 - 36	18	19	M.D.B. & M.
ALL	1 - 36	19	19	M.D.B. & M.
ALL	1 - 36	20	19	M.D.B. & M.
ALL	1 - 36	21	19	M.D.B. & M.
ALL	2 - 35	18	20	M.D.B. & M.
W1/2	36	18	20	M.D.B. & M.
ALL	1 - 12	19	20	M.D.B. & M.
ALL	14 - 23	19	20	M.D.B. & M.
ALL	26 - 35	19	20	M.D.B. & M.
ALL	1 - 36	20	20	M.D.B. & M.
ALL	1 - 36	21	20	M.D.B. & M.
<u>DIVISION</u>	<u>SECTION</u>	<u>T-N</u>	<u>R-E</u>	
ALL	1 - 36	20	21	M.D.B. & M.
ALL	1 - 36	21	21	M.D.B. & M.

The above place of use is being proposed as a result of the passage of Senate Bill No. 489 by the Nevada State Legislature during the 1995 session. The proposed place of use represents a regional water service area for Sierra Pacific Power Company and Washoe County as specified under Section No.s 15, 32, 32.5, 33 and 33.5 of Senate Bill No. 489.

