



THE STATE OF NEVADA
PERMIT TO CHANGE POINT OF DIVERSION,
MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED

Name of applicant: NEVADA TRI-PARTNERS LLC
Source: BROWN'S CREEK
Basin: TRUCKEE MEADOWS
Manner of Use: STORAGE
Period of Use: January 1st to December 31st
Priority Date: 01/01/1858

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 and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claims 715/715A, 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.

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.

This primary permit is issued under the authority of NRS 533.440 (Secondary applications are required for the use of the appropriated water) and is only a temporary allowance. The final water right obtained will be dependent upon the amount of water actually placed to beneficial use under the secondary permits.

A substantial measuring device must be installed and accurate records must be kept of the water flowing in Brown's Creek prior to its commingling with other drainages.

A monthly report of the water diverted and placed into storage must be submitted to the State Engineer and Federal Water Master within fifteen (15) days after the end of each month.

This permit is issued subject to continuing jurisdiction and regulation by the Federal Water Master.

The point of diversion and place of use is as described under items 5 & 7 respectively on the submitted application to support this permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.811 cubic feet per second, but not to exceed 105.59 acre-feet as decreed.

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

N/A

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

May 31, 2017

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 31st day of May, A.D. 2007

Handwritten signature of Tracy Taylor, P.E., State Engineer

Completion of work filed June 11, 1999 under 64048

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

AMENDED No. 75130
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 NOV 28 2006

Returned to applicant for correction _____

Corrected application filed DEC 13 2006

Map filed MAR 10 2004 under 70937

The applicant Nevada Tri-Partners hereby makes application for permission to change the Point of Diversion, manner and place of use of a portion of water heretofore appropriated under Claim 715/ 715a of the Truckee River Decree entered by the District Court for Nevada in that certain action entitled, "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al, Defendants" in Equity Docket A-3

1. The source of water is **Brown's Creek, south branch of White's Creek**
2. The amount of water to be changed **105.59 ac. ft. along with a pro-rata share of the diversion rate**
3. The water to be used for **Storage**
4. The water heretofore permitted for **As decreed**
5. The water is to be diverted at the following point **NW ¼ SW ¼, Section 21, T.18N., R.20E., M.D.B.&M., or at a point from which the SW Corner of Section 19, T.18N., R.20E., M.D.B.&M., bears S. 83° 13' 01" W., a distance of 11,730.44 feet. See map filed under Application 70937**
6. The existing permitted point of diversion is located within **As decreed, historical & physical location being NE ¼ SW ¼, Section 30, T.18N., R.20E., M.D.B.&M. or at a point from which the SE Corner of Section 17, T. 18N., R.20E., M.D.B.&M., bears N. 48°30'00"E., a distance of 12,144.00 feet)**
7. Proposed place of use **On site storage associated with surface treatment plant located in the NE ¼ SW ¼ and NW ¼ SW ¼ of Section 21, T.18N., R.20E., M.D.B.&M. Ultimate place of use to be determined by secondary applications. Please refer to map filed under Application 70937 filed on March 10, 2004**
8. Existing place of use **Please refer to Attachment "A"**
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 **Proposed diversion structure and pipeline/ditch to proposed place of use**
12. Estimated cost of works **\$13,000,000.00**
13. Estimated time required to construct works **Five (5) years**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) Years**

75130

15. Remarks: **Please refer to Attachment "B".**

By **Gregory M. Bilyeu**
s/ **Gregory M. Bilyeu**
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89521

Compared **mt/bk**_____

Protested_____

ATTACHMENT "A"

APPL 75130

8. Existing Place of Use

¼ ¼	Sec.	TwN	Rng	ACRES
NE ¼ SW ¼	16	T18N	R20E	40
NW ¼ SE ¼	16	T18N	R20E	9.2
SW ¼ SE ¼	16	T18N	R20E	21.6
SE ¼ SW ¼	16	T18N	R20E	40
SW ¼ SW ¼	16	T18N	R20E	40
SE ¼ SE ¼	17	T18N	R20E	35.5
SW ¼ SE ¼	17	T18N	R20E	37.8
NE ¼ NE ¼	20	T18N	R20E	38.1
NW ¼ NW ¼	21	T18N	R20E	40
SW ¼ NW ¼	21	T18N	R20E	34.4
NW ¼ SW ¼	21	T18N	R20E	32.6
SW ¼ SW ¼	21	T18N	R20E	15.2
NE ¼ SW ¼	21	T18N	R20E	12.5
SE ¼ NW ¼	21	T18N	R20E	23.4
NE ¼ NW ¼	21	T18N	R20E	40
NW ¼ NE ¼	21	T18N	R20E	4.5
Total				484.8

Acreege being removed from irrigation

¼ ¼	Sec.	TwN	Rng	APN	Acres
NW ¼ SE ¼	16	T18N	R20E	16-520-06	0.19
NW ¼ SE ¼	16	T18N	R20E	16-520-10	3.81
NW ¼ SE ¼	16	T18N	R20E	16-520-11	0.4
NW ¼ SE ¼	16	T18N	R20E	16-520-13	1.31
Subtotal					5.71

¼ ¼	Sec.	TwN	Rng	APN	Acres
SW ¼ SE ¼	16	T18N	R20E	16-520-04	2.49
SW ¼ SE ¼	16	T18N	R20E	16-520-06	0.61
SW ¼ SE ¼	16	T18N	R20E	16-520-11	3.854
SW ¼ SE ¼	16	T18N	R20E	16-520-13	13.723
Subtotal					20.677

Total					26.387
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Attachment "B"

15. Remarks

This application to change is associated with Washoe County's South Truckee Meadows Surface Water Treatment Plant.

Upon permitting of this application, Washoe County will file Secondary Applications to place the stored water to beneficial use. Secondary applications will be filed for Municipal, Artificial Recharge & Recovery and Wildlife (in-stream flow) purposes. These secondary applications will provide the needed flexibility to Washoe County to beneficially use this water under all three or either one of the manners of use with the understanding that the total combined duty will not exceed that of the primary storage permit duty.

In reference to the in-stream flow/wildlife secondary applications contemplated in this project, Washoe County stipulates to notify the downstream parties, i.e., Pyramid Lake Paiute Tribe, T.C.I.D. and Churchill County, prior to filing of said secondary application.

The purpose of the notification is to seek consensus on the disposition of the water under the secondary applications once it reaches the main stem of the Truckee River, and the relative rights to this water at Derby Dam.

The water rights being transferred under this application are for the benefit of Nevada Tri-Partners, LLC.