

**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 09 2009

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed DEC. 31, 1917 under 2386

The applicant Jackrabbit Properties, LLC

4005 Quail Rock Lane of Reno

Street Address or P.O. Box City or Town

Nevada 89511, hereby make(s) application for permission to change the

State and Zip Code

Point of diversion       Place of use       Manner of use       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.)  
Permit No. 64969

1. The source of water is Rush Creek  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 22.00 cfs - 1,600 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 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)(Refer to map under Permit No. 2386)
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
SE1/4 SE1/4 Section 7, T31N, R18E, MDM or at a point from which the NE corner of Section 6 T31N, R18E, MDM bears N 0 degrees 14 minutes 46 seconds W, a distance of 9,779.97 feet. ( Note: Section 7 is an irregular section, hence the bearing to the corner being given as north and west. (Refer to map under Permit No. 64969)

*21-212*

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" (Refer to map under Permit No. 64969)

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

10. Existing use permitted from January 1 to December 31 of each year.  
Month and Day Month and Day

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:

Smoke 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.

(775) 355-9628

Phone No.

mike@mbuschelman.com

E-mail

By Michael D. Buschelman

Print or type name clearly

*Michael D. Buschelman*

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

STATE ENGINEER OF NEVADA  
2009 JUL -9 PM 1:20

**APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT**

***\$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

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.

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.

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.

**Exhibit "B"**  
**Existing Place of Use under Permit No. 64969**  
**Page 1 of 1**

Section 7, T 31 N, R 18 E., MDM  
Portions of the SE1/4 SE1/4

Section 8, T 31 N, R 18 E., MDM  
Portions of the SE1/4  
Portions of the SW1/4  
Portions of the SW1/4 NE1/4  
Portions of the NW1/4

Section 9, T 31 N, R 18 E., MDM  
Portions of the SW1/4 SW1/4

Section 15, T 31 N, R 18 E., MDM  
Portions of the E1/2 SW1/4  
Portions of the NW1/4 SW1/4

Section 16, T 31 N, R 18 E., MDM  
Portions of the NE1/4 SE1/4  
Portions of the S1/2 NE1/4  
Portions of the S1/2 NW1/4  
Portions of the NW1/4 NW1/4

Section 17, T 31 N, R 18 E., MDM  
Portions of the E1/2 NE1/4  
Portions of the NW1/4 NE1/4