



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: DAMONTE FAMILY LIMITED PARTNERSHIP
Source: BROWN'S CREEK
Basin: TRUCKEE MEADOWS
Manner of Use: STORAGE
Period of Use: January 1st to December 31st
Priority Date: 12/20/2006

\*\*\*\*\*

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. 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.

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 totalizing meter must be installed at the discharge near the point of diversion and accurate measurements must be kept of storage water discharged. This permit is further issued subject to the provisions of NRS 533.395 and the State retains the right to regulate the use of water herein granted at any and all times.

A substantial measuring device must be installed and accurate records must be kept of the water flowing in Brown's Creek prior to it's 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 2.566 cubic feet per second, but not to exceed 334.19 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., for State Engineer

Completion of work filed June 11, 1999 under 64048

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

**AMENDED** **NO. 75211**  
**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 20 2006

Returned to applicant for correction JAN 04 2007

Corrected application filed JAN 18 2007

Map filed MAR 10 2004 under 70937

\*\*\*\*\*

The applicant **Damonte Family Limited Partnership**, a Nevada limited partnership 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 **334.19 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<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 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<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 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., MD.B.& M., bears N. 48°30'00"E., a distance of 12, 144.00 feet. See map filed under 41661**
7. Proposed place of use **On site storage associated with surface treatment plant located in the NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> 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** to of each year.
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**
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 ns/dl

Protested \_\_\_\_\_

**ATTACHMENT "A" (AMENDED)  
APPLICATION 75211**

**8. Existing Place of Use (Per Orr Ditch Decree)**

¼ ¼	Sec.	Tw	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	32.8
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
<b>Total</b>				<b>484.8</b>

**Acreeage being removed from irrigation**

¼ ¼	Sec.	Tw	Rng	APN	Acres	Duty
SE ¼ SW ¼	16	T18N	R20E	16-400-71	0.186	
NE ¼ NW ¼	21	T18N	R20E	16-400-71	3.857	
SW ¼ NW ¼	21	T18N	R20E	16-400-71	0.757	
<b>Subtotal</b>					<b>4.8</b>	<b>19.21</b>

¼ ¼	Sec.	Tw	Rng	APN	Acres	Duty
SE ¼ SW ¼	16	T18N	R20E	16-400-65	2.502	
SW ¼ SE ¼	16	T18N	R20E	16-400-65	1	
NE ¼ NW ¼	21	T18N	R20E	16-400-65	26.143	
SE ¼ NW ¼	21	T18N	R20E	16-400-65	23.4	
SW ¼ NW ¼	21	T18N	R20E	16-400-65	10.695	
<b>Subtotal</b>					<b>63.74</b>	<b>266.07</b>

¼ ¼	Sec.	Tw	Rng	APN	Acres	Duty
NE ¼ NW ¼	21	T18N	R20E	16-400-48	10	
<b>Subtotal</b>					<b>10</b>	<b>40.02</b>

¼ ¼	Sec.	Tw	Rng	APN	Acres	Duty
NW ¼ SW ¼	21	T18N	R20E	16-411-16	0.19	
<b>Subtotal</b>					<b>0.19</b>	<b>0.76</b>

¼ ¼	Sec.	Tw	Rng	APN	Acres	Duty
NW ¼ SW ¼	21	T18N	R20E	16-411-18	4.78	
<b>Subtotal</b>					<b>4.78</b>	<b>19.13</b>

<b>Total acreage being removed from irrigation:</b>					<b>83.51</b>	<b>334.19</b>
---	--	--	--	--	--------------	---------------

APN's taken from TR Map 030 prepared by the Division of Water Resources

Duties for each parcel taken from Summary of Ownership for Claim 715/715A prepared by the Division of Water Resources dated 7/11/2006

**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 the Damonte Family Limited Partnership, their successors and assigns.**