Serial No. 78355

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....APR 20 2009.....

Returned to applicant for correction.....

Corrected application filed.....Map filed FEB 26 2009 under 78034

The applicant.....**CITY OF FERNLEY**.....

.....**595 SILVER LACE BLVD**.....of.....**FERNLEY**..., NEVADA **89408**.....
Street and No. Or P.O. Box No — City or Town

hereby makes... application for permission to change the.....

X Point of diversion ☒ Place of use ☒ Manner of use ☐ Of a portion

of water heretofore appropriated under ..**Permit 67449**.....
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree identify right in Decree.

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.....**795 ac-ft**.....
   feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for.....**STORAGE WITH SECONDARY PERMITS FOR BENEFICAL USES 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.....**MUNICIPAL & DOMESTIC**.....
   If for stock state number and kind of animals.
5. The water is to be diverted at the following **SEE ATTACHMENT "A"**.....
   Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on snsurveyed land, it should be stated.
6. The existing point of diversion is located within... **Derby Dam being located in N1/2 SW1/4, Section 19, T.20N., R.23E., MDB&M**...
   If point of diversion is not changed, do not answer.
7. Proposed place of use.....**The beneficial place of use will be set forth in applications for secondary permits consistent with the Truckee River Operating Agreement. The water stored under this Primary Application will be in the Lake Tahoe, Boca Reservoir, Donner Reservoir, Stampede Reservoir, Prosser Creek Reservoir, Derby Dam, and the City of Fernley Water Treatment Facility**.....
   Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

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8. Existing place of use...**See Attachment "B" and map filed with application 67449**
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.....**1/1**.....to.....**12/31**.....of each year.
Month and Day Month and Day

10. Use permitted from.....**1/1 to 12/31**.....

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.).... **The Reservoirs and Diversion Works for Lake Tahoe, Boca Reservoir, Donner Reservoir, Stampede Reservoir, Prosser Creek Reservoir and Derby Dam are Complete. The City of Fernley Water Treatment Facility is currently under Construction**.....
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.....**$50,000,000**.....

13. Estimated time required to construct works.....**2.0 YEAR**.....
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use...N/A...

15. Remarks: **SEE REMARKS IN ATTACHMENT "C"**.....

(775) 784-9920

Phone No.

By:.....**Lowell Patton, Director, City of Fernley Public Works Department**.....
~~Print or type~~ name clearly

.....
Signature, applicant or agent

.....**595 Silver Lace Blvd**.....
Street and No., or P.O. Box No.

.....**Fernley, NV 89408** .....
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

RECEIVED
2009 APR 20 PM 1:44
STATE ENGINEER'S OFFICE

$150 FILING FEE MUST ACCOMPANY APPLICATION

Attachment "A"

The Proposed Points of Diversion are shown on the map filed with Application: **78034**

Lake Tahoe:

Within 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 capacity of Lake Tahoe is approximately 744,600 AF.

Donner Lake:

Within 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 capacity of Donner Lake is 9,500 AF.

Prosser Creek Dam (Reservoir):

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

Boca Dam (Reservoir):

Within 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 capacity of Boca Reservoir is approximately 40,870 AF.

Stampede Dam (Reservoir)

Within 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 capacity of Stampede Reservoir is approximately 226,500 AF.

Derby Dam:

Within the N ½ of the SW ¼ of Section 19, T. 20N., R. 23E., M.D.M.

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ATTACHMENT B

PROPOSED PLACE OF USE:

T.20 N., R. 24 E., M.D.B. & M.

Portion of Sections 9 and 10, Sections 11, 12, 13, 14 and 15;
Portion of Sections 16, 17, and 20, Sections 21, 22, 23, 24, 25, 26, 27 and 28;
Portion of Sections 29, 30, and 31, Sections 32, 33, 34, 35 and 36.

T.20 N., R. 25 E., M.D.B. & M.

Sections 1, 2 and 3;
Portion of Sections 4 and 5, Sections 7 through 36.

T.20 N., R. 26 E., M.D.B. & M.

Portion of Section 5, Sections 6 and 7;
Portion of Sections 8 and 17, Sections 18 and 19;
Portion of Sections 20 and 29, Sections 30 and 31;
Portion of Section 32.

T.21 N., R. 25 E., M.D.B. & M.

Portion of Sections 13, 23 and 24, Section 25;
Portion of Sections 26, 27, 28 and 33, Sections 34, 35 and 36

T.21 N., R. 26 E., M.D.B. & M.

Portion of Sections 5, 7 and 8, Section 17;
Portion of Section 18, Sections 19, 20, 29, 30, 31, and 32.

T.22 N., R. 26 E., M.D.B. & M.

Portion of Sections 28, 32 and 33.

T.19 N., R. 25 E., M.D.B. & M.

All of Sections 1 through 36.

T.19 N., R. 24 E., M.D.B. & M.

Sections 1, 2, 3, 4 and 5;
Portion of Section 6, Sections 7 through 36.

T.19 N., R. 23 E., M.D.B. & M.

Portion of Sections 1, 12, 13, 14 and 23, Sections 24 and 25;
Portion of Sections 26, 27 and 34, Sections 35 and 36.

Attachment "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 Attachment "A" and as listed in Item 11 above as additional points of diversion for the water rights described herein. 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 the storage of the consumptive use component of these Nevada water rights in California.

Water diverted to storage under a permit issued hereunder will be and is the subject of applications for secondary permits for beneficial uses allowed by the Truckee River Operating Agreement at the places allowed by that Agreement. The amount of water diverted to storage under a permit issued hereunder in any one year will not be less than the full permitted duty of 4.5 AF per year. 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.

If the water right described herein is not diverted to storage, the full duty of the water right will continue to be diverted at its allowed points of diversion for its manner of use.