Application No. 78723

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 JUL 0 9 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed DEC. 31, 1917 under 2386

The applicant Bright Holland Corporation, a Nevada corporation, & Jackrabbit Properties, LLC

4005 Quail Rock Lane (Street Address or P.O. Box) of Reno (City or Town)

Nevada 89511 (State and Zip Code), hereby make(s) application for permission to change the

☒ Point of diversion ☒ Place of use ☒ Manner of use 7-16-09 ~~☒ of a portion~~ MR strike of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
Proof No. V09064

1. The source of water is Rush Creek & Tributaries (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed 25 cfs - 2,044.04 afa (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for municipal and domestic purposes (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 Irrigation, stock water & domestic purposes (If for stock, state number and kind of animals.)
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
   w/in SW1/4 SE1/4 Section 31 T31N, R19E, MDM or at a point from which the SE corner of said Section 31 bears South 70 degrees 35 minutes 00 seconds East, a distance of 2,300.00 feet. (Same POD as Permit No. 2386)
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   SW1/4 NE1/4 Section 18, T31N, R18E, MDM or at a point from which the NE corner of Section 6 T31N, R18E, MDM bears North 05 degrees 50 minutes East, a distance of 11,766.88 feet. (Refer to map under Proof No. V-09064)

21-MD

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Refer to attached Exhibit "A"

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Refer to attached Exhibit "B"

9. Proposed use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.

10. Existing use permitted from April 1 (Month and Day) to October 31 (Month and Day) of each year.

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.)(State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Existing diversion under Permit 2386 to distribution facility, treatment and pipeline to place of use.

12. Estimated cost of works $100,000,000.00 for project

13. Estimated time required to construct works 15 years for project (If well completed, describe well.)

14. Estimated time required to complete the application of water to beneficial use 30 years for project

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This application along with other applications propose to change existing water rights owned by the applicant for exportation from Smoke Creek Valley Basin No. 21 for municipal purposes within the proposed place of use. This project will require many years to complete due to its magnitude and construction of water distribution systems to customers. Washoe County planning studies show a demand for additional municipal water resources to supply existing development and projected growth.

16. Miscellaneous remarks:

Rush Creek water will be diverted at the same POD as Permit No. 2386, transported to a treatment facility and/or infiltrated into the ground water aquifer through the natural stream channel and/or rapid infiltration basins, recovered by means of wells and delivered to the proposed place of use.

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By Michael D. Buschelman
Print or type name clearly

Signature, applicant or agent

Michael D. Buschelman Consulting, Inc.
Company Name

Post Office Box 51371
Street Address or P.O. Box

Sparks, Nevada 89435
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

STATE ENGINEER'S OFFICE
2009 DEC -9 PM 1:19

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Protested: July 31, 2009, by John Espil Sheep Co., August 3, 2009, by Richard L. and Janice L. Olson, August 3, 2009, by BLM, Eagle Lake Field Office, September 15, 2009, by the Pyramid Lake Paiute Tribe, September 16, 2009, by Rumsey, Moore, Fleming and Bogard, represented by Chris Mahannah

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ITEM NO. 7
EXHIBIT A - Refer to map under Application No. 77634
PROPOSED PLACE OF USE - Entirely within Washoe County, Nevada

Aliquot Part	Section	Township North	Range East	Base & Meridian
ALL	5 & 6	16	20	M.D.B & M.
ALL	1 - 36	17	19	M.D.B & M.
ALL	1 - 36	17	20	M.D.B & M.
ALL	1 - 5	18	18	M.D.B & M.
E1/2	6 & 7	18	18	M.D.B & M.
ALL	8 - 17	18	18	M.D.B & M.
E1/2	18 & 19	18	18	M.D.B & M.
ALL	20 - 29	18	18	M.D.B & M.
E1/2	30 & 31	18	18	M.D.B & M.
ALL	32 - 36	18	18	M.D.B & M.
ALL	1 - 36	18	19	M.D.B & M.
ALL	2 - 35	18	20	M.D.B & M.
W1/2	36	18	20	M.D.B & M.
ALL	1 - 5	19	18	M.D.B & M.
E1/2	6 & 7	19	18	M.D.B & M.
ALL	8 - 17	19	18	M.D.B & M.
E1/2	18 & 19	19	18	M.D.B & M.
ALL	20 - 29	19	18	M.D.B & M.
E1/2	30 & 31	19	18	M.D.B & M.
ALL	32 - 36	19	18	M.D.B & M.
ALL	1 -36	19	19	M.D.B & M.
ALL	1 - 12	19	20	M.D.B & M.
ALL	14 - 23	19	20	M.D.B & M.
ALL	26 - 35	19	20	M.D.B & M.
ALL	1 - 5	20	18	M.D.B & M.
E1/2	6 & 7	20	18	M.D.B & M.
ALL	8 - 17	20	18	M.D.B & M.
E1/2	18 & 19	20	18	M.D.B & M.
ALL	20 - 29	20	18	M.D.B & M.
E1/2	30 & 31	20	18	M.D.B & M.
ALL	32 - 36	20	18	M.D.B & M.
ALL	1 - 36	20	19	M.D.B & M.
ALL	1 - 36	20	20	M.D.B & M.
ALL	1 - 36	20	21	M.D.B & M.

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ITEM NO. 7
EXHIBIT A
PROPOSED PLACE OF USE - Entirely within Washoe County, Nevada

Aliquot Part	Section	Township North	Range East	Base & Meridian
ALL	1 - 5	21	18	M.D.B & M.
E1/2	6 & 7	21	18	M.D.B & M.
ALL	8 - 17	21	18	M.D.B & M.
E1/2	18 - 19	21	18	M.D.B & M.
ALL	20 - 29	21	18	M.D.B & M.
E1/2	30 & 31	21	18	M.D.B & M.
ALL	32 - 36	21	18	M.D.B & M.
ALL	1 - 36	21	19	M.D.B & M.
ALL	1 - 36	21	20	M.D.B & M.
ALL	1 - 36	21	21	M.D.B & M.
ALL	1 - 36	21	22	M.D.B & M.
ALL	1 - 5	22	18	M.D.B & M.
E1/2	6 & 7	22	18	M.D.B & M.
ALL	8 - 17	22	18	M.D.B & M.
E1/2	18 - 19	22	18	M.D.B & M.
ALL	20 - 29	22	18	M.D.B & M.
E1/2	30 & 31	22	18	M.D.B & M.
ALL	32 - 36	22	18	M.D.B & M.
ALL	1 - 36	22	19	M.D.B & M.
ALL	1 - 36	22	20	M.D.B & M.
ALL	1 - 36	22	21	M.D.B & M.
ALL	3 - 10	22	22	M.D.B & M.
ALL	15 - 23	22	22	M.D.B & M.
ALL	26 - 35	22	22	M.D.B & M.
Those portions outside of the Pyramid Lake Indian Reservation	2, 11, 14	22	22	M.D.B & M.
ALL	1 - 5	23	18	M.D.B & M.
E1/2	6 & 7	23	18	M.D.B & M.
ALL	8 - 17	23	18	M.D.B & M.
E1/2	18 - 19	23	18	M.D.B & M.
ALL	20 - 29	23	18	M.D.B & M.
E1/2	30 & 31	23	18	M.D.B & M.
ALL	32 - 36	23	18	M.D.B & M.
ALL	1 - 36	23	19	M.D.B & M.
ALL	1 - 36	23	20	M.D.B & M.

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ITEM NO. 7
EXHIBIT A
PROPOSED PLACE OF USE - Entirely within Washoe County, Nevada

Aliquot Part	Section	Township North	Range East	Base & Meridian
ALL	4 - 10	23	21	M.D.B & M.
ALL	14 - 36	23	21	M.D.B & M.
Those portions outside of the Pyramid Lake Indian Reservation	3, 11, 13	23	21	M.D.B & M.
ALL	30 - 33	23	22	M.D.B & M.
Those portions outside of the Pyramid Lake Indian Reservation	18, 19, 20, 27, 28, 29, 34, 35	23	22	M.D.B & M.
ALL	1 - 5	24	18	M.D.B & M.
E1/2	6 & 7	24	18	M.D.B & M.
ALL	8 - 17	24	18	M.D.B & M.
E1/2	18 - 19	24	18	M.D.B & M.
ALL	20 - 29	24	18	M.D.B & M.
E1/2	30 & 31	24	18	M.D.B & M.
ALL	32 - 36	24	18	M.D.B & M.
ALL	1 - 36	24	19	M.D.B & M.
ALL	2 - 11	24	20	M.D.B & M.
ALL	14 - 36	24	20	M.D.B & M.
Those portions outside of the Pyramid Lake Indian Reservation	1, 12, 13	24	20	M.D.B & M.
ALL	30 - 32	24	21	M.D.B & M.
Those portions outside of the Pyramid Lake Indian Reservation	18, 19, 20, 28, 29, 33, 34	24	21	M.D.B & M.

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ITEM NO. 8

EXHIBIT B - Page 1 of 1

EXISTING PLACE OF USE - Refer to Map under Proof No. V-09064

Acreage	Quarter	Quarter	Section	Township North	Range East	Base & Meridan
37.17	SE	SE	7	31	18	M.D.B.& M.
3.13	NE	SE	7	31	18	M.D.B.& M.
13.20	SE	SE	8	31	18	M.D.B.& M.
18.92	NW	SE	8	31	18	M.D.B.& M.
17.81	SW	SE	8	31	18	M.D.B.& M.
21.41	SE	SW	8	31	18	M.D.B.& M.
35.13	NE	SW	8	31	18	M.D.B.& M.
20.08	NW	SW	8	31	18	M.D.B.& M.
34.88	SW	SW	8	31	18	M.D.B.& M.
3.65	SE	NW	8	31	18	M.D.B.& M.
0.64	SW	NE	8	31	18	M.D.B.& M.
2.82	SW	SW	15	31	18	M.D.B.& M.
11.24	NW	SW	15	31	18	M.D.B.& M.
14.21	NE	SE	16	31	18	M.D.B.& M.
10.77	NW	SE	16	31	18	M.D.B.& M.
3.42	SE	NE	16	31	18	M.D.B.& M.
20.60	SW	NE	16	31	18	M.D.B.& M.
7.85	NE	SW	16	31	18	M.D.B.& M.
34.67	SE	NW	16	31	18	M.D.B.& M.
1.55	NE	NW	16	31	18	M.D.B.& M.
32.22	SW	NW	16	31	18	M.D.B.& M.
24.06	NW	NW	16	31	18	M.D.B.& M.
12.73	SE	NE	17	31	18	M.D.B.& M.
26.14	NE	NE	17	31	18	M.D.B.& M.
9.63	NW	NW	17	31	18	M.D.B.& M.
32.98	NE	NE	18	31	18	M.D.B.& M.
0.79	NW	NE	18	31	18	M.D.B.& M.
2.11	SE	NE	18	31	18	M.D.B.& M.
0.42	SW	NE	18	31	18	M.D.B.& M.

454.23	Total Acreage