



AMENDED

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of Permittee: HEAVENLY VALLEY, A NEVADA LIMITED PARTNERSHIP
Source: LAKE TAHOE
Basin: LAKE TAHOE BASIN
Manner of Use: RECREATIONAL
Period of Use: JANUARY 1ST TO DECEMBER 31ST
Priority Date: 11/18/2009

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 is issued subject to all existing rights on the source. It is understood that the 3.0 cubic feet per second and not to exceed 250 acre-feet annually herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A totalizing meter must be installed and monthly records shall be kept of water placed to beneficial use. The records shall be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year. The totalizing meter must be a separate, dedicated meter installed at a point that will quantify only the water utilized under this permit. The State retains the right to regulate the use of the water herein granted at any and all times.

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.

The amount of water herein granted is only a temporary allowance issued under the provisions of NRS 533.371 for a finite period of time, being ten (10) years from the date of issuance of this permit. After the ten (10) year time period, the status of this permit will become subject to additional determination and evaluation with respect to the permanent effects on the resource within the Lake Tahoe Basin. Should Applications 58344 and 58345 be approved during this 10 year time period, Permit 79028 will expire.

This permit is issued for the express purpose of allowing up to 250 acre-feet annually of water to be diverted for snowmaking purposes, of which, the consumptive use portion for snowmaking is determined to be 16%. The issuance of this permit does not authorize any additional appropriation for consumptive use beyond the 16% portion.

The place of use under this permit is limited to the Heavenly Valley Ski Resort area that lies within the Lake Tahoe Hydrographic Basin and the State of Nevada. Use of the water granted under this permit outside of the Lake Tahoe Hydrographic Basin is prohibited.

Any future attempts to change the manner of use of this permit will be denied. If any water under this permit is cancelled, withdrawn, or if any water is not put to beneficial use, it will revert to the source.

(Continued on Page 2)

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 3.0 cubic feet per second or 250.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

October 25, 2014

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

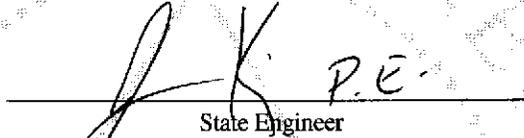
October 25, 2018

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of August, A.D. 2013

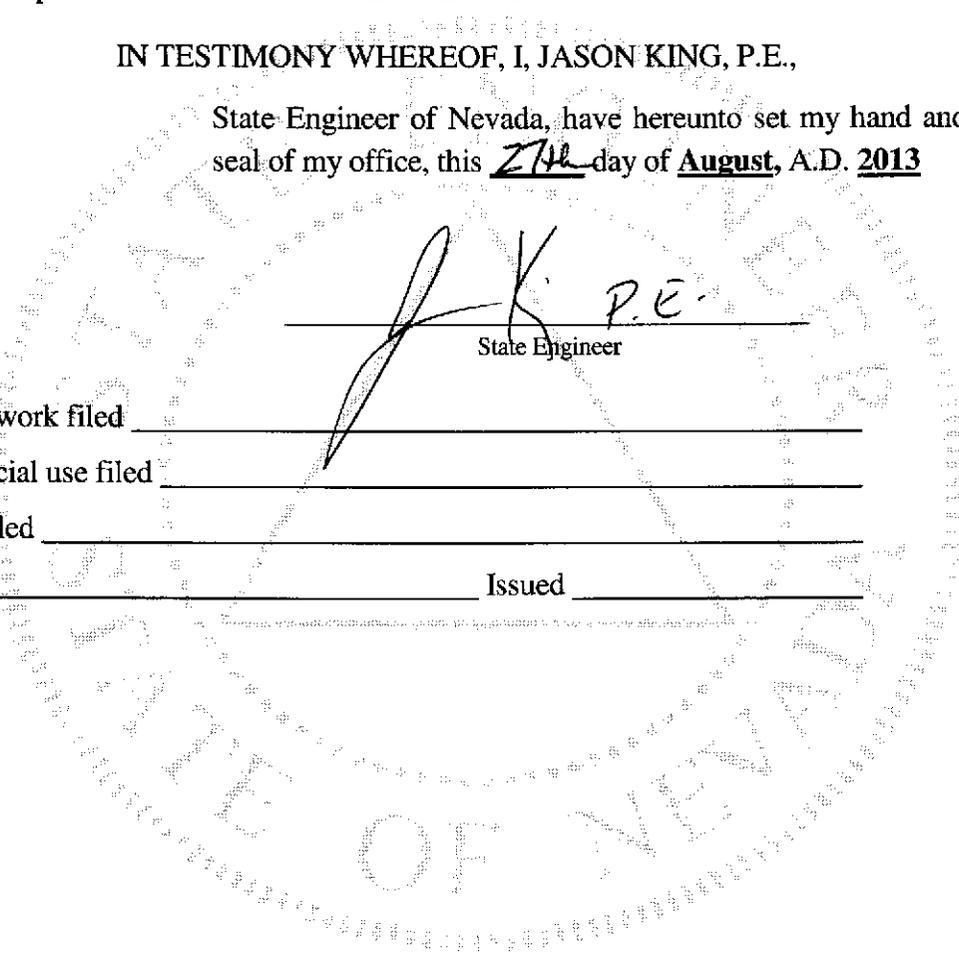

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____





See Amended Permit

Permit No. 79028

THE STATE OF NEVADA

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Priority Date: 11/18/2009

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 is issued subject to all existing rights on the source. It is understood that the 3.0 cubic feet per second and not to exceed 250 acre-feet annually herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A totalizing meter must be installed in the intake pipeline near the point of diversion and accurate measurements must be kept of water placed to a beneficial use. The totalizing meter must be a separate, dedicated meter installed at a point that will quantify only the water utilized under this permit. The State retains the right to regulate the use of the water herein granted at any and all times.

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.

The amount of water herein granted is only a temporary allowance issued under the provisions of NRS 533.371 for a finite period of time, being five (5) years from the date of issuance of this permit. After the five year time period, the status of this permit will become subject to additional determination and evaluation with respect to the permanent effects on the resource within the Lake Tahoe Basin. Should Applications 58344 and 58345 be approved during this 5 year time period, Permit 79028 will expire.

This permit is issued for the express purpose of allowing up to 250 acre-feet annually of water to be diverted for snowmaking purposes, of which, the consumptive use portion for snowmaking is determined to be 20%. The issuance of this permit does not authorize any additional appropriation for consumptive use beyond the 20% portion.

The place of use under this permit is limited to the Heavenly Valley Ski Resort area that lies within the Lake Tahoe Hydrographic Basin and the State of Nevada. Use or storage of the water granted under this permit outside of the Lake Tahoe Hydrographic Basin is prohibited.

Any future attempts to change the place of use or manner of use of this permit will be denied. If any water under this permit is cancelled, withdrawn, or if any water is not put to beneficial use, it will revert to the source.

(Continued on Page 2)

See Amended Permit

Permit No. 79028

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 3.0 cubic feet per second or 250.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

October 25 2012

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

October 25 2016

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 25th day of October, A.D. 2011

J. King
for State Engineer P.E.

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

THIS SPACE FOR OFFICE USE ONLY	
Date of Filing in State Engineer's Office	<u>NOV 18 2009</u>
Returned to applicant for correction	_____
Corrected Application filed	_____ Map filed <u>SEPT. 27, 1963 under 20980</u>

The applicant Heavenly Valley, A Nevada Limited Partnership

Post Office Box 2180 of Stateline
Street Address or P.O. Box City or Town

Nevada 89449 hereby make(s) application for permission to appropriate the
State and ZIP Code

public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

VR Heavenly I, Inc., a Colorado Corporation, General Partner

1. The source of water is Lake Tahoe
Name of the stream, lake, underground, spring or other sources.

2. The amount of water applied for is 3.0 c.f.s, up to 250 acre-feet annually
One second foot equals 448.83 gallons per minute.

(a) If stored in a reservoir give the number of acre-feet _____

3. The water is to be used for Recreation (snowpack augmentation)
Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated _____

(b) Stockwater, state number and kind of animals _____

(c) Other use (describe fully in No. 12) See #12

(d) Power:

(1) Horsepower developed _____

(2) Point of return of water to stream _____

SO-DO

5. The water is to be diverted from its source 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 so stated.)

Within the NW 1/4 NW 1/4 of Section 27 (extended into the lake), T13N, R18E, MDB&M, or at a point from which the northeast corner of said Section 27, bears N. 86° 22' E., a distance of 4748.00 feet, as shown on the map on file under Application 20980 and Permit 22006.

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated)

S 1/2 SE 1/4 Section 25, SE 1/4 SE 1/4 Section 26, E 1/2 NE 1/4, portion of the SE 1/4 Section 35 lying within the State of Nevada, N1/2, portion of the S 1/2 Section 36 lying within the Lake Tahoe Basin and within the State of Nevada, T13N, R18E, portions of E 1/2 NW 1/4, W 1/2 NE 1/4, and SW 1/4 Section 30 lying within the Lake Tahoe Basin, portion of W 1/2 Section 31 lying within the Lake Tahoe Basin, T13N, R19E, portion of N 1/2 Section 1 lying within the Lake Tahoe Basin and within the State of Nevada, T12N, R18E, MDB&M, as shown on the map filed under Application 58345.

7. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

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

Intake system in Lake Tahoe, pipeline, reservoir, booster pump and pipeline to snowmaking equipment.

9. Estimated cost of works: in excess of \$200,000.00

10. Estimated time required to construct works: 5 years

(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: 10 years

12. 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 is for snowpack augmentation on the Nevada portion of the Heavenly Valley Ski Resort. The total amount of water used each year will vary depending on the seasonal needs.

13. Miscellaneous remarks:

BCarrig@vailresorts.com

E-mail Address

775-586-2311

Phone No.

Blaise Carrig

Type or print name clearly



Signature, applicant or agent

Heavenly Mountain Resort

Company Name

PO Box 2180

Street Address or PO Box

Stateline, NV 89449

City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

STATE ENGINEERS OFFICE
2009 NOV 18 PM 4:11