

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 MAR 04 2004

Returned to applicant for correction MAR 22 2004

Corrected application filed \_\_\_\_\_

Map filed MAR 26 2004 under 70921

\*\*\*\*\*

The applicant **WESTERN SUPPLY CORP. C/o Lewis Operating Corp.** hereby makes application for permission to change the **place of use and manner of use of a portion** of water heretofore appropriated under **Claim #702 thru #706 of The Truckee River Decree, said decree entered in 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, et al., Defendants,** in Equity Docket No. A-3

\*\*\*\*\*

1. The source of water is **STEAMBOAT CREEK**
2. The amount of water to be changed **1.06 CFS not to exceed 175.13 acre feet per annum**
3. The water to be used for **instream flow**
4. The water heretofore permitted for **as decreed**
5. The water is to be diverted at the following point **NW¼ SE¼ OF SECTION 33, T.18., R.20E., M.D.B.&M. THROUGH THE CANDLER DITCH PER THE DECREE**
6. The existing permitted point of diversion is located within
7. Proposed place of use **SEE EXHIBIT "A", ATTACHED HERETO. REFERENCE IS MADE TO TR-008, 012, 021, 026, 039, 046 AND 047 AND PERMIT 64288.**
8. Existing place of use **T.18N., R.20E., M.D.B.&M. 39.06 ACRES WITHIN THE SW¼ SW¼, THE NW¼ SW¼, and the SW¼ NW¼, OF SECTION 22 1.27 ACRES #702 - 705 AND 37.79 ACRES #706 REFERENCE IS MADE TO MAP TR-012. APN 16-730-54**
9. Use will be from **JANUARY 1 to DECEMBER 31** of each year.
10. Use was permitted from **AS DECREED.**
11. Description of proposed works **WATER WILL BE DIVERTED WITHIN THE EXISTING STEAMBOAT CREEK CHANNEL AND THE TRUCKEE RIVER**
12. Estimated cost of works **UNKNOWN - SUBJECT TO PERMIT CONDITIONS.**
13. Estimated time required to construct works **UNKNOWN - SUBJECT TO PERMIT CONDITIONS.**
14. Estimated time required to complete the application of water to beneficial use **TEN YEARS**
15. Remarks: **THIS WATER WILL BE DIVERTED WITHIN EXISTING STEAMBOAT CREEK CHANNEL TO PROVIDE INSTREAM FLOWS BETWEEN THE POINT OF DIVERSION AND THE VISTA GAUGE ON THE TRUCKEE RIVER. UPON PASSING THE VISTA GAUGE, THE WATER WILL BE CONSIDERED RETURN FLOW AND AVAILABLE FOR DOWNSTREAM USERS. IT IS NOT THE INTENT OF THIS**

**APPLICATION TO CONVERT TO INSTREAM FLOW ANY WATER RELEASED  
FROM WASHOE LAKE THAT MAY BE ASSOCIATED WITH CLAIM #706 AND THIS  
APPLICATION**

By **ROBERT E. FIRTH**  
s/Robert E. Firth  
**360 E. RIVERVIEW CIRCLE**  
**RENO, NV 89509**

Compared cmf/sam    1t/gk1

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 place and manner of use of a portion of the waters of Steamboat Creek as heretofore granted under Claim Nos. 702, 703, 704, 705 & 706 of the Truckee River Decree is subject to the terms and conditions imposed in said decree and with the understanding that no other right 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.

Measuring devices shall be designed and a monitoring plan shall be submitted to and approved by the State Engineer prior to filing the proof of completion of work. Furthermore, no return flow credit water for subdivisions will be approved from this permit until data supporting the use has been approved by this office. This permit is issued subject to the continuing jurisdiction and regulation by the Federal Water Master and the State Engineer.

By the issuance of this permit, the supplemental storage rights described under Truckee River Claim Nos. 660 and 669 can no longer be used at the existing place of use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.973 cubic feet per second, but not to exceed 174.51 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:  
September 23, 2007

Proof of completion of work shall be filed on or before:  
October 23, 2007

Water must be placed to beneficial use on or before:  
September 23, 2010

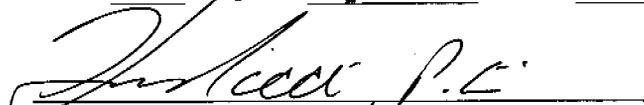
Proof of the application of water to beneficial use shall be filed on or before:  
October 23, 2010

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

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,

this 23rd day of September A.D. 2005

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

EXHIBIT "A"

## Proposed Place of Use

STEAMBOAT CREEK, Within: Township 19 North, Range 20 East M.D.B.&amp;M

SWSE Section 11  
SESE Section 11

SWSW Section 12  
SESW Section 12

NWNW Section 13  
NENW Section 13  
NWNE Section 13

SWSW Section 14  
NWSW Section 14  
SWNW Section 14  
SENW Section 14  
NENW Section 14  
NWNE Section 14  
NENE Section 14

SESE Section 15

SWSW Section 22  
SESW Section 22  
NESW Section 22  
NWSE Section 22  
SENW Section 22  
SWNE Section 22  
NWNE Section 22  
NENE Section 22

NWNW Section 23

NWNW Section 27

SESE Section 28  
NESE Section 28  
SENE Section 28  
NENE Section 28

NENE Section 33

NWSW Section 34  
SWNW Section 34  
NWNW Section 34  
NESW Section 34  
SESW Section 34

## STEAMBOAT CREEK, Within: Township 18 North, Range 20 East M.D.B.&amp;M

NENW	Section 3
NWNW	Section 3
SWNW	Section 3
NWSW	Section 3
SWSW	Section 3
NWNW	Section 10
SWNW	Section 10
NWSW	Section 10
SWSW	Section 10
NWNW	Section 15
SWNW	Section 15
NWSW	Section 15
NESE	Section 16
SESE	Section 16
SWSE	Section 16
NWNE	Section 21
SWNE	Section 21
NWSE	Section 21
SWSE	Section 21
NWNE	Section 28
NENW	Section 28
SWNE	Section 28
NWSE	Section 28
SWSE	Section 28
NWNE	Section 33
SWNE	Section 33
NWSE	Section 33