Serial No. 76162

AMENDED PRIMARY

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office AUG 1 6 2007

Returned to applicant for correction AUG 3 0 2007

Corrected application filed SEP 2 5 2007 Map filed OCT 1 1 2007 under 76161

The applicant Truckee Meadows Water Authority

P O Box 30013 (Street and No. or P.O. Box No.) of Reno (City or Town)

Nevada, 89520-3013 (State and Zip Code No.), hereby makes application for permission to

change the Point of Diversion and Manner and Place of Use of a portion MJW

of water heretofore appropriated under, Claim or Right No. 7 of the Truckee River Decree, said Decree entered

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

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, et al., Defendants", in Equity Docket A-3.

1. The source of water is Truckee River
   (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed Up to 399 cfs, see Exhibit "A" attached hereto.
   (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Storage with a secondary permit for non-consumptive beneficial use allowed by the Truckee River Operating Agreement.
   (Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.)
4. The water heretofore used for Hydroelectric power generation
   (If for stock state number and kind of animals.)
5. The water is to be diverted at the following point Situate in the SE ¼ SE ¼ of Section 19, T. 19N., R. 18E., M.D.B.&M., or at a point from which the southeast corner of said Section 19 bears South 39° 58' East, 845.00 feet, see detail 3 Verdi Power Plant, Ditch & Flume and Katz Ditch as shown on supporting map and the addition of all existing reservoirs described in Exhibit. "B" attached hereto and shown on the map filed with Primary Application No. 73783.
   (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.)
6. The existing point of diversion is located within the SE ¼ SE ¼ of Section 19 , T. 19N., R. 18E., M.D.B.&M., or at a point from which the southeast corner of said Section 19 bears South 39° 58' East, 845.00 feet, see detail 3 Verdi Power Plant, Ditch & Flume and Katz Ditch as shown on supporting map.
   (If point of diversion is not changed, do not answer.)

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7. Proposed place of use Will be set forth in an application for a Secondary Permit consistent with the Truckee River
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

Operating Agreement. The water stored under this Primary Application will be in the reservoirs as shown on the Supporting map filed with Primary Application No. 73783.

8. Existing place of use Verdi Hydro-Electric Power Plant situate in the SE ¼ of Section 8, T. 19N., R. 18E., M.D.B.&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 permitted from As Decreed (Month and Day) To As Decreed (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.) The diversion works for the existing point of diversion and the Existing reservoirs described in Exhibit "B" and shown on the map with Primary Application No. 73783 are completed and built.
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works Completed

13. Estimated time required to construct works Completed
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Ten (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 Remarks in Exhibit "C" attached hereto.

By Kenneth C. Briscoe
Signature, applicant or agent, Kenneth C. Briscoe

TMWA, P O Box 30013
Street and No., or P.O. Box No.

Reno, NV 89520-3013
City, State, Zip Code No.
(775) 834-8021

STATE ENGINEERS OFFICE
2001 SEP 25 PM 4:06
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APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE MUST ACCOMPANY APPLICATION

EXHIBIT "A"

The portion of Claim No. 7 to be changed is the "single purpose" hydro-generation portion, i.e., the portion of the rate of flow in the Truckee River for hydroelectric power generation under Claim No. 7 that is not needed to satisfy any other Orr Ditch Decree Water Right which is then being exercised.

EXHIBIT "B"

The Proposed Points of Diversion (Dam) are shown on the map filed with Application No. 73783 and the Storage Capacity (AF) and maximum outlet capacity (cfs) for each Storage Reservoir are as follows:

Lake Tahoe:

Situate in the NE ¼ of the NW ¼ of Section 7, T. 15N., R. 17E., M.D.M., or from the Dam the Southwest corner of said Section 7 bears South 29° 09' 30" West a distance of 5,182 feet, more or less. The storage capacity of Lake Tahoe is approximately 744,600 AF with a maximum outlet capacity of 2,500 cfs.

Donner Lake:

Situate in the SE ¼ of the NE ¼ of Section 18, T. 17N., R. 16E., M.D.M., or from the Dam the Southeast corner of said Section 18 bears South 04° 07' 14" East a distance of 2,981 feet, more or less. The storage capacity of Donner Lake is approximately 9,500 AF with a maximum outlet capacity of 660 cfs.

Prosser Creek Dam (Reservoir):

Situate in the NW ¼ of the SW ¼ of Section 30, T. 18N., R. 17E., M.D.M., or from the Dam the southwest corner of said Section 30 bears South 22° 58' 48" West a distance of 2,006 feet, more or less. The storage capacity of Prosser Creek Reservoir is approximately 29,840 AF with a maximum outlet capacity of 1,850 cfs.

Boca Dam (Reservoir):

Situate in the SE ¼ of the SW ¼ of Section 21, T. 18N., R. 17E., M.D.M., or from the Dam the southwest corner of said Section 21 bears South 81° 05' 07" West a distance of 2,647 feet, more or less. The storage capacity of Boca Reservoir is approximately 40,870 AF with a maximum outlet capacity of 1,200 cfs.

Stampede Dam (Reservoir):

Situate in the NW ¼ of the NW ¼ of Section 28, T. 19N., R. 17E., M.D.M., or from the Dam the northwest corner of said Section 28 bears North 36° 08' 27" West a distance of 636 feet, more or less. The storage capacity of Stampede Reservoir is approximately 226,500 AF with a maximum outlet capacity of 2,740 cfs.

Independence Lake Dam:

Situate in the NW ¼ of the SW ¼ of Section 35, T. 19N., R. 15E., M.D.M., or from the Dam the Southwest corner of said Section 35 bears South 20° 06' 47" West a distance of 1,945 feet, more or less. The storage capacity of Independence Lake is approximately 17,500 AF with a maximum outlet capacity of 540 cfs.

EXHIBIT "C"

15. Remarks:

This application is filed pursuant to the provisions of N.R.S. §533.515 in that it seeks to add the reservoirs described in Exhibit "B" and as listed in item 5 of the attached Primary Application as additional points of diversion for the portion of Orr Ditch Decree, Claim No. 7 as described in Exhibit "A", which water right has a point of diversion in the State of Nevada. This application is also filed as part of the implementation of the operating agreement described in Section 205(a) of Public Law 101-618. Because of the provisions of California Water Code section 1231 and 1232, California will recognize any permits issued by the Nevada State Engineer based upon this application. Therefore, it is within the jurisdiction of the Nevada State Engineer to approve this application allowing for storage of a portion of this Nevada water right in California.

Water diverted to storage under a permit issued hereunder will be and is the subject of applications for secondary permits for non-consumptive beneficial uses allowed by the Truckee River Operating Agreement at the places allowed by that Agreement. The amount of water under a permit issued hereunder which may be in storage at any one time and which may be released and used from storage in any one year will not exceed the amounts allowed by the Truckee River Operating Agreement.

To the extent that the water allowed to be diverted under Orr Ditch Decree Claim No. 7 is required to satisfy other Orr Ditch Decree Water Rights which are then being exercised, that water will continue to be diverted at its presently allowed point of diversion for its presently allowed use.

Any permit issued under this application shall enter into effect simultaneously with the entry into effect of the Truckee River Operating Agreement.