

BRIAN SANDOVAL
Governor

STATE OF NEVADA



LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

March 14, 2014

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441

RE: Permits 64977, 64978, 66400, 73428, 73429, 73430 and 74327

This is to inform you that the Application for Extension of Time has been granted to February 11, 2015, with the provision that no further extensions will be granted for Proof of Completion and Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2842 or smcdaniel@water.nv.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shannon" or "Smcdaniel".

Shannon McDaniel
Water Resource Specialist I

SM/dl

cc: TEC Civil Engineering Consultants

JA1021
SE ROA 940

BRIAN SANDOVAL
Governor

STATE OF NEVADA



LEO DROZDOFF
Director
JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
(800) 992-0900
(In Nevada Only)
<http://water.nv.gov>

FINAL NOTICE

February 13, 2015

FINAL NOTICE

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441
Certified Mail No. 71067808063000585965

Re: Final Notice for Permit 64977, 64978, 66400, 73428, 73429, 73430 and 74327

The provisions of your above referenced permit to appropriate waters of the State of Nevada require you to file a **Proof of Completion and Proof of Beneficial Use** on or before **February 11, 2015**.

Our records indicate that you have not filed the required proof(s) and your permit is in danger of cancellation unless the proof(s) or an application for an extension of time along with the appropriate filing fee(s) with which to file the required proof(s) is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice.

Per NRS 533.390 and/or 533.410, if the required proof or extension of time is not received within thirty (30) days after the mailing of this notice, your permit will be cancelled.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If there are any questions regarding this notice please contact our office at (775) 684-2800.

jw

cc: TEC Civil Engineering Consultants (email)- All Permits
Turnipseed Engineering, Ltd. (email)- Permits 73428, 73429 73430 and 74327 Only

Schedule of Fees:

Fee for filing Proof of Completion - \$60
Fee for filing Proof of Beneficial Use - \$60
Fee for filing Request for Extension of Time - \$120

JA1022
SE ROA 941

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.FILED
FEB 19 2015
STATE ENGINEER'S OFFICEIN THE MATTER OF PERMIT NO. 64977 FILED TO APPROPRIATE/CHANGE THE WATERS OF
underground

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Robert W. Marshall

, the

Agent

Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. Does this permit have multiple owners? ☐ Yes ☒ No (Check the appropriate box)

2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?

☐ Yes ☐ No (Check the appropriate box)

3. If "No" on question 2 is checked, on whose behalf is this extension being filed?

4. How much time is needed to construct the works of diversion or place the water to beneficial use? Ten (10) years5. What is the expenditure on the project under this permit? Last year? \$17,573.43 Total to date? \$2,568,222.436. The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
(Not to exceed 1 year)

proof of completion and proof of beneficial use

(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

The economy has not improved at all this past year. There is no growth occurring in the area of beneficial use. We have continued maintenance of the project by installing new caps on artesian flows to prevent waste. We have continued monitoring activities with Interflow Hydrology with continuous flow recording meters on the surface water. We have drastically reduced the price of the Project and have been actively working with potential investors to finance or purchase the project.

State of Nevada

County of WashoeSubscribed and sworn to before me on February 19, 2015by Robert W. Marshall

Signed

Permittee or Agent

Address 625 Onyo Way

Street Address or PO Box

Sparks, NV 89411

City, State, ZIP Code

Phone (775) 425-1161

E-mail



KATHY SOUVIRON
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 08-7630-2 - Expires July 30, 2018

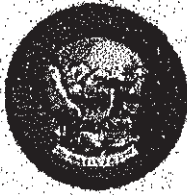
Notary Stamp or Seal Required

Signature of Notary Public Required

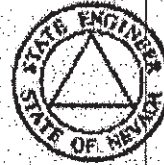
\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 07/13 - ext_app

JA1023
SE ROA 942



**Division of Water Resources
Receipt for Payment**



Intermountain Water Supply Ltd
625 Onyo Way
Spanish Springs, NV 89441

Check #: 1502
Check Date: 2/19/2015
Date Received: 2/19/2015
Receipt #: 4575

FY	Amount	Permit #	Invoice #	Fee Type/Fee desc	Notes
2015	\$120.00	64977		- Extensions	Covers Ext No's 64977, 64978, 66400, 67037, 73428, 73429, 73430 and 74327

Check Total: \$960.00



InterMountain
Water Supply

625 Oyo Way
Spanish Springs, NV 89441

(775) 425-1161
(775) 425-1327 FX

marshall@iwm.net

May 26, 2015

Kristen Geddes
Chief, Hearings Section
State of Nevada Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, NV 89701

Re: Extension of Time: Permit

Dear Ms. Geddes:

In my letter of March 12, 2015 with respect to the above permit. I enclosed statements from Parsons, Behle & Latimer law firm. To clarify, none of these statements included any of my time. These were bills I paid for time spent by firm personnel, other than me. Most of the time was billed by Rew Goodenow, a partner with the firm for appearances before the County Commission or for meetings with the District Attorneys' Office.

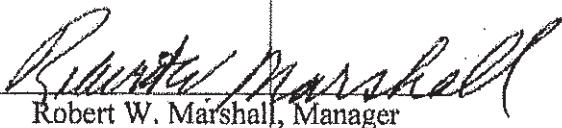
I have NEVER billed any of my time to this project during the 20± years I have worked on it.

I trust this letter clarifies any questions that there may have been on this point.

Please place a copy of this letter in the file for each InterMountain Water Supply Ltd. Permit involved in the Project. The Permit numbers include Permits 64977, 64978, 66400, 72700, 73428, 73429, 73430, 74327, 66873, 73048, and 67037. I am enclosing copies for your convenience.

Sincerely,

INTERMOUNTAIN WATER SUPPLY

By: 
Robert W. Marshall, Manager

RWM/ks
Enclosures
cc: Jason King, P.E.

4827-3643-6260

RECEIVED
2015 MAY 28 AM 10:00
STATE ENGINEERS OFFICE
JA1025
SE ROA 944

STATE OF NEVADA

BRIAN SANDOVAL
Governor



LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

June 4, 2015

Robert W. Marshall
Intermountain Water Supply, Ltd.
625 Onyo Way
Sparks, Nevada 89441

Re: Applications for Extension of Time concerning Permits 72700, 64977, 64978,
66400, 73428, 73429, 73430 and 74327

Dear Mr. Marshall:

On March 12, 2015, you responded to the request for evidence concerning the extension of time filed concerning Permit 72700. Given the similarity of information stated on the request for extension of time concerning Permit 72700, and Permits 64977, 64978, 66400, 73428, 73429, 73430 and 74327, this response applies equally to all of the listed Permits (i.e., "the Project").

Pursuant to NRS § 533.380(3) an application for the extension must in all cases be accompanied by proof and evidence of the reasonable diligence with which the applicant is pursuing the perfection of the application. The measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. NRS § 533.380(6). Further, when a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system. *Id.*

In addition, in requests for extensions on permits for municipal use on any land referred to in NRS § 533.380(1)(b), or for any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall also consider:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

JA1026
SE ROA 945

Page 2

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

↳ if any, for completing the development of the land.

Your response included a written response, copies of the amendment to the Washoe County Regional Water Management Plan to Include the North Valley Strategy, Regional Water Planning Commission Minutes, a written Current Status of the Project, and various invoices for legal fees, consultant and professional fees, accountant fees and secretary of state fees. I have considered the evidence you submitted concerning the extension request and a discussion of my opinion concerning the evidence submitted as it relates to the extension request follows below.

1. Discussion of Amendment to the Regional Water Management Plan and Current Status of the Project

The Amendment to the Regional Water Management Plan to Include the North Valley Strategy (1995-2015), which was adopted March 31, 1997, identified four water supply alternatives, one of which included the Warm Springs Importation Project ("Project"). Although the Project was briefly described, the Plan Amendment makes clear that the County sought to pursue multiple projects simultaneously in order to maximize flexibility, to provide greater competitive position among negotiations with project proponents, and to secure a reliable water supply system beyond 2015. Therefore, it was recommended that, among other potential projects, your Project was to be aggressively pursued and implemented as needed and merited. Specific activities of the Regional Plan to implement the strategy included entering into agreements with project proponents to resolve remaining implementation issues and set performance criteria for proving viability of the projects. If the projects met the performance criteria, completed supporting technical analysis, submitted permit applications, prepared environmental documentation, completed preliminary engineering design, then the county would initiate formal discussions with project proponents to establish potential terms of an agreement to implement each project. Based on the results of these activities the County was to implement either the Project or the Green Gulch Project, or both.

Re: Applications for Extension of Time concerning Permits 72700, 64977, 64978, 66400, 73428, 73429, 73430 and 74327

Page 3

Subsequent to the revision of the Regional Plan, the "Current Status of the Project" does identify a number of performance criteria that were carried out, including: conformance reviews completed by the Regional Water Planning Commission, a Record of Decision issued on the EIS, Special Permit issued by the County, a Utility Environmental Protection Act (UEPA) permit issued by the Public Utility Commission, easements and rights of way were obtained and the drilling of seven wells. You also state that a final report, the archeological survey, is due later this year.

From the foregoing history it is evident that in 1997, the County contemplated the Project as a potential water source for the North Valleys, and considered future implementation of the Project subject to later-met performance criteria. As you demonstrate in your response, many activities were carried out laying the groundwork for the Project until the economic slowdown beginning in or around 2008.

2. Discussion of invoices

You submitted a number of invoices for attorney's fees, which your response states were incurred from meetings with Washoe County commissioners and meetings with representatives of the Washoe County District Attorney's Office to develop an appropriate agreement for Washoe County to obtain the Project.¹ While you state that ultimately an agreement was not reached with the County, the attorney's fees which were incurred appear to support the portions of the Regional Water Management Plan that formal discussions between the County and you would occur concerning the potential terms of an agreement to implement the Project.

As well, the consultant fees paid to Robert Williams to draft a letter of support regarding the FEIS demonstrates new efforts toward project milestones.

However, I find that the invoices for professional accounting and tax preparation services, and annual Secretary of State filing fees, do not help demonstrate the steady application of effort to perfect the application. Rather, invoices for professional accounting and tax preparation services, annual Secretary of State filing fees are indicative of revolving administrative fees incurred by Intermountain Water Supply.

¹ You later clarified that the attorney's fees were incurred by Rew Goodenew, of Parsons, Behle & Lattimer.

Re: Applications for Extension of Time concerning Permits 72700, 64977, 64978, 66400, 73428, 73429, 73430 and 74327

Page 4

3. Application of Bacher.


I decline at this time to apply the anti-speculation doctrine of the *Bacher* decision to deny the extensions on the basis of speculation. I would note, however, that the applications for extensions of time filed since 2011 have indicated you are seeking a buyer for the project. Inasmuch as negotiations with the County were unfruitful at the end of 2014, the inability to secure a buyer in future requests for extensions of time will not be considered good cause for extensions of time. See *Colorado River Water Conservation Dist. v. Vidler Tunnel Water Co.*, 594 P.2d 566 (Colo. 1979) (articulating anti-speculation doctrine adopted by *Bacher*, stating the right to appropriate is for use, not merely for profit).

In considering NRS 533.380(4), I find good cause for granting extensions on the Project permits. The area to be served is Lemmon Valley, which has existing developments with currently little to no recharge. It is true that economic conditions have been poor in recent years for which I have taken into consideration.

Notwithstanding that the extensions of time are being granted, please be advised that further requests for extensions on permits comprising the Project will be closely scrutinized to ensure the statutory criteria for granting extensions of time are adhered to. In that vein, for any future extensions of time filed regarding the Project, please submit evidence at the time the request for extensions are filed, which demonstrates good cause supporting future extension requests made pursuant to NRS 533.380.²

You will receive confirmation of the extension dates and new proof filing dates under separate cover. If you have any questions regarding the foregoing please do not hesitate to contact me.

Sincerely,


Jason King, P.E.
State Engineer

cc: Chris Skinner, Sierra Pacific Industries

² This also applies to Permits 66873 and 73048 referenced in your response.

BRIAN SANDOVAL
Governor

STATE OF NEVADA



LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

<http://water.nv.gov>

June 15, 2015

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441

RE: Permit(s) 64977, 64978, 66400, 73428, and 73430

This is to inform you that the Application for Extension of Time has been granted to February 11, 2016, with the provision that no further extensions will be granted for the filing of Proof of Completion and Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2807.

Sincerely,

A handwritten signature in cursive script, appearing to read "Colette Easter".

Colette Easter
Water Resource Specialist I

CE/lr

cc: TEC Civil Engineering Consultants (email) (All Permits)
Turnipseed Engineering, Ltd. (email) (Permits 73428 and 73430 only)

JA1030
SE ROA 949

SEE APPLICATION 594-64 TO CHANGE F.O.D. FROM 100-100

64978

DATE TIME MAR 24 1999

Name of applicant		Well No.	
Map		Well No.	
Stream		Well No.	
Township 24N Range 1E		Well No.	
County		Well No.	

Water INTERMOUNTAIN PIPELINE LTD. ASSIGNED

Source of Water UNDERGROUND

25 used for correction APR 02 1999

Controlled application received MAY 28 1999

Map filed MAY 28 1999

Sanitary Publication JUN 06 1999

Proof of notification filed

Investigation on ground by

Protested

Ready for action AUG 29 1999

Approved by

Carried

DATE FILE	PRINTER'S COMMITMENT	PRINTER'S COMMITMENT	PRINTER'S COMMITMENT
FEB 11 2005	FEB 11 2005	FEB 11 2005	N/A
NO FURTHER EXTENSION	NO FURTHER EXTENSION	NO FURTHER EXTENSION	NO FURTHER EXTENSION
Classified	Classified	Classified	Classified

CERTIFICATE NO.	EXCISED	APPROVED
USE	USE	USE
CERTIFICATE CHECK	PRINTER'S COMMITMENT	PRINTER'S COMMITMENT

ADDRESS

JA1031

SEALING SECTION

SE ROA 950

ORIGINAL

Serial No. **64978**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 **MAR 24 1999**Returned to applicant for correction **APR 02 1999**Corrected application filed **MAY 28 1999**

Map filed

~~MAY 28 1999~~ under 64977The applicant Intermountain Pipeline Ltd.PO Box 2790

Street and No. or P.O. Box No.

of Reno

City or Town

Nevada 89505-2790

State and Zip Code No.

hercby makes application for permission to appropriate the 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 gives names of members.) Limited Liability Company was chartered in the State of Nevada, December 31, 1997

1. The source of the proposed appropriation is Underground (Well B)
Name of stream, lake, spring, underground

2. The amount of water applied for is 2.0 cfs
One second foot equals 448.83 gallons per minute.

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

3. The water to be used for Municipal and Domestic
Irrigation, power, mining, commercial, domestic or other use. M

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 under "No. 12. Remarks") _____

(d) Power:

(1) Horsepower developed _____

(2) Point of return of water to stream _____

JA1032
SE ROA 951

5. The water is to be diverted from its source at the following point NW 1/4 NW 1/4 Section 11, T24N, R19E, MDM.
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 so stated.

6. Place of use See attached Exhibit "A"
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

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.) Well B, equipped with pump and controls and a transmission
State manner in which water is to be diverted, i.e. diversion structure,

pipeline to deliver water to Lemmon Valley.
ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$500,000

10. Estimated time required to construct works 5 years
If well completed, describe works.

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

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Combined diversion by Well A and Well B shall not exceed ¹⁴⁵⁰ ~~950~~ acre-feet, annually. This water is to be used in
conjunction with the Warm Springs Project to deliver water to Lemmon Valley.

By

Ronald W. Marshall

Agent

Signature, applicant or agent

P.O. Box 2740

950 Industrial Way

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

Reno, Nevada 89505

City, State, Zip Code No.

APPLICATION MUST BE SIGNED

BY THE APPLICANT OR AGENT

\$250 FILING FEE MUST ACCOMPANY APPLICATION

JA1033
SE ROA 952

EXHIBIT "A"

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, all in T21N R19E MDM.

Section 36, T21N R18E MDM.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, all in T20N R19E MDM.

Sections 1 and 12 T20N R18E MDM.

RECEIPT

STATE OF NEVADA
DIVISION OF WATER RESOURCES

201 S. Fall Street, Room 211
Carson City, Nevada 89710

Duplicate

124094

MARCH 24 1999

ROBERT & NANETTE MARSHALL
2440 HOLCOMB LANE
RENO NV 89511

TO FILING NEW APPLICATION NO. 64978

250 00

(INTERMOUNTAIN PIPELINE LTD.)

Remittance by CHECK NO. 1803 COVERS NEW APP NO'S. 64977 & 64978

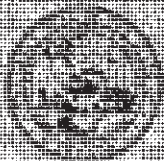
Received payment in the office of the State Engineer

By

(Rev. 1-88)

(C) 2000

JA1035
SE ROA 954



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 200
Carson City, Nevada 89706-0013
(702) 437-4330 • (702) 437-4372

RE: 64975 and 64976

April 1, 1999

Robert W. Marshall
P.O. Box 8796
Reno, NV 89505

Dear Mr. Marshall:

Your applications to appropriate the public waters of the State of Nevada were received and filed March 23, 1999. These applications were assigned Numbers 64975 and 64976.

We are enclosing copies of the original applications, and amended applications so that the following corrections may be made:

Item 25. Describe point of diversion as being within a 40-acre legal subdivision or government lot and its by bearing and distance to an established section or quarter-section corner.

Need map. A supporting map, prepared by a licensed State Water Right Surveyor, will be required in support of the above applications.

In addition to the above corrections, all other appropriate items of the amended application including current address of the applicant, must again be completed. The name on the amended application must be spelled the same as on the original application or an affidavit of identity will be requested.

The amended applications and map must be filed in this office on or before June 1, 1999, or a technical memorandum of the State Engineer to cancel the above applications.

JA1036
SE ROA 955

RE: 64071 & 64073
APRIL 2, 1999
PAGE 2

If your application and map are returned properly executed within 30 days, with retaining
property of the original filing, it may be returned within the time stated, they will be cancelled.

[Handwritten signature]

R. Michael [unclear] P.E.
State Engineer

RMTH/LL

Enclosure

Certified Mail 7/15/863 060

C. [unclear] Pipeline [unclear]

Certified Mail 7/15/863 060

JA1037

KENNY C. GUINN
Governor

STATE OF NEVADA



PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246
Carson City, Nevada 89706-0818
(775) 687-4380 • Fax (775) 687-6972

April 6, 1999

RE: 64977 and 64978

Intermountain Pipeline, Ltd.
P. O. Box 2790
Reno, NV 89505-2790

Ladies & Gentlemen:

Please be advised that the 1993 Nevada Legislature passed and the Governor signed into law S.B. 19 which established certain noticing requirements which must be met by any applicant for underground water for municipal, quasi-municipal, or industrial uses for 0.5 c.f.s. or greater. The law became effective October 1, 1993. It appears that your Application Numbers 64977 and 64978 are subject to this law. I have enclosed a copy of S.B.19 for your information. The State Engineer cannot consider your applications until the noticing requirements are met. If there are no domestic wells within 2,500 feet of the well site, please inform this office in writing.

If you have any questions on this matter, feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christine Thiel".

Christine Thiel, P.E.
Deputy State Engineer

CT/my

Enclosures

cc: Robert W. Marshall

JA1038
SE ROA 957

Stantec Consulting Inc.
950 Industrial Way
Sparks NV 89431 USA
Tel: (775) 358-6931 Fax: (775) 358-6954
www.stantec.com



Stantec

May 13, 1999
Project No. 26100134

Ms. Christine Thiel, P.E.
NEVADA DIVISION OF WATER RESOURCES
123 W. Nye Lane, Suite 246
Carson City, Nevada 89706-0818

RE: Applications 64977 and 64978

Dear Ms. Thiel:

In reply to your letter dated April 6, 1999, regarding noticing requirements of S.B. 19 (1993), there are no domestic wells within 2,500 feet of the proposed well sites. Please contact me, if you have any additional questions.

Sincerely,

Dwight L. Smith, P.E.
Hydrogeologist

cc: Robert W. Marshall, Intermountain Pipeline, Ltd.

Buildings

DLS:eb
p:\geotech\0100134\wpdocs\lir-memo\lir-noticing.doc

Environment

Industrial

Management Systems

Transportation

Urban Land

JA1039
SE ROA 958

AMENDED

Serial No. 64978

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. MAY 24 1999

Returned to applicant for correction. APR 02 1999

Corrected application filed. MAY 28 1999 Map filed. MAY 28 1999 under 64977

The applicant. Intermountain Pipeline Ltd.

P.O. Box 2790

of Reno

Street and No. or P.O. Box No.

City and Town

Nevada 89505-2790

State and Zip Code No.

, hereby make application for permission to appropriate
the 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.) Limited Liability Company was
chartered in the State of Nevada, December 31, 1997

1. The source of the proposed appropriation is. underground (Well B)

Name of stream, lake, spring, underground or other source.

2. The amount of water applied for is. 2.0 cfs. second feet.

One second foot equals 448.83 gallons per minute.

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

3. The water to be used for. Municipal and Domestic

Irrigation, power, mining, commercial, domestic or other use. Must limit 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 under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

JA1040
SE ROA 959

5. The water is to be diverted from its source at the following point. NW 1/4 NW 1/4 Section 11, T24N, R19E, M.D.M.,
Describe as being within a 40-acre subdivision of public
at a point from which the SE corner of Section 19, T24N, R20E, M.D.M., bears
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
S 44° 31' 55" E, a distance of 21449 feet.

6. Place of use. See attached Exhibit "A"
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

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.) Well B, equipped with pump and controls and a
State manner in which water is to be diverted, i.e. diversion structure.
transmission pipeline to deliver water to Lemmon Valley.
ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works. \$500,000

10. Estimated time required to construct works. 5 years
If well completed, describe works.

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

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Combined diversion by Well A and Well B shall not exceed 1450 acre-feet annually.

This water is to be used in conjunction with the Warm Springs Project to deliver
water to Lemmon Valley.

STATE ENGINEERS OFFICE

99 MAY 28 PM 3:33

RECEIVED

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

By Wright W. Smith Agent
Type or print name clearly Signature, applicant or agent

950 Industrial Way

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

Sparks, NV 89431

City, State, Zip Code No.

\$250 FILING FEE MUST ACCOMPANY APPLICATION

JA1041
SE ROA 960

EXHIBIT "A"

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, all in T21N R19E MDM.

Section 36, T21N R18E MDM.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, all in T20N R19E MDM.

Sections 1 and 12 T20N R18E MDM.

PETER G. MORROS
Director

STATE OF NEVADA

R. MICHAEL TURNIPSEED, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246
Carson City, Nevada 89708-0818

In reply refer to
No. 64978

Address All Communications to
the State Engineer, Division
of Water Resources
Telephone (702) 887-4380

RENO GAZETTE JOURNAL
P O BOX 22000
RENO NV 89520

Gentlemen:

Enclosed is notice of Application No. 64978 of INTERMOUNTAIN PIPELINE LTD.

for the waters of an underground source. Please publish this notice
in your paper once a week for four consecutive weekly issues, the first publication to commence in your first issue
after receipt of this letter.

Upon completion of such publication it will be necessary for you to send to this office a proof of publication
subscribed to before a Notary Public, showing the dates of the issues of said newspaper wherein such publications
were made, and that such newspaper is a newspaper having a general circulation, and that the affiant is the publisher
or manager thereof. Also send your bill, which, in accordance with the statutes, must not exceed the sum of fifty
dollars. The bill will be paid on the first of the month following receipt of proof of publication.

Kindly detach the receipt provided below and return to this office with a copy of the notice as first published
attached thereto. If this receipt is not received within 15 days of this date it will be assumed that you do not desire the
publication, and it will be sent elsewhere.

Very truly yours,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/gkl

Enclosure

STATE ENGINEER
Carson City, Nevada

DEAR SIR:

Notice of Application No. for publication in this paper has been received and publication
will be made as directed.

Name of Paper

By

KINDLY RETURN PROMPTLY ON COMPLETION OF FIRST PUBLICATION

NOTICE OF APPLICATION FOR PERMISSION TO APPROPRIATE
THE PUBLIC WATERS OF THE STATE OF NEVADA

JUN 08 1999

Application No. 64978

Notice is hereby given that on the 24th day of
March, 1999, Intermountain Pipeline Ltd.
of Reno, State of
Nevada, made application to the State Engineer
of Nevada for permission to appropriate 2.0 c.f.e.
of the public waters of the State of Nevada. Diversion is to be made from

an underground source at a point located within the NW1/4 NW1/4,
Section 11, T.24N., R.19E., MDM, or at a point from which the SE
corner of Section 19, T.24N., R.20E., MDM, bears S. 44° 31' 55" E.,
a distance of 21449 feet (1 mile SW of Milk Ranch Reservoir).
Water will be used for municipal & domestic purposes from January
1st to December 31st of each year.

Date of first publication.....

Date of last publication.....

RMT/gkl

Signed:
R. Michael Turnipseed

State Engineer

64978
6-7-99
513

JA1044
SE ROA 963

PETER G. MORROS
Director

R. MICHAEL TURNIPSEED, P.E.
State Engineer

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246
Carson City, Nevada 89706-0818

In reply refer to
No.

64978

Address All Communications to
the State Engineer, Division
of Water Resources
Telephone (775) 687-4380

INTERMOUNTAIN PIPELINE LTD
P O BOX 2790
RENO NV 89505-2790

Your application.....was.....received and filed in this office under the above mentioned serial number...
on.....MAR.....24....., 1999..... The supporting map was received and filed on.....MAY.....28.....
1999.

Today notice.... of publication..... has been mailed to.....Reno Gazette Journal.....
.....Reno, Nevada..... In accordance with the law the notice... will be
published once a week for four consecutive weekly issues.

Very truly yours,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/gkl

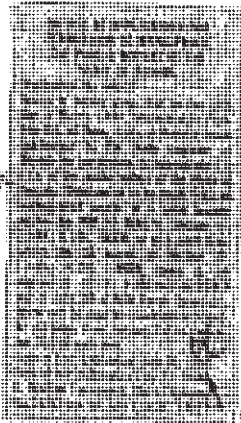
....., Nevada,

....., 19.....

STATE ENGINEER
Carson City, Nevada

DEAR SIR:

Notice of Application
will be made as directed.



..... publication in this paper has been received and publication

Reno Gazette-Journal
Name of Paper

P.O. BOX 22000

RENO, NEVADA 89520-2000

By.....

KINDLY

..... COMPLETION OF FIRST PUBLICATION

Form A (Rev. 10-96)

(0)-4561



RECEIVED
99 JUL - 1 AM 10:48
STATE ENGINEER'S OFFICE

JA1046
SE ROA 965

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 73933

Electronically Filed
Feb 08 2018 04:44 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SIERRA PACIFIC INDUSTRIES, a California Corporation,

Appellant,

v.

JASON KING, P.E., in his capacity as Nevada State Engineer; THE
DIVISION OF WATER RESOURCES, DEPARTMENT OF
CONSERVATION, an agency of the State of Nevada; and
INTERMOUNTAIN WATER SUPPLY, LTD., a Nevada Limited Liability
Company,

Respondents

Appeal From Order Denying Petition for Judicial Review
District Court Case No.: CV16-01378
Second Judicial District Court of Nevada

JOINT APPENDIX

VOLUME IV Part 2 of 2

McDONALD CARANO LLP

Debbie Leonard, Esq.

100 W. Liberty St., 10th Fl.

Reno, NV 89501

775-788-2000 (phone)

775-788-2020 (fax)

dleonard@mcdonaldcarano.com

Attorneys for Appellant

Sierra Pacific Industries

RICHARD L. ELMORE CHTD.

Richard L. Elmore, Esq.

3301 S. Virginia St. Ste. 125

Reno, Nevada 89502

775-357-8170 (phone)

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relmore@rlepc.com

Attorneys for Respondent

Intermountain Water Supply

NV ATTORNEY GENERAL

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Carson City, NV 89701

775-684-1225 (phone)

775-684-1108 (fax)

mfairbank@ag.nv.gov

Attorneys for Respondent

NV State Engineer

CHRONOLOGICAL INDEX TO JOINT APPENDIX

<u>DATE</u>	<u>DESCRIPTION OF DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE(S)</u>
6/29/2016	Notice of Filing Petition for Judicial Review (NRS 533.450) with 6/29/2016 filed Petition for Judicial Review and Exhibits	I	JA0001 – JA0028
7/22/2016	Order Granting Stipulation to Allow Intervention	I	JA0029 – JA0031
9/8/2016	State Engineer's Summary of Record on Appeal: SE ROA 1 – SE ROA 748	I – III	JA0032 – JA0790
	SE ROA 1-214	I	JA0043 – JA0256
	SE ROA 215-470	II	JA0257 – JA0512
	SE ROA 417-748	III	JA0513- JA0790
10/5/2016	State Engineer's Supplemental Summary of Record on Appeal: SE ROA 749 – SE ROA 2405	IV – X	JA0791 – JA2490
	SE ROA 749-965	IV	JA0830 – JA1046
	SE ROA 966-1220	V	JA1047 – JA1302
	SE ROA 1221-1471	VI	JA1303 – JA1554
	SE ROA 1472-1723	VII	JA1555 – JA1806
	SE ROA 1724-1974	VIII	JA1807 – JA2058
	SE ROA 1975-2225	IX	JA2059 – JA2308
	SE ROA 2226-2405	X	JA2309 – JA2490

<u>DATE</u>	<u>DESCRIPTION OF DOCUMENT</u>	<u>VOLUME</u>	<u>PAGE(S)</u>
10/7/2016	Petitioner's Sierra Pacific Industries' Opening Brief	X	JA2491 – JA2517
11/17/2016	Respondent-Intervenor Intermountain Water Supply's Answering Brief	XI	JA2518 – JA2561
11/28/2016	Respondent State Engineer's Answering Brief	XI	JA2562 – JA2583
12/30/2016	Petitioner's Sierra Pacific Industries' Reply Brief	XI	JA2584 – JA2603
12/30/2016	Exhibits 1-9: SROA 2406 – SROA 2475, to Petitioner Sierra Pacific Industries Motion to Supplement the Record, or in the Alternative, for Judicial Notice.	XI	JA2604 – JA2686
2/6/2017	Order Granting Sierra Pacific Industries' Motion to Supplement the Record	XI	JA2687 – JA2689
4/28/2017	Application for Setting via Teleconference	XI	JA2690 – JA2691
5/24/2017	Petition for Judicial Review – Minutes	XI	JA2692
5/24/2017	Petition for Judicial Review Oral Arguments Transcript	XI	JA2693 – JA2750
8/21/2017	Order Denying Petition for Judicial Review	XI	JA2751 – JA2759
8/22/2017	Notice of Entry of Order Denying Petition for Judicial Review (Order not recopied)	XI	JA2760 – JA2764
9/8/2017	Notice of Appeal with Clerk's Certificate (Notice of Entry & Order not recopied)	XI	JA2765 – JA2769

ALPHABETICAL INDEX TO JOINT APPENDIX

<u>DESCRIPTION OF DOCUMENT</u>	<u>DATE</u>	<u>VOLUME</u>	<u>PAGE(S)</u>
Application for Setting via Teleconference	4/28/2017	XI	JA2690 – JA2691
Exhibits 1-9: SROA 2406 – SROA 2475, to Petitioner Sierra Pacific Industries Motion to Supplement the Record, or in the Alternative, for Judicial Notice.	12/30/2016	XI	JA2604 – JA2686
Notice of Appeal with Clerk’s Certificate (Notice of Entry & Order not recopied)	9/8/2017	XI	JA2765 – JA2769
Notice of Entry of Order Denying Petition for Judicial Review (Order not recopied)	8/22/2017	XI	JA2760 – JA2764
Notice of Filing Petition for Judicial Review (NRS 533.450) with 6/29/2016 filed Petition for Judicial Review and Exhibits	6/29/2016	I	JA0001 – JA0028
Order Denying Petition for Judicial Review	8/21/2017	XI	JA2751 – JA2759
Order Granting Sierra Pacific Industries’ Motion to Supplement the Record	2/6/2017	XI	JA2687 – JA2689
Order Granting Stipulation to Allow Intervention	7/22/2016	I	JA0029 – JA0031
Petition for Judicial Review – Minutes	5/24/2017	XI	JA2692
Petition for Judicial Review Oral Arguments Transcript	5/24/2017	XI	JA2693 – JA2750
Petitioner’s Sierra Pacific Industries’ Opening Brief	10/7/2016	X	JA2491 – JA2517
Petitioner’s Sierra Pacific Industries’ Reply Brief	12/30/2016	XI	JA2584 – JA2603

<u>DESCRIPTION OF DOCUMENT</u>	<u>DATE</u>	<u>VOLUME</u>	<u>PAGE(S)</u>
Respondent-Intervenor Intermountain Water Supply's Answering Brief	11/17/2016	X	JA2518 – JA2561
Respondent State Engineer's Answering Brief	11/28/2016	XI	JA2562 – JA2583
State Engineer's Summary of Record on Appeal: SE ROA 1 – SE ROA 748	9/8/2016	I – III	JA0032 – JA0790
SE ROA 1-214		I	JA0043 – JA0256
SE ROA 215-470		II	JA0257 – JA0512
SE ROA 417-748		III	JA0513- JA0790
State Engineer's Supplemental Summary of Record on Appeal: SE ROA 749 – SE ROA 2405	10/5/2016	IV – X	JA0791 – JA2490
SE ROA 749-965		IV	JA0830 – JA1046
SE ROA 966-1220		V	JA1047 – JA1302
SE ROA 1221-1471		VI	JA1303 – JA1554
SE ROA 1472-1723		VII	JA1555 – JA1806
SE ROA 1724-1974		VIII	JA1807 – JA2058
SE ROA 1975-2225		IX	JA2059 – JA2310
SE ROA 2226-2405		X	JA2311 – JA2490

IN THE SUPREME COURT OF THE STATE OF NEVADA

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that **JOINT APPENDIX VOLUME IV** does not contain the social security number of any person.

DATED this 8th Day of February, 2018.

MCDONALD CARANO LLP

BY: /s/ Debbie Leonard
Debbie A. Leonard, Esq.
Nevada Bar No. 8260
100 West Liberty Street, 10th Floor
Reno, Nevada 89501
Tel.: (775) 788-2000
Fax: (775) 788-2020
dleonard@mcdonaldcarano.com

Attorneys for Appellant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDonald Carano, LLP and that on February 8, 2018, **JOINT APPENDIX VOLUME IV** was electronically filed with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (E-Flex). Pursuant to NRAP 30(f)(2), all Participants in the case will be served and provided an electronic copy via U.S. mail as follows:

Richard L. Elmore, Esq.
3301 S. Virginia Street, Suite 125
Reno, Nevada 89502

Office of the Nevada Attorney General
Micheline N. Fairbank, Esq.
100 North Carson Street
Carson City, NV 89701

/s/ Pamela Miller
An employee of McDonald Carano, LLP

Ground surface and measuring point elevations will be measured at each production and monitoring well using a survey-grade GPS instrument. Groundwater level data will be downloaded at least semiannually into a project database and the accuracy of the measurements checked with manual measurements using an electronic sounder. Future groundwater monitoring will be accomplished by a combination of efforts of the well field operator and USGS.

TABLE D-1
Proposed Monitoring and Production Wells for Dry Valley, Nevada

Well Number	Well Type	Well Depth (feet)	Well Diameter (inches)	Monitoring
DVM-1	Test/Mon. Well	710	6	Water Level Only
DVM-2	Test/Mon. Well	800	6	Water Level Only
DVM-3	Test/Mon. Well	700	6	Water Level Only
DVM-4	Test/Mon. Well	800	6	Water Level Only
DVM-5	Test/Mon. Well	600	2	Water Level Only
DVM-6	Monitoring Well	35	2	Water Level Only
DVM-7	Monitoring Well	20	2	Water Level Only
DVM-8	Monitoring Well	23	2	Water Level Only
DVM-9 (Lenz)	Domestic Well	100	6	Water Level Only
DVM-10 & -11	Monitoring Well	32	2	Water Level Only
DVM-12	Monitoring Well	Unknown	12	Water Level Only
DVM-13	Abandoned Domestic Well	28	8	Water Level Only
DVM-14	Test/Mon. Well	140	6	Water Level Only
DVM-15 & -16	Monitoring Well – Nested Piezometers	150, 385	2	Water Level Only
DVM-17, -18, & -19	Monitoring Well – Nested Piezometers	40, 250, 547	2	Water Level; Quality for DVM-17 & -18
DVM-20	Monitoring Well	20	2	Water Level Only
DV-1	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-2	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-3	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-4	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-5	Production Well	700 – 800	12 – 16	Water Level and Quality
New Well	Monitoring Well – To Be Completed	700 – 800	2	Water Level Only

See Figure D-2 for well locations.

GROUNDWATER QUALITY

Groundwater quality samples will be collected from all five production wells and selected monitoring wells and analyzed by a laboratory for major ions, trace elements, and/or isotopes. The wells to be sampled for laboratory analysis include all production wells (DV-1 through DV-5) and the following two nested monitoring wells: DVM-17 (shallow) and DVM-18 (deep) located near the state line (Figure D-2).

The following parameters will be measured in each water sample:

- Field Parameters: Water temperature, pH, and specific conductance.
- Common Ions: Calcium, sodium, potassium, magnesium, chloride, fluoride, sulfate, bicarbonate, nitrate, total dissolved solids, and total suspended solids.
- Trace Elements: Arsenic, barium, copper, iron, lead, manganese, and zinc.
- Isotopes: Oxygen-18 and deuterium.

More extensive water quality analysis will be performed for samples from the production wells to meet Safe Drinking Water requirements. Samples will be collected and analyzed from the selected wells on a quarterly basis for the first two years of production well pumping to establish seasonal variations. Thereafter, the wells will be sampled and analyzed semiannually. An exception is that the isotopes will be analyzed only once per year for the first two years.

Frequency, sampling location, and water quality parameters will be reviewed by the WAC on an annual basis, and may be reduced or expanded in scope upon its recommendation.

STREAM FLOW

Miscellaneous stream flow measurements in Dry Valley Creek and North Fork Dry Valley Creek have been made in the past 4 years by the USGS (Berger 2004) and Intermountain Water Supply. Perennial flow is observed to occur in the upgradient portions of these streams until the drainages discharge to the lower valley floor. The proposed production wells are located near the transition zone from perennial to ephemeral or intermittent flows. Approximately 2.5 miles farther downstream near the CA-NV state line, Dry Valley Creek is observed to maintain a small perennial flow for a short reach.

Three continuous stage recorders will be installed on lower North Fork Dry Valley Creek (S-1), upper Dry Valley Creek (S-2), and lower Dry Valley Creek (S-3 near the state line) (Figure D-2). The stage data will be converted to flow rate using rating curve information developed from various flow measurements made over a range of flow conditions. This information will better characterize baseline stream flow conditions, and provide a means to monitor potential effects of production wells pumping on surface water flow.

SPRINGS AND RIPARIAN AREAS

Selected springs and associated riparian areas will be monitored in Dry Valley to determine if pumping from the production wells would have an adverse effect on flow and/or vegetative conditions. The springs selected for monitoring are: DVC-81 (seepage from Dry Valley Creek into a pond); and DVC-86 (Duckweed Spring) (Figure D-2). Monitoring activities will be conducted on a quarterly basis, with information

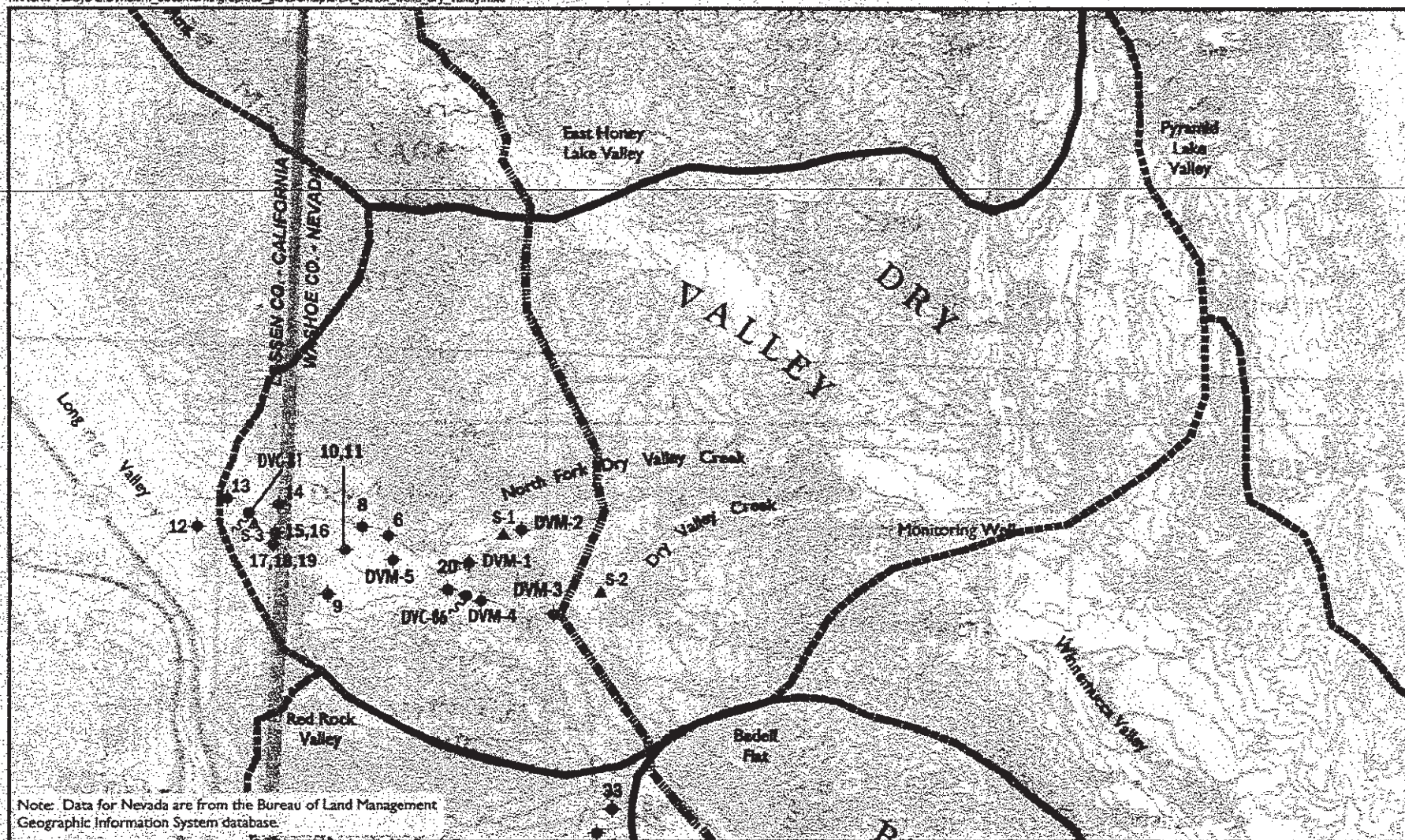
periodically entered into the project database. Monitoring activities will include the following:

- Flow: Flow rate of water discharging from the spring will be measured using a flow meter or portable flume. Alternatively, a staff gage can be installed to measure relative changes in water level if the flow is in a well-defined channel. For low flows or dispersed flows on the ground surface, flows can be estimated.
- Photo-Documentation of Vegetation: One or more photographs will be taken of the spring site from the same location each time so that relative changes in vegetation and overall site conditions can be evaluated.

PRECIPITATION

A precipitation gage will be installed in Dry Valley to measure precipitation amount on a daily basis. This information will be recorded weekly by the well field operator, and periodically entered into the project database.

h:\North Valleys EIS\main_documents\graphics\gis\aromapidraft_eis\ex_wells_dry_valley.mxd



- 37 ● Monitoring Well
(DVM-1 through DVM-5
are adjacent to proposed
production wells)
- S-1 ▲ Stream Gage
- DVC-81 ● Spring

- Public Ownership**
- Bureau of Land Management
- Tuscarora Natural Gas Pipeline
- Watershed Boundary

Proposed Monitoring Sites
Dry Valley
North Valleys Rights-of-Way Projects EIS
Washoe County, Nevada
FIGURE D-2

JA0969

KENNY C. GUINN
Governor

STATE OF NEVADA



ALLEN BIAGGI
Director

HUGH RICCI, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

June 19, 2006

Dorothy A. Timian-Palmer
Chief Operating Officer
Fish Springs Ranch, LLC
3480 GS Richards Blvd., Suite 101
Carson City, NV 89703

RE: Groundwater Monitoring and Management Plan for Future Pumping in the Fish Springs Ranch Area as Part of the North Valley's Right-of-Way Projects, Washoe County, Nevada.

Dear Ms. Timian-Palmer:

We have received your monitoring and management plan (Plan) for the Fish Spring's Ranch groundwater pumping associated with the North Valley's importation project. By your letter of May 23, 2006, the Plan submitted pursuant to the conditions of Ruling 3787 and 3787A is found as Attachment A of Appendix D, of the North Valleys Right-of-Way Projects Final EIS. Monitor wells and springs are shown on Figure D-1 of Attachment A. A list of the wells with survey coordinates was also attached to your correspondence of May 23, 2006.

There were a few minor differences between your attached list of proposed monitor wells and Figure D-1 of Attachment A. Figure D-1 shows well Headquarters MW-2, however the table lists Headquarters MW-1. Jennifer Morgan of your staff recently clarified that Headquarters MW-2 is the actual well to be monitored. In addition, Ms. Morgan indicated the well shown as BB MWA on Figure D-1 is the same as well BB-2A in your table.

As we discussed at our meeting of May 8, 2006, there must be two additional monitor wells in addition to the monitor wells shown on Figure D-1 of Attachment A. These wells will be Sand Pass MW-2, to be used in conjunction with Sand Pass MW-1 to determine hydraulic gradient in that location. Another new well is to be located near USGS-01 such that the two wells together will provide information on the groundwater gradient and change in gradient between the Fish Springs Ranch and the Sierra Army Depot. Well USGS-04 was shown on your list of May 23 but is not suitably located to identify changes in gradient between the pumping center and the

JA0970
SE ROA 889

Sierra Army Depot. These new wells shall be measured at least quarterly. Monitor wells LB2, USGS-04 and well 9 are shown on Figure D-1, but are not currently equipped with a recording pressure transducer. Are these wells part of the monitoring program, and if so, are you planning to equip them with recording devices or to measure manually?

You have requested to exclude High Rock Spring, designated as HLV-165 on Figure D-1, from the monitoring network. High Rock Spring is approximately 12 miles northwest of the center of the planned well field, and your request to remove the site from the network is approved.

The following table is believed to accurately list each of the planned monitor wells. Please contact me if you believe this list to be incorrect, incomplete or if you would like to propose changes. The Plan is tentatively approved subject to clarification on the status of USGS-04, LB2 and well 9 and to the addition of one new monitor well near USGS-01, whose location and depth must be pre-approved by this office. The Nevada Division of Water Resources reserves the right to amend this plan any time during the life of the project as conditions warrant.

Proposed Fish Springs Ranch Monitoring Well Network

Well Name	Location		Elevation (feet m.s.l.)	Depth (feet)	Per'd. interval (feet)
	Latitude	Longitude			
1 Wilson MW-1	40° 05' 33.8160717"	119° 55' 49.3857934"	4000.36	440	146 - 440
2 Ferrel MW-1	40° 05' 32.9996883"	119° 55' 00.0216541"	3998.5	252	63 - 252
3 Ferrel Playa MW	40° 05' 49.6570620"	119° 54' 11.5199254"	3979.01	477	123 - 477
4 Jarboe MW-1	40° 05' 07.4465484"	119° 53' 08.5930509"	4031.4	497	140 - 497
5 Jarboe MW-2	40° 05' 07.4416921"	119° 53' 08.6736875"	4032.42	185	42 - 105
6 Headquarters MW-2	40° 05' 51.1370577"	119° 52' 45.5207317"	4017.88	175	49 - 175
7 BB-2A (BB-MWA)	40° 08' 55.7209986"	119° 51' 59.7122509"	3992.26	475	465 - 475
8 Schaufus	40° 07' 42.6"	119° 50' 46.3"	4076	607	?
9 Hodges MW-1	40° 07' 57.4227436"	119° 50' 31.5750895"	4018.75	260	50 - 260
10 Cottonwood MW-2	40° 06' 46.0935517"	119° 49' 30.1465441"	4317.62	495	180 - 495
11 Neversweat MW-2	40° 08' 49.1815573"	119° 48' 56.3318666"	4179.07	500	311 - 500
12 Astor Pass MW-1	40° 11' 54.9722793"	119° 48' 28.129191"	4001.65	400	180 - 390
13 Astor Pass MW-2	40° 12' 04.6771566"	119° 48' 58.067799"	4002.69	475	262 - 472
14 Sand Pass MW-1	40° 13' 01.6915970"	119° 49' 30.6319558"	4076.99	712	546 - 712
15 Sand Pass MW-2	40° 13' 23.8"	119° 49' 11.9"	4173.9	712	546 - 712
16 USGS-01	40° 07' 39.0094955"	120° 00' 51.6643144"	4003.54		
17 West MW	To be determined				

Please contact me if you have any questions or concerns related to this monitor plan.

Sincerely,

Richard A. Felling

Richard A. Felling
Chief, Hydrology Section

JA0971
SE ROA 890

ALLEN BIAGGI
Director

TRACY TAYLOR, P.E.
State Engineer

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

Address All Communications to:
The State Engineer
Division of Water Resources
Telephone (775) 684-2800

In reply refer to
No.

February 20, 2007

64977, 64977, 66400

Richard W. Marshall
Nanette Marshall
Intermountain Pipeline Ltd.
Intermountain Water Supply Ltd.
175 Stags Leap Circle
Sparks, NV 89436-7280
Certified Mail No. 71067808063000268257

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file **Proof of Completion of Work and Proof of Beneficial Use**

on or before **February 11, 2007**

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within **thirty (30) days of the date of this final certified notice**, your permit will be cancelled.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Tracy Taylor, P.E.

State Engineer

TT/dr

Enclosure(s): Proof of Completion of Work forms, Proof of Beneficial Use forms and Extension of Time forms

Fee for filing Proof of Completion - \$10
Fee for filing Proof of Beneficial Use - \$50
Fee for filing Request for Extension of Time - \$100

Address all communications to the State Engineer, Division of Water Resources

FINAL NOTICE
JA0972
SE ROA 891

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
7106 7808 0630 0026 8257		A. Signature X <i>R Marshall</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery 2-21-07
Robert Marshall & Nanette Marshall Intermountain Pipeline LTD Intermountain Water Supply LTD 175 Stags Leap Circle Sparks, NV 89436-7280		D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES enter delivery address below: <input type="checkbox"/> No	
		3. Service Type	<input checked="" type="checkbox"/> Certified
		4. Registered Delivery? (Extra Fee)	<input type="checkbox"/> Yes
File: FN 64977 dr <i>DWC 2 # 11V</i>			
PS Form 3811 Domestic Return Receipt			

JA0973
SE ROA 892

ALLEN BIAGGI
Director

TRACY TAYLOR, P.E.
State Engineer

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

Address All Communications to:
The State Engineer
Division of Water Resources
Telephone (775) 684-2800

In reply refer to
No.

February 23, 2007

64977, 64978, 66400

Corrected Notice

Robert W. Marshall
Nanette Marshall
Intermountain Pipeline Ltd.
Intermountain Water Supply Ltd.
175 Stags Leap Circle
Sparks, NV 89436-7280
Certified Mail No. 71067808063000268851

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Sincerely,

Tracy Taylor, P.E.
State Engineer

TT/dr

Enclosure(s): Proof of Completion of Work forms, Proof of Beneficial Use forms and Extension of Time forms

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Fee for filing Proof of Beneficial Use - \$50
Fee for filing Request for Extension of Time - \$100

Address all communications to the State Engineer, Division of Water Resources

FINAL NOTICE
JA0974
SE ROA 893



A PROFESSIONAL
LAW CORPORATION

50 West Liberty Street
Suite 750
Reno, Nevada 89501
Telephone 775.328.1601
Facsimile 775.348.7260

Reno • Las Vegas • Salt Lake City

Robert W. Marshall

Direct Dial
(775) 789-6541
E-Mail
RMarshall@parsonsbehle.com

February 23, 2007

Mr. Tracy Taylor
Nevada State Engineer
901 S. Stewart Street, 2nd Floor
Carson City, NV 89701

Re: Extension of Time for Permits 66400, 64977, 64978, 67037

Dear Mr. Taylor:

Please find enclosed Applications for Extension of Time on the above permits along with the appropriate statutory filing fees.

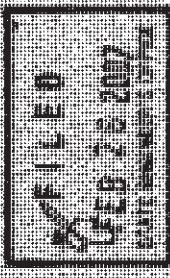
Sincerely,

Parsons Behle & Latimer

Rose Tinnell
Assistant for Robert W. Marshall

RWM/rlt
Enclosures

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA
APPLICATION FOR EXTENSION OF TIME



Contract Record: Elmer Canyon Water Storage, Ltd.

IN THE MATTER OF PERMIT NO. 1407 FILED TO APPLIED FOR THE EXTENSION OF

Extension

THIS APPLICATION IS RESPECTFULLY SUBMITTED

By: Robert W. Marshall
Elmer Canyon Water Storage, Ltd.

Under Permit No. 1407 who following day events and according to the best of their knowledge the following extension is compliance with the provisions as set forth in the permit terms:

Does this permit have multiple permits? ☐ YES ☒ NO (Check the appropriate box)
 If "YES" an extension No. 1 is desired, it is requested for a duration of one month of total time at term of ☐ 30 ☐ 60 ☐ 90 ☐ 120 ☐ 180 ☐ 240 ☐ 360 ☐ 480 ☐ 600 ☐ 720 ☐ 840 ☐ 960 ☐ 1080 ☐ 1200 ☐ 1320 ☐ 1440 ☐ 1560 ☐ 1680 ☐ 1800 ☐ 1920 ☐ 2040 ☐ 2160 ☐ 2280 ☐ 2400 ☐ 2520 ☐ 2640 ☐ 2760 ☐ 2880 ☐ 3000 ☐ 3120 ☐ 3240 ☐ 3360 ☐ 3480 ☐ 3600 ☐ 3720 ☐ 3840 ☐ 3960 ☐ 4080 ☐ 4200 ☐ 4320 ☐ 4440 ☐ 4560 ☐ 4680 ☐ 4800 ☐ 4920 ☐ 5040 ☐ 5160 ☐ 5280 ☐ 5400 ☐ 5520 ☐ 5640 ☐ 5760 ☐ 5880 ☐ 6000 ☐ 6120 ☐ 6240 ☐ 6360 ☐ 6480 ☐ 6600 ☐ 6720 ☐ 6840 ☐ 6960 ☐ 7080 ☐ 7200 ☐ 7320 ☐ 7440 ☐ 7560 ☐ 7680 ☐ 7800 ☐ 7920 ☐ 8040 ☐ 8160 ☐ 8280 ☐ 8400 ☐ 8520 ☐ 8640 ☐ 8760 ☐ 8880 ☐ 9000 ☐ 9120 ☐ 9240 ☐ 9360 ☐ 9480 ☐ 9600 ☐ 9720 ☐ 9840 ☐ 9960 ☐ 10080 ☐ 10200 ☐ 10320 ☐ 10440 ☐ 10560 ☐ 10680 ☐ 10800 ☐ 10920 ☐ 11040 ☐ 11160 ☐ 11280 ☐ 11400 ☐ 11520 ☐ 11640 ☐ 11760 ☐ 11880 ☐ 12000 ☐ 12120 ☐ 12240 ☐ 12360 ☐ 12480 ☐ 12600 ☐ 12720 ☐ 12840 ☐ 12960 ☐ 13080 ☐ 13200 ☐ 13320 ☐ 13440 ☐ 13560 ☐ 13680 ☐ 13800 ☐ 13920 ☐ 14040 ☐ 14160 ☐ 14280 ☐ 14400 ☐ 14520 ☐ 14640 ☐ 14760 ☐ 14880 ☐ 15000 ☐ 15120 ☐ 15240 ☐ 15360 ☐ 15480 ☐ 15600 ☐ 15720 ☐ 15840 ☐ 15960 ☐ 16080 ☐ 16200 ☐ 16320 ☐ 16440 ☐ 16560 ☐ 16680 ☐ 16800 ☐ 16920 ☐ 17040 ☐ 17160 ☐ 17280 ☐ 17400 ☐ 17520 ☐ 17640 ☐ 17760 ☐ 17880 ☐ 18000 ☐ 18120 ☐ 18240 ☐ 18360 ☐ 18480 ☐ 18600 ☐ 18720 ☐ 18840 ☐ 18960 ☐ 19080 ☐ 19200 ☐ 19320 ☐ 19440 ☐ 19560 ☐ 19680 ☐ 19800 ☐ 19920 ☐ 20040 ☐ 20160 ☐ 20280 ☐ 20400 ☐ 20520 ☐ 20640 ☐ 20760 ☐ 20880 ☐ 21000 ☐ 21120 ☐ 21240 ☐ 21360 ☐ 21480 ☐ 21600 ☐ 21720 ☐ 21840 ☐ 21960 ☐ 22080 ☐ 22200 ☐ 22320 ☐ 22440 ☐ 22560 ☐ 22680 ☐ 22800 ☐ 22920 ☐ 23040 ☐ 23160 ☐ 23280 ☐ 23400 ☐ 23520 ☐ 23640 ☐ 23760 ☐ 23880 ☐ 24000 ☐ 24120 ☐ 24240 ☐ 24360 ☐ 24480 ☐ 24600 ☐ 24720 ☐ 24840 ☐ 24960 ☐ 25080 ☐ 25200 ☐ 25320 ☐ 25440 ☐ 25560 ☐ 25680 ☐ 25800 ☐ 25920 ☐ 26040 ☐ 26160 ☐ 26280 ☐ 26400 ☐ 26520 ☐ 26640 ☐ 26760 ☐ 26880 ☐ 27000 ☐ 27120 ☐ 27240 ☐ 27360 ☐ 27480 ☐ 27600 ☐ 27720 ☐ 27840 ☐ 27960 ☐ 28080 ☐ 28200 ☐ 28320 ☐ 28440 ☐ 28560 ☐ 28680 ☐ 28800 ☐ 28920 ☐ 29040 ☐ 29160 ☐ 29280 ☐ 29400 ☐ 29520 ☐ 29640 ☐ 29760 ☐ 29880 ☐ 30000 ☐ 30120 ☐ 30240 ☐ 30360 ☐ 30480 ☐ 30600 ☐ 30720 ☐ 30840 ☐ 30960 ☐ 31080 ☐ 31200 ☐ 31320 ☐ 31440 ☐ 31560 ☐ 31680 ☐ 31800 ☐ 31920 ☐ 32040 ☐ 32160 ☐ 32280 ☐ 32400 ☐ 32520 ☐ 32640 ☐ 32760 ☐ 32880 ☐ 33000 ☐ 33120 ☐ 33240 ☐ 33360 ☐ 33480 ☐ 33600 ☐ 33720 ☐ 33840 ☐ 33960 ☐ 34080 ☐ 34200 ☐ 34320 ☐ 34440 ☐ 34560 ☐ 34680 ☐ 34800 ☐ 34920 ☐ 35040 ☐ 35160 ☐ 35280 ☐ 35400 ☐ 35520 ☐ 35640 ☐ 35760 ☐ 35880 ☐ 36000 ☐ 36120 ☐ 36240 ☐ 36360 ☐ 36480 ☐ 36600 ☐ 36720 ☐ 36840 ☐ 36960 ☐ 37080 ☐ 37200 ☐ 37320 ☐ 37440 ☐ 37560 ☐ 37680 ☐ 37800 ☐ 37920 ☐ 38040 ☐ 38160 ☐ 38280 ☐ 38400 ☐ 38520 ☐ 38640 ☐ 38760 ☐ 38880 ☐ 39000 ☐ 39120 ☐ 39240 ☐ 39360 ☐ 39480 ☐ 39600 ☐ 39720 ☐ 39840 ☐ 39960 ☐ 40080 ☐ 40200 ☐ 40320 ☐ 40440 ☐ 40560 ☐ 40680 ☐ 40800 ☐ 40920 ☐ 41040 ☐ 41160 ☐ 41280 ☐ 41400 ☐ 41520 ☐ 41640 ☐ 41760 ☐ 41880 ☐ 42000 ☐ 42120 ☐ 42240 ☐ 42360 ☐ 42480 ☐ 42600 ☐ 42720 ☐ 42840 ☐ 42960 ☐ 43080 ☐ 43200 ☐ 43320 ☐ 43440 ☐ 43560 ☐ 43680 ☐ 43800 ☐ 43920 ☐ 44040 ☐ 44160 ☐ 44280 ☐ 44400 ☐ 44520 ☐ 44640 ☐ 44760 ☐ 44880 ☐ 45000 ☐ 45120 ☐ 45240 ☐ 45360 ☐ 45480 ☐ 45600 ☐ 45720 ☐ 45840 ☐ 45960 ☐ 46080 ☐ 46200 ☐ 46320 ☐ 46440 ☐ 46560 ☐ 46680 ☐ 46800 ☐ 46920 ☐ 47040 ☐ 47160 ☐ 47280 ☐ 47400 ☐ 47520 ☐ 47640 ☐ 47760 ☐ 47880 ☐ 48000 ☐ 48120 ☐ 48240 ☐ 48360 ☐ 48480 ☐ 48600 ☐ 48720 ☐ 48840 ☐ 48960 ☐ 49080 ☐ 49200 ☐ 49320 ☐ 49440 ☐ 49560 ☐ 49680 ☐ 49800 ☐ 49920 ☐ 50040 ☐ 50160 ☐ 50280 ☐ 50400 ☐ 50520 ☐ 50640 ☐ 50760 ☐ 50880 ☐ 51000 ☐ 51120 ☐ 51240 ☐ 51360 ☐ 51480 ☐ 51600 ☐ 51720 ☐ 51840 ☐ 51960 ☐ 52080 ☐ 52200 ☐ 52320 ☐ 52440 ☐ 52560 ☐ 52680 ☐ 52800 ☐ 52920 ☐ 53040 ☐ 53160 ☐ 53280 ☐ 53400 ☐ 53520 ☐ 53640 ☐ 53760 ☐ 53880 ☐ 54000 ☐ 54120 ☐ 54240 ☐ 54360 ☐ 54480 ☐ 54600 ☐ 54720 ☐ 54840 ☐ 54960 ☐ 55080 ☐ 55200 ☐ 55320 ☐ 55440 ☐ 55560 ☐ 55680 ☐ 55800 ☐ 55920 ☐ 56040 ☐ 56160 ☐ 56280 ☐ 56400 ☐ 56520 ☐ 56640 ☐ 56760 ☐ 56880 ☐ 57000 ☐ 57120 ☐ 57240 ☐ 57360 ☐ 57480 ☐ 57600 ☐ 57720 ☐ 57840 ☐ 57960 ☐ 58080 ☐ 58200 ☐ 58320 ☐ 58440 ☐ 58560 ☐ 58680 ☐ 58800 ☐ 58920 ☐ 59040 ☐ 59160 ☐ 59280 ☐ 59400 ☐ 59520 ☐ 59640 ☐ 59760 ☐ 59880 ☐ 60000 ☐ 60120 ☐ 60240 ☐ 60360 ☐ 60480 ☐ 60600 ☐ 60720 ☐ 60840 ☐ 60960 ☐ 61080 ☐ 61200 ☐ 61320 ☐ 61440 ☐ 61560 ☐ 61680 ☐ 61800 ☐ 61920 ☐ 62040 ☐ 62160 ☐ 62280 ☐ 62400 ☐ 62520 ☐ 62640 ☐ 62760 ☐ 62880 ☐ 63000 ☐ 63120 ☐ 63240 ☐ 63360 ☐ 63480 ☐ 63600 ☐ 63720 ☐ 63840 ☐ 63960 ☐ 64080 ☐ 64200 ☐ 64320 ☐ 64440 ☐ 64560 ☐ 64680 ☐ 64800 ☐ 64920 ☐ 65040 ☐ 65160 ☐ 65280 ☐ 65400 ☐ 65520 ☐ 65640 ☐ 65760 ☐ 65880 ☐ 66000 ☐ 66120 ☐ 66240 ☐ 66360 ☐ 66480 ☐ 66600 ☐ 66720 ☐ 66840 ☐ 66960 ☐ 67080 ☐ 67200 ☐ 67320 ☐ 67440 ☐ 67560 ☐ 67680 ☐ 67800 ☐ 67920 ☐ 68040 ☐ 68160 ☐ 68280 ☐ 68400 ☐ 68520 ☐ 68640 ☐ 68760 ☐ 68880 ☐ 69000 ☐ 69120 ☐ 69240 ☐ 69360 ☐ 69480 ☐ 69600 ☐ 69720 ☐ 69840 ☐ 69960 ☐ 70080 ☐ 70200 ☐ 70320 ☐ 70440 ☐ 70560 ☐ 70680 ☐ 70800 ☐ 70920 ☐ 71040 ☐ 71160 ☐ 71280 ☐ 71400 ☐ 71520 ☐ 71640 ☐ 71760 ☐ 71880 ☐ 72000 ☐ 72120 ☐ 72240 ☐ 72360 ☐ 72480 ☐ 72600 ☐ 72720 ☐ 72840 ☐ 72960 ☐ 73080 ☐ 73200 ☐ 73320 ☐ 73440 ☐ 73560 ☐ 73680 ☐ 73800 ☐ 73920 ☐ 74040 ☐ 74160 ☐ 74280 ☐ 74400 ☐ 74520 ☐ 74640 ☐ 74760 ☐ 74880 ☐ 75000 ☐ 75120 ☐ 75240 ☐ 75360 ☐ 75480 ☐ 75600 ☐ 75720 ☐ 75840 ☐ 75960 ☐ 76080 ☐ 76200 ☐ 76320 ☐ 76440 ☐ 76560 ☐ 76680 ☐ 76800 ☐ 76920 ☐ 77040 ☐ 77160 ☐ 77280 ☐ 77400 ☐ 77520 ☐ 77640 ☐ 77760 ☐ 77880 ☐ 78000 ☐ 78120 ☐ 78240 ☐ 78360 ☐ 78480 ☐ 78600 ☐ 78720 ☐ 78840 ☐ 78960 ☐ 79080 ☐ 79200 ☐ 79320 ☐ 79440 ☐ 79560 ☐ 79680 ☐ 79800 ☐ 79920 ☐ 80040 ☐ 80160 ☐ 80280 ☐ 80400 ☐ 80520 ☐ 80640 ☐ 80760 ☐ 80880 ☐ 81000 ☐ 81120 ☐ 81240 ☐ 81360 ☐ 81480 ☐ 81600 ☐ 81720 ☐ 81840 ☐ 81960 ☐ 82080 ☐ 82200 ☐ 82320 ☐ 82440 ☐ 82560 ☐ 82680 ☐ 82800 ☐ 82920 ☐ 83040 ☐ 83160 ☐ 83280 ☐ 83400 ☐ 83520 ☐ 83640 ☐ 83760 ☐ 83880 ☐ 84000 ☐ 84120 ☐ 84240 ☐ 84360 ☐ 84480 ☐ 84600 ☐ 84720 ☐ 84840 ☐ 84960 ☐ 85080 ☐ 85200 ☐ 85320 ☐ 85440 ☐ 85560 ☐ 85680 ☐ 85800 ☐ 85920 ☐ 86040 ☐ 86160 ☐ 86280 ☐ 86400 ☐ 86520 ☐ 86640 ☐ 86760 ☐ 86880 ☐ 87000 ☐ 87120 ☐ 87240 ☐ 87360 ☐ 87480 ☐ 87600 ☐ 87720 ☐ 87840 ☐ 87960 ☐ 88080 ☐ 88200 ☐ 88320 ☐ 88440 ☐ 88560 ☐ 88680 ☐ 88800 ☐ 88920 ☐ 89040 ☐ 89160 ☐ 89280 ☐ 89400 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☐ 104040 ☐ 104160 ☐ 104280 ☐ 104400 ☐ 104520 ☐ 104640 ☐ 104760 ☐ 104880 ☐ 105000 ☐ 105120 ☐ 105240 ☐ 105360 ☐ 105480 ☐ 105600 ☐ 105720 ☐ 105840 ☐ 105960 ☐ 106080 ☐ 106200 ☐ 106320 ☐ 106440 ☐ 106560 ☐ 106680 ☐ 106800 ☐ 106920 ☐ 107040 ☐ 107160 ☐ 107280 ☐ 107400 ☐ 107520 ☐ 107640 ☐ 107760 ☐ 107880 ☐ 108000 ☐ 108120 ☐ 108240 ☐ 108360 ☐ 108480 ☐ 108600 ☐ 108720 ☐ 108840 ☐ 108960 ☐ 109080 ☐ 109200 ☐ 109320 ☐ 109440 ☐ 109560 ☐ 109680 ☐ 109800 ☐ 109920 ☐ 110040 ☐ 110160 ☐ 110280 ☐ 110400 ☐ 110520 ☐ 110640 ☐ 110760 ☐ 110880 ☐ 111000 ☐ 111120 ☐ 111240 ☐ 111360 ☐ 111480 ☐ 111600 ☐ 111720 ☐ 111840 ☐ 111960 ☐ 112080 ☐ 112200 ☐ 112320 ☐ 112440 ☐ 112560 ☐ 112680 ☐ 112800 ☐ 112920 ☐ 113040 ☐ 113160 ☐ 113280 ☐ 113400 ☐ 113520 ☐ 113640 ☐ 113760 ☐ 113880 ☐ 114000 ☐ 114120 ☐ 114240 ☐ 114360 ☐ 114480 ☐ 114600 ☐ 114720 ☐ 114840 ☐ 114960 ☐ 115080 ☐ 115200 ☐ 115320 ☐ 115440 ☐ 115560 ☐ 115680 ☐ 115800 ☐ 115920 ☐ 116040 ☐ 116160 ☐ 116280 ☐ 116400 ☐ 116520 ☐ 116640 ☐ 116760 ☐ 116880 ☐ 117000 ☐ 117120 ☐ 117240 <

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

INTERMOUNTAIN WATER SUPPLY LTD
175 STAGS LEAP CIR
SPARKS NV 89436-7282

Receipt

Payment Method		Check No.	Receipt #
Check		1313	211497
Date	Item	Description	Amount
2/26/2007	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 64977 COVERS EXT NO'S 64977, 64978 AND 66400	100.00
Received by: Sue Cox <i>SC</i>		Total	\$100.00

JA0978
SE ROA 897

ALLEN BIAGGI
Director

TRACY TAYLOR, P.E.
State Engineer

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
<http://water.nv.gov>

March 6, 2007

Address All Communication to
the State Engineer, Division
of Water Resources

Telephone (775) 684-2800 or
1-800-992-0900 x 2400
(In Nevada Only)

In reply refer to: **64977, 64978 and 66400**

Intermountain Water Supply, Ltd.
175 Stags Leap Circle
Sparks, Nevada 89436-7280

This is to inform you that Application for Extension of Time has been granted to **February 11, 2008** for filing of the **Proof of Beneficial Use**.

This is to inform you that Application for Extension of Time has been granted to **February 11, 2008** with the provision that no further extensions will be granted for filing of the **Proof of Completion** except for good cause shown as provided under NRS 533.390 and 533.410.

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Sincerely,



Jason King, P.E.
Deputy State Engineer

JK/ef

cc: Robert Marshall

JA0979
SE ROA 898

ALLEN BIAGGI
Director

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

February 15, 2008

TRACY TAYLOR, P.E.
State Engineer

Address All Communications to:
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Division of Water Resources
Telephone (775) 884-2800

In reply refer to
No.

64977, 64978, 66400

Intermountain Water Supply, Ltd
Robert Marshall & Nanette Marshall
175 Stags Leap Circle
Sparks, NV 89436-7280
Certified Mail No. 71067808063000344593

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on or before **February 11, 2008**

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Sincerely,

Tracy Taylor, P.E.

State Engineer

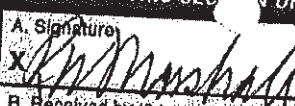
TT/dr

Enclosure(s): Proof of Completion of Work form and Proof of Beneficial Use form

Fee for filing Proof of Completion - \$10
Fee for filing Proof of Beneficial Use - \$50
Fee for filing Request for Extension of Time - \$100

Address all communications to the State Engineer, Division of Water Resources

FINAL NOTICE
JA0980
SE ROA 899

2. Article Number 7106 7808 0630 0034 4593		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: Intermountain Water Supply, Ltd Robert Marshall & Nanette Marshall 175 Stags Leap Circle Sparks, NV 89436-7280		A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
		B. Received by (Printed Name) Robert Marshall	C. Date of Delivery <input type="checkbox"/> Yes <input type="checkbox"/> No
		D. Is delivery address different from field 1? If YES enter delivery address below	
		3. Service Type <input checked="" type="checkbox"/> Certified	
Code 2: Water Resources File: FN 64977 dr		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811 Domestic Return Receipt

JA0981
SE ROA 900

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

INTERMOUNTAIN WATER SUPPLY LTD
175 STAGS LEAP CIR
SPARKS NV 89436-7282

Receipt

Payment Method	Check No.	Receipt #
Check	1376	222774

Date	Item	Description	Amount
2/27/2008	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 64977 COVERS EXT NO'S 64977, 64978 AND 66400	100.00

Received by: Sue Cox

Sc

Total

\$100.00

JA0983
SE ROA 902

ALLEN BIAGGI
Director

TRACY TAYLOR, P.E.
State Engineer

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
<http://water.nv.gov>

Address All Communication to
the State Engineer, Division
of Water Resources

March 3, 2008

Telephone (775) 684-2800 or
1-800-992-0900 x 2400
(In Nevada Only)

Intermountain Water Supply, Ltd.
Robert W. Marshall
175 Stags Leap Circle
Sparks, Nevada 89436-7280

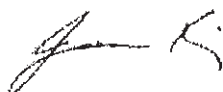
RE: Permits 64977, 64978 and 66400

This is to inform you that Application for Extension of Time has been granted to **February 11, 2009** for filing of the **Proof of Beneficial Use**.

This is to inform you that Application for Extension of Time has been granted to **February 11, 2009** with the provision that no further extensions will be granted for filing of the **Proof of Completion** except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,



Jason King, P.E.
Deputy State Engineer

JK/ef

Enclosure: Important Notice: "Future Application for Extension of Time Filings"

JA0984
SE ROA 903

**State of Nevada Division of Water Resources
Request for Notice and Change of Address**

In regards to permit number See Attached List (Check applicable item.)

- ☒ Please add my name to the mailing list and send copies of all correspondence to the address below:
(Fill in NEW ADDRESS information only.)
- ☐ Please change the address for copies to be sent as indicated below:
(Fill in NEW ADDRESS and OLD ADDRESS information.)
- ☐ I am the permit holder. Please change my address as indicated below:
(Fill in NEW ADDRESS and OLD ADDRESS information.)

NEW ADDRESS

NAME: Gregory M. Bilyeu

FIRM: TEC Civil Engineering Consultants

ADDRESS: 9480 Double Diamond Parkway, Suite 200

CITY, STATE, ZIP: Reno, NV 89521

TELEPHONE: (775) 352-7800

OLD ADDRESS

NAME: _____

FIRM: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

TELEPHONE: _____

I am the:

- ☒ Individual named above. (Complete signature below only.)
- ☐ Agent or representative. (Complete the signature, name, and address below.)

This form accurately reflects the mailing address for the permit holder or other individual identified above.

SIGNATURE: _____

NAME: Gregory M. Bilyeu

ADDRESS: 9480 Double Diamond Parkway, Suite 200

CITY, STATE, ZIP: Reno, NV 89521

JA0985
SE ROA 904

RECEIVED
2009 FEB -4 PM 4:02
STATE ENGINEERS OFFICE

Request for Notice of Water Rights Correspondence

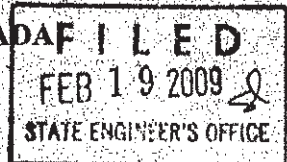
Permit/Application

64977
64978
66400
66961
72700
73428
73429
73430
74327

RECEIVED
200 FEB -4 PM 4:02
STATE ENGINEERING OFFICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Intermountain Water Supply, Ltd.

IN THE MATTER OF PERMIT No. 64977

FILED TO APPROPRIATE/CHANGE THE WATERS OF

Underground

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Robert W. Marshall

Person Signing Application

the Agent

Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. Does this permit have multiple owners? ☐ YES ☒ NO (Check the Appropriate Box)

2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners?
☐ YES ☒ NO (Check the Appropriate Box)

If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?

4. How much time is needed to construct the works of diversion or place the water to beneficial use? 4 - 5 years

5. What is the expenditure on the project under this permit? Last year? \$240,000.00 ± Total to date? \$2,490,000.00 ±

6. The permittee requests an extension of time for 1 year within which to comply with the provisions

(Not to exceed 1 year)

for filing the Proof of Completion and Proof of Beneficial Use

(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

Completed power line EA, obtained BLM right of way grant for power line, completed archeological field work, formed technical work group with Washoe County to evaluate our resources. Economic conditions have reduced current demand for new water in Lemmon Valley to near zero.

Subscribed and sworn to before me this 18th day of

February, 2009

Kathryn Souvion
Signature of Notary Public Required

Notary Public in and for the County of Washoe

State of Nevada

My commission expires 7-30-12

Signed

Robert W. Marshall
Permittee or Agent

Address

625 Onyo Way

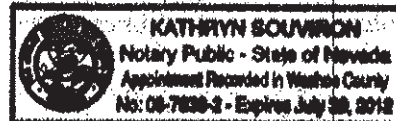
Street No. or P.O. Box No.

Sparks, NV 89441

City, State, Zip Code No.

Phone 775-425-1161

e-mail



Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

Revised 11/1/07

JA0987
SE ROA 906

14w
pac
2/23/2009
SM

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

INTERMOUNTAIN WATER SUPPLY LTD
175 STAGS LEAP CIR
SPARKS NV 89436-7282

Receipt

Payment Method		Check No.	Receipt #
Check		1413	232861
Date	Item	Description	Amount
2/19/2009	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 64977 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327	100.00
Received by: Sue Cox SC		Total	\$100.00

JA0988
SE ROA 907

JIM GIBBONS
Governor

STATE OF NEVADA



ALLEN BIAGGI
Director

TRACY TAYLOR, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

February 25, 2009

Intermountain Water Supply, Ltd.
175 Stags Leap Circle
Sparks, NV 89436

RE: 64977, 64978, 66400, 73428, 73429, 73430 and 74327

This is to inform you that the Application for Extension of Time has been granted to **February 11, 2010** for filing of the **Proof of Beneficial Use (permits 73428, 73429, 73430, 74327) only.**

This is to inform you that the Application for Extension of Time has been granted to **February 11, 2010** with the provision that no further extensions will be granted for filing of the **Proof of Completion of Work (all permits) and Proof of Beneficial Use (66400, 64977 and 64978 only).** except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Sam Monteleone at (775) 684-2800.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gloria Lash".

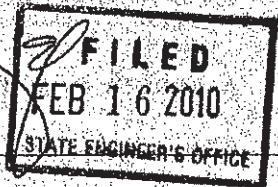
Gloria Lash
Administrative Assistant III

cc: TEC Civil Engineering Consultants
R. Michael Turnipseed

JA0989
SE ROA 908

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.
 IN THE MATTER OF PERMIT NO. 64977 FILED TO APPROPRIATE/CHANGE THE WATERS OF
Underground

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Robert W. Marshall

, the

Agent

Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. Does this permit have multiple owners? ☐ Yes ☒ No (Check the appropriate box)
2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?
☐ Yes ☒ No (Check the appropriate box)
3. If "No" on question 2 is checked, on whose behalf is this extension being filed?

4. How much time is needed to construct the works of diversion or place the water to beneficial use? 4 - 5 Years5. What is the expenditure on the project under this permit? Last year? \$16,407.38 Total to date? \$2,506,400.00±6. The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
 (Not to exceed 1 year)

Proof of Completion and Proof of Beneficial Use.

(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

Worked with Washoe County staff on water availability, conducted continual monitoring, worked with hydrologists addressed legal issues. Economic conditions have continued to deteriorate eliminating all current demand for water in the North Valleys.

Subscribed and sworn to before me this 16th day ofFeb, 20 10Dana Rael

Signature of Notary Public Required

Notary Public in and for the County of Carson CityState of NVMy commission expires June 15, 2012Signed Robert W. Marshall agent

Permittee or Agent

Address 625 Onyo Way

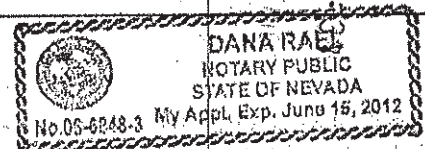
Street Address or PO Box

Sparks, NV 89441

City, State, ZIP Code

Phone 775-425-1161

E-mail



Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 07/09 - ext of time

JA0990
SE ROA 909

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

INTERMOUNTAIN WATER SUPPLY LTD
625 ONYO WAY
SPANISH SPRINGS NV 89441

Receipt

Payment Method	Check No.	Receipt #
Check	1428	243513

Date	Item	Description	Amount
2/16/2010	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 64977 COVERS EXT NO'S 64977, 64978, 66400, 73428, 73429, 73430 AND 74327	100.00
EFFECTIVE JULY 01, 2009, FEES WILL INCREASE, PLEASE VISIT THE DIVISION'S WEBSITE AT water.nv.gov FOR A LIST OF THE NEW FEE SCHEDULE			
Received by: Sue Cox <i>Sc</i>		Total	\$100.00

JA0991
SE ROA 910

JIM GIBBONS
Governor

STATE OF NEVADA



ALLEN BIAGGI
Director

TRACY TAYLOR, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

<http://water.nv.gov>

March 4, 2010

Intermountain Water Supply, Ltd.
175 Stags Leap Circle
Sparks, Nevada 89436-7280

RE: Permits 64977, 64978 and 66400

This is to inform you that the Application for Extension of Time has been granted to **February 11, 2011**, with the provision that no further extensions will be granted for filing of the **Proof of Completion** and **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Sam E. Monteleone at (775) 684-2800.

Sincerely,

A handwritten signature in cursive script that reads "Erica Fagan".

Erica Fagan
Administrative Assistant

cc: Robert W. Marshall
TEC Civil Engineering Consultants

BRIAN SANDOVAL
Governor

STATE OF NEVADA



LEO DROZDOFF
Director
JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
(800) 992-0900
(In Nevada Only)
<http://water.nv.gov>

FINAL NOTICE

February 17, 2011

FINAL NOTICE

Robert W. Marshall
Intermountain Water Supply
625 Onyo Way
Sparks, NV 89441
Certified Mail No. 71067808063000455497

Re: Final Notice for Permit 64977, 64978 & 66400

The provisions of your above referenced permit to appropriate waters of the State of Nevada require you to file a **Proof of Completion of Work & Proof of Beneficial Use** on or before **February 11, 2011**.

Our records indicate that you have not filed the required proof(s) and your permit is in danger of cancellation unless the proof(s) or an application for an extension of time along with the appropriate filing fee(s) with which to file the required proof(s) is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice.

Per NRS 533.410, if the required proof or extension of time is not received within thirty (30) days after the mailing of this notice, your permit will be cancelled.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If there are any questions regarding this notice please contact our office at (775) 684-2800.

dr
cc: TEC

Schedule of Fees:
Fee for filing Proof of Completion - \$50
Fee for filing Proof of Beneficial Use - \$50
Fee for filing Request for Extension of Time - \$100

JA0993
SE ROA 912

2. Article Number

7106 7808 0630 0045 5497

1. Article Addressed to:

Robert W. Marshall
Intermountain Water Supply
625 Onyo Way
Sparks, NV 89441

2/18/2011 8:43 AM

Code2: Water Resources
File: FN 64977 dr

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X

Robert W. Marshall☐ Agent☐ Addressee**B. Received by (Printed Name)***R.W. Marshall***C. Date of Delivery***2/24/11***D. Is delivery address different from item 1?**☐ Yes

If YES enter delivery address below:

☐ No**3. Service Type****Certified****4. Restricted Delivery? (Extra Fee)**

Yes

PS Form 3811

Domestic Return Receipt

JA0994
SE ROA 913

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.IN THE MATTER OF PERMIT NO. 64977 FILED TO APPROPRIATE/CHANGE THE WATERS OFUnderground

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Robert W. Marshall

, the

Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. Does this permit have multiple owners? ☐ Yes ☒ No (Check the appropriate box)
2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?
☐ Yes ☐ No (Check the appropriate box)
3. If "No" on question 2 is checked, on whose behalf is this extension being filed?

4. How much time is needed to construct the works of diversion or place the water to beneficial use? Ten (10) years
5. What is the expenditure on the project under this permit? Last year? \$2,663.00 Total to date? \$2,514,280 ±
6. The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
 (Not to exceed 1 year)

Proof of Completion and Proof of Beneficial Use

(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

Worked with potential water buyer on due diligence; conducted continual monitoring, worked with hydrologists; addressed legal issues. Economic conditions have continued to deteriorate eliminating all current demand for water in the North Valleys.

Subscribed and sworn to before me this 25 day ofFebruary, 20 11Joy G. Elwood
Signature of Notary Public RequiredNotary Public in and for the County of CarsonState of NevadaMy commission expires July 29, 2013

Signed

Robert W. Marshall
Permittee or AgentAddress 625 Onyo Way

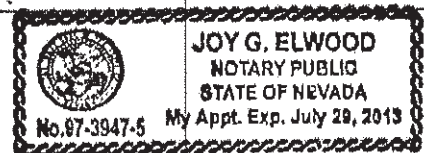
Street Address or PO Box

Sparks, NV 89441

City, State, ZIP Code

Phone 775-425-1161

E-mail



Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 07/09 - ext of time

JA0995
SE ROA 914

RECEIVED
 FEB 25 PM 2:54
 STATE ENGINEER'S OFFICE

1/26/2011
 3/2/2011
 Sam

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

INTERMOUNTAIN WATER SUPPLY LTD
625 ONYO WAY
SPANISH SPRINGS NV 89441

Receipt

		Payment Method	Check No.	Receipt #
		Check	1437	256087
Date	Item	Description	Amount	
2/25/2011	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 64977 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327	100.00	
Received by: Sue Cox			Total	\$100.00

JA0996
SE ROA 915

Brian Sandoval
Governor

STATE OF NEVADA



LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

<http://water.nv.gov>

March 10, 2011

Intermountain Water Supply, Ltd
625 Onyo Way
Sparks, NV 89441

RE: PERMITS 64977, 64978, 66400, 67037, 73428 through 73430 and 74327

This is to inform you that the Application for Extension of Time has been granted to February 11, 2012, with the provision that no further extensions will be granted for filing of the Proof of Completion and Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2835 or smonteleone@water.nv.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam Monteleone".

Sam Monteleone
Staff I Associate Engineer

SEM/ml

c: TEC Civil Engineering
Turnipseed Engineering

BRIAN SANDOVAL
Governor

STATE OF NEVADA



LEO DROZDOFF
Director
JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
(800) 992-0900
(In Nevada Only)
<http://water.nv.gov>

FINAL NOTICE

February 16, 2012

FINAL NOTICE

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441
Certified Mail No. 71067808063000489379

Re: Final Notice for Permit 64977, 64978, 66400, 73428, 73429, 73430, and 74327

The provisions of your above referenced permit to appropriate waters of the State of Nevada require you to file a **Proof of Completion and Proof of Beneficial Use** on or before **February 11, 2012**.

Our records indicate that you have not filed the required proof(s) and your permit is in danger of cancellation unless the proof(s) or an application for an extension of time along with the appropriate filing fee(s) with which to file the required proof(s) is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice.

Per NRS 533.410, if the required proof or extension of time is not received within thirty (30) days after the mailing of this notice, your permit will be cancelled.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If there are any questions regarding this notice please contact our office at (775) 684-2800.

sm

cc: TEC Civil Engineering Consultants (email)
Michael Turnipseed

Schedule of Fees:

Fee for filing Proof of Completion - \$50
Fee for filing Proof of Beneficial Use - \$50
Fee for filing Request for Extension of Time - \$100

JA0998
SE ROA 917

2. Article Number



7106 7808 0630 0048 9377

1. Article Addressed to:

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441

2/15/2012 9:40 AM

Code2:

File: 64977,64978,06400,73428,73429,73430,74327 fn/sm

PS Form 3811

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Robert W. Marshall☐ Agent☒ Addressee

B. Received by (Printed Name)

R. W. Marshall

C. Date of Delivery

*2-24-12*D. Is delivery address different from item 1? ☐ Yes
If YES enter delivery address below: ☐ No

3. Service Type



Certified

4. Restricted Delivery? (Extra Fee)

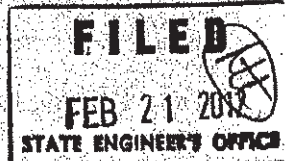


Yes

JA0999
SE ROA 918

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.IN THE MATTER OF PERMIT NO. 64977 FILED TO APPROPRIATE/CHANGE THE WATERS OF
Underground

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Robert W. Marshall

, the

Agent

Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. Does this permit have multiple owners? ☐ Yes ☒ No (Check the appropriate box)
2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?
☐ Yes ☐ No (Check the appropriate box)
3. If "No" on question 2 is checked, on whose behalf is this extension being filed?

4. How much time is needed to construct the works of diversion or place the water to beneficial use? Ten (10) years5. What is the expenditure on the project under this permit? Last year? \$6,005.00 Total to date? \$2,526,622.006. The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
(Not to exceed 1 year)

Proof of Completion and Proof of Beneficial Use

(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

Worked with potential water buyer on due diligence; conducted continual monitoring; worked with hydrologists; addressed legal and tax issues, performed maintenance work on test wells. Economic conditions have continued to deteriorate eliminating all current demand for water in the North Valleys.

Signed Robert W. Marshall

Permitted or Agent

Subscribed and sworn to before me this 21 day ofFeb, 20 12Susan Cox

Signature of Notary Public Required

Notary Public in and for the County of Carson CityState of NevadaMy commission expires 4-14-13Address 625 Onyo Way

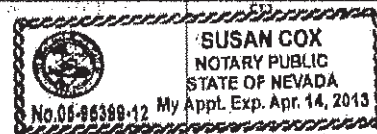
Street Address or P.O. Box

Sparks, NV 89441

City, State, ZIP Code

Phone 775-425-1161

E-mail



Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 07/09 - ext of time

JA1000
SE ROA 919

RECEIVED
 FEB 21 AM 11:57
 STATE ENGINEER'S OFFICE

14
 poc
 PBK
 2/23/2012
 JRM

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

ROBERT MARSHALL
625 ONYO WAY
SPARKS NV 89441

Receipt

Payment Method		Check No.	Receipt #
Check		10506	266345

Date	Item	Description	Amount
2/21/2012	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 64977 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327	100.00
Received by: Sue Cox			Total \$100.00

JA1001
SE ROA 920



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

<http://water.nv.gov>

February 27, 2012

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441

RE: PERMIT 64977, 64978 and 66400

This is to inform you that the Application for Extension of Time has been granted to February 11, 2013 with the provision that no further extensions will be granted for filing of the Proof of Completion and Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2835 or smonteleone@water.nv.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam Monteleone".

Sam Monteleone
Water Resource Specialist 1

SEM/mt

c: TEC Civil Engineering Consultants (via email)

JIM GIBBONS
Governor

STATE OF NEVADA

ALLEN BIAGGI
Director
TRACY TAYLOR
State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

FINAL NOTICE

February 13th, 2013

FINAL NOTICE

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441
Certified Mail No. 71067808063000519076

Re: Final Notice for Permit(s) 64977, 64978, 66400, 7 3428 through 73430, and 74327

The provisions of your above referenced permit(s) to appropriate waters of the State of Nevada required you to file a **Proof of Completion and Proof of Beneficial Use** on or before **February 11th, 2013**.

Our records indicate that you have not filed the required proof(s) and your permit is in danger of cancellation unless the proof(s) or an application for an extension of time along with the appropriate filing fee(s) with which to file the required proof(s) is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice.

Per NRS 533.410, if the required proof or extension of time is not received within thirty (30) days of the date of this letter your permit will be cancelled.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

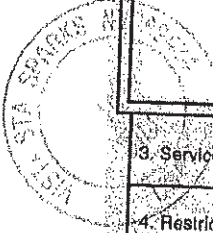
Applications for extension of time and all necessary supplemental forms are located on our website at <http://water.nv.gov/forms>. If there are any questions regarding this notice please contact our office at (775) 684-2800.

kp
cc: TEC Civil Engineering Consultants (email)
Turnipseed Engineering, LLC (email)

Schedule of Fees:

Fee for filing Proof of Completion - \$10
Fee for filing Proof of Completion - \$50 – *effective 7/1/2009 AB480*
Fee for filing Proof of Beneficial Use - \$50
Fee for filing Request for Extension of Time - \$100

Rev. 7/1/09
JA1003
SE ROA 922

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
7106 7808 0630 0051 9076		A. Signature <i>x R.W. Marshall</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: Batch #: 77099 Intermountain Water Supply Robert W. Marshall 625 Onyo Way Sparks, NV 89441		B. Received by (Printed Name) <i>Robert W. Marshall</i>	C. Date of Delivery
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified	
Code 2: File: 64077, 64078, 66400, 73428, 73430, 74327, fmkp		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811 Domestic Return Receipt			

JA1004
SE ROA 923



InterMountain
Water Supply

625 Onyo Way
Spanish Springs, NV 89441

(775) 425-1161
(775) 425-1327 FX

marshallr@att.net

February 18, 2013

Jason King, P.E.
State Engineer
Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701-5250

re: **Applications for Extension of Time Permits 64977, 64978, 66400,
73428, 73429, 73430, 74327 and 67037.**

Dear Jason:

Enclosed are Applications for Extension of Time to file Proofs of Completion and Proofs of Beneficial Use for the above permits, together with our check for \$800.00 to cover the one hundred dollar fee for each permit.

Please grant the requested extension as we have been diligently working on this project this past year (expended over \$8,000.00), but the bad economy has prevented us from being able to start putting pipes in the ground.

Many thanks for your consideration of this request.

Sincerely,

Bob Marshall

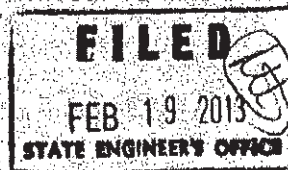
Enclosures

RECEIVED
2013 FEB 19 AM 10:54
STATE ENGINEERS OFFICE

JA1005
SE ROA 924

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.IN THE MATTER OF PERMIT NO. 64977 FILED TO APPROPRIATE/CHANGE THE WATERS OF
Underground

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Robert W. Marshall

, the

Agent

Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. Does this permit have multiple owners? ☐ Yes ☒ No (Check the appropriate box)
2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?
☐ Yes ☐ No (Check the appropriate box)
3. If "No" on question 2 is checked, on whose behalf is this extension being filed?

4. How much time is needed to construct the works of diversion or place the water to beneficial use? Ten (10) years5. What is the expenditure on the project under this permit? Last year? \$8,153.50 Total to date? \$2,534,775.006. The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
(Not to exceed 1 year)

Proof of Completion and Proof of Beneficial Use

(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

The economy has not improved at all this past year. There is no growth occurring in this area. We have continued maintenance of the Project. We had to oppose a PUCN staff effort to nullify a favorable PUCN order on our UEPA application. After briefing and oral argument, we were successful. We have continued monitoring activities with Interflow Hydrology with continuous flow recording meters. We have drastically reduced the price of the Project and have been actively working with two interested buyer-user groups, one local group and one group located in Southern California. The outcome of the election does not bode well for the economy.

State of Nevada

County of WashoeSubscribed and sworn to before me on February 19, 2013by Robert W. MarshallSigned Robert W. Marshall

Permittee or Agent

Address 625 Onyo Way

Street Address or PO Box

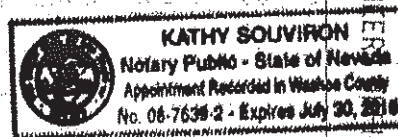
Sparks, NV 89441

City, State, ZIP Code

Phone 775-425-1161

E-mail

Kathy Souvion
Signature of Notary Public Required



Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 05/12 - ext of time

JA1006
SE ROA 925

RECEIVED
FEB 19 AM 10:54
STATE ENGINEER'S OFFICE

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

INTERMOUNTAIN WATER SUPPLY LTD
625 ONYO WAY
SPANISH SPRINGS NV 89441

Receipt

Date	Item	Description	Amount
2/19/2013	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 64977 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327	100.00
Received by: Sue Cox			Total \$100.00

JA1007
SE ROA 926

Brian Sandoval
Governor

STATE OF NEVADA



LEO DROZDOFF
Director

JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>
March 1, 2013

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441

RE: PERMITS 64977, 64978 and 66400

This is to inform you that the Application for Extension of Time has been granted to February 11, 2014 with the provision that no further extensions will be granted for filing of the Proof of Completion and Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2842 or smcdaniel.water.nv.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Shannon McDaniel".

Shannon McDaniel
Water Resource Specialist 1

SM/mt

C: TEC Civil Engineering Consultants (via email)

BRIAN SANDOVAL
Governor

STATE OF NEVADA



LEO DROZDOFF
Director
JASON KING, P.E.
State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
(800) 992-0900
(In Nevada Only)
<http://water.nv.gov>

FINAL NOTICE

February 13, 2014

FINAL NOTICE

Intermountain Water Supply
Robert W. Marshall
625 Onyo Way
Sparks, NV 89441
Certified Mail No. 71067808063000552158

Re: Final Notice for Permit 64977, 64978, 66400, 73428, 73429, 73430, and 74327

The provisions of your above referenced permit to appropriate waters of the State of Nevada require you to file a **Proof of Beneficial Use on or before February 11, 2014.**

Our records indicate that you have not filed the required proof(s) and your permit is in danger of cancellation unless the proof(s) or an application for an extension of time along with the appropriate filing fee(s) with which to file the required proof(s) is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice.

Per NRS 533.390 and/or 533.410, if the required proof or extension of time is not received within thirty (30) days after the mailing of this notice, your permit will be cancelled.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If there are any questions regarding this notice please contact our office at (775) 684-2800.

jw
cc: TEC Civil Engineering Consultants (email)

Schedule of Fees:
Fee for filing Proof of Completion - \$60
Fee for filing Proof of Beneficial Use - \$60
Fee for filing Request for Extension of Time - \$120

JA1009
SE ROA 928

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
7106 7808 0630 0055 2158		A. Signature X <i>Robert W. Marshall</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:		B. Received by (Printed Name) <i>R. W. Marshall</i>	C. Date of Delivery
Batch #: 83586		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES enter delivery address below: <input type="checkbox"/> No	
Intermountain Water Supply Robert W. Marshall 625 Onyo Way Sparks, NV 89441		3. Service Type <input checked="" type="checkbox"/> Certified	
2/12/2014 4:20 PM		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Code2: File: 64977,64978,66400 fn/jw			
PS Form 3811		Domestic Return Receipt	



JA1010
SE ROA 929

RENO GAZETTE-JOURNAL

RGJ IN-DEPTH

SUNDAY, FEBRUARY 16, 2014 • RGJ.COM

SECTION



CONTACT

BRYAN DOUGAN • 775-327-6761
BDUGAN@RGJ.COM

WATER WARS

A rancher wants Washoe County to buy his water rights for \$9.6 million. County staff says that's a bad bet

Intervenor
Damon



Keep watch over local government actions and hold our leaders accountable.

JA1011

Ran rancher Bob Marshall had some water to sell, and the county commission at Boardman voted to buy it.

It's an odd fact for the county to be buying water.

The county doesn't have any specific job for that water except, particularly since development around a hole in the reservation. Now does the county have a job of money to spend on it.

The water is underground in Dry Valley — an arid, isolated region of sagebrush and juniper south of Boardman. No infrastructure exists to pump it out of the ground and transport it somewhere for use.

The county is getting the municipal water board to pump it up in a private arrangement with the Boardman Water Authority to take over service to its 57,000 water customers. So it doesn't really need to be buying water.

It's a deal, selling water to purchase the county has made or attempted to make in the past, the Dry Valley groundwater has never been pumped. It's never been put to use for agriculture, ranching or municipal purposes. All that water is a source of water that could be used for power, and the county thought on how to harvest that. County staff says the water isn't there. Other sources are scarce in a region that is dependent on how quickly the groundwater can be recharged during normal weather conditions.

None of that concerns Weber. She is pushing the county commission to take Marshall up on his offer to sell.

"I just think it's the right thing to do," Weber said. "We're in the business of our community."

The proposed deal would come from a consulting battle between Marshall and the multimillion-dollar Weber Water Co., which tried to sell water to Lawrence Valley during the construction boom. It's even that battle, and now Marshall needs to figure out what to do with his water.

Weber's aggressive push to buy the water has opened a city, however, some equity commitment and equity capital, which has been substantial of late. Marshall's project and has recently reached to write it.

Weber says the water is an asset for the county — an investment to hold on to.

See MARSH, Page 12A.

BY THE NUMBERS
BOB MARSHALL'S OFFER
DECELL FLAT:

350 acre-feet

LOWER DRY VALLEY:

1,000 acre-feet

WATERBURY LAKE:

300 acre-feet

UPPER DRY VALLEY:

300 acre-feet

PRICE:

\$1,700 per acre-foot

TERMS:

\$15,000 down; the equal payments over 70
years of \$15 million; 3 percent interest paid
monthly

APPROXIMATE VALUE:

\$1,700 per acre-foot

ASSUMED CREDIT RISK RATING

TOOKOVER FOR RECENT ADJUSTMENT:

\$24,500

Source: FBI document

Raymer Bob Marshall built a series of test
wells in the Dry Valley area as part of a
proposal to sell Washoe County his rights
for 3,400 acre-feet of groundwater there.
Federal involvement.

RGJ IN-DEPTH

Water

Continued from Page 13A

for a time when it could be needed. When developers again come knocking, for instance, or a groundwater basin somewhere needs recharging.

Her ally on the commission, Chairman David Humke, agrees.

"It could be for a lot of things," he said. "Could be agricultural. It could be residential. There might be a new town in Warm Springs or Dry Valley. We may need it for fire protection."

The pair echo the sales pitch Marshall has been delivering to county commissioners.

Marshall is adamant that it's a good deal for the county — a deal that will keep intact the 3,400 acre-feet of groundwater he's spent two decades assembling in the hopes of selling it to developers during the boom.

Indeed, the sales price he is offering the county is literally pennies on the dollar compared to what he might have sold the water for just 10 years ago.

"If something were to happen to me, there's no doubt many people would start filing on these water rights, and they would be lost to the citizens of Washoe County," he said.



Bob Marshall tests the valve on one of his wells in Dry Valley on Feb. 5. PHOTOS BY MARILYN NEWTON/RGJ

"Bob Marshall called me."

Turnipseed reviewed all of the past studies and concluded Marshall's proposal is a "great opportunity for Washoe County."

"The water rights are reasonably priced," Turnipseed wrote. "At least five scientists, some of the best in the world, have studied the basins, and all indications are that the water is there."

The appraisal that Turnipseed provided with the report valued the water rights at \$7.2 million — \$2.4 million below Marshall's offer.

Turnipseed also concluded his report with a sales pitch of his own, offering to help the county keep the water rights in good standing with the state engineer and facilitate any attempt to re-permit the water for use outside Lemmon Valley.

As for the Earth Knowledge study that recommended further modeling, Turnipseed concluded, "We don't have that luxury here" and said the past studies are valid.

That finding is contested by Washoe County's former hydrogeologist Dan Dragan, who wrote a letter to commissioners opposing the purchase.

"Every professional report I've read about this project, based on my 30-plus years' ex-

This is an investment for Washoe County."

Or, it could be a bailout for a water project Marshall was never able to make good on.

'There was a need'

Marshall's water project has a storied past.

In the late 1990s, when developers had designs on building a sea of homes in the North Valleys, no more precious a commodity existed than water.

The Truckee River couldn't sustain all of the proposed development. Established ground-water basins were being tapped out. Red tape had scuttled the most ambitious of water importation projects from Honey Lake.

And so the scramble for water was on.

For those who could deliver the water, the fortunes could be instant.

Water rights were fetching anywhere from \$20,000 to \$50,000 an acre-foot.

In 2005, when Washoe County auctioned off 174 acre-feet of water rights, it brought in an average of \$40,492 an acre-foot. One acre-foot of water is roughly enough to supply two single-family homes for one year.

At that rate, Marshall potentially could have made \$136 million on his Dry Valley water.

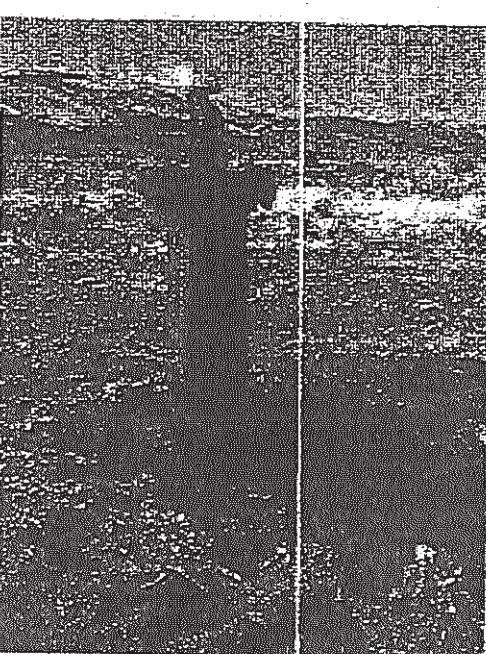
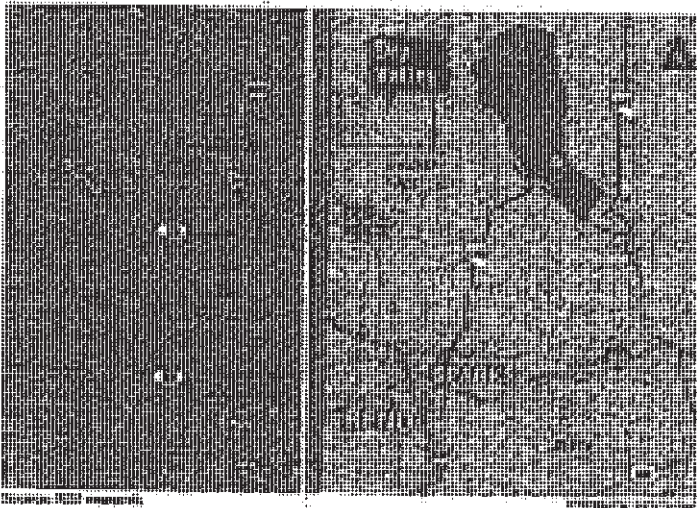
But it didn't quite work out that way.

Marshall arrived in Reno in 1958 as a young lawyer with dreams of being a rancher. He eventually bought his ranch in Warm Springs Valley, where he and his son, Tom Marshall, run cattle.

When the water wars began for supplying developers in the North Valleys, Marshall thought he would be able to export water from his Warm Springs ranch. As he was putting that project together, an engineer suggested he take a look

Dry Valley water rights

Rancher Bob Marshall has spent decades accumulating the precious dry valley rights in Dry Valley, Meager Dry Valley and backed that. His words are not shared by Washoe County for \$30.6 million.



A water pump leaks in Dry Valley, where rancher Bob Marshall has spent decades accumulating water rights that he hopes to sell to Washoe County. County staff, however, has recommended against the purchase, and Commissioner Vaughn Hartung says the county can't justify spending more than \$9 million on a "speculative" deal.

flow through the pipe.

To date, no water has actually been imported for sale. The same recession that robbed Marshall of the chance to make good on his water rights halted demand for Vidler's water, too. But the company stands ready to sell it once demand resumes, and the infrastructure is already in place to deliver it.

As a point of almost unbearable irony for the Marshalls, Vidler's pipe runs right over the family's water rights. Connecting to the pipe would be a potentially easy endeavor.

But it can't happen now under the terms of a settlement with the Pyramid Lake Paiute Tribe, which had sued the U.S. Bureau of Land Management over the right of way granted to Vidler for the pipeline.

In the early days, Bob Marshall said, he tried on multiple occasions to strike a deal with Vidler, but terms could never be reached.

He doesn't have the capital to build a pipeline for his water. And he knows the pipeline price tag — anywhere from \$20 million to \$50 million — is enough to make taxpayers balk. So he focuses his pitch on the fact Washoe County can simply hold on to the water rights until a need arises.

"We went through the recession — I call it the depression — and that hit us. We haven't been able to do anything with (the water)," Marshall said.

'Bob Marshall called me'

This isn't the first time Marshall has tried to sell the water to Washoe County.

In 2012, he made a \$9 million pitch to the commission. His pitch went nowhere in the face of significant opposition from county staff, which raised concerns about the amount of water that's actually underground in Dry Valley.

perience as a hydrogeologist, leaves strong doubts about the value of Dry Valley water rights," Dragan wrote. "Most studies and reports state there are not enough data to conclude the aquifers can produce water in the quantity and quality necessary for a good municipal water supply and in amounts consistent with (Marshall's) permits."

Vahid Behmaram, Washoe County's current water rights manager, also raised significant concerns about the availability of the water.

But Weber has dismissed those concerns and has accused county staff of bias.

"I don't want to say I know more about water than the people who work for Washoe County, because I know they do know it," Weber said. "But at some point in time, you have to look at, are there other issues our staff is dealing with? Could they be partisan, if you will, to not wanting the water for a particular reason?"

Weber declined to be more specific in describing staff's motivation for opposing the purchase, adding that "our staff have been fighting Mr. Marshall for many years."

Washoe County Manager John Slaughter disputed that staff has a bias.

"Certainly our staff has had numerous years that they've either followed this or had the opportunity to review proposals," Slaughter said. "I don't know that I am aware of any particular bias. I would hope that staff is providing the information and then letting the policymakers make the decision on the policy direction they want to go."

While Humke and Weber have championed the idea, other commissioners are skeptical.

Commissioner Vaughn Hartung said he can't justify spending \$9.6 million on a "speculative" asset with no guaranteed

at water in neighboring Dry Valley, Upper Dry Valley and Bedell Flat.

"We found out there weren't any permits out there," Marshall said.

The county wound up prohibiting the export of water from the Warm Springs Basin. So Marshall focused even more on filing for the Dry Valley water.

"Sometimes I get the feeling people think we've done bad things trying to take water into Lemmon Valley," Marshall said at a commission meeting last month. "I don't think we did. There was a need."

But as Marshall was putting together his project—applying for water permits with the state, drilling wells, conducting environmental assessments, cobbling together rights of way across federal land, obtaining special-use permits—he was up against another company doing pretty much the same thing:

Vidler Water Co. had assembled water rights in Fish Springs Ranch even farther north of Reno and raised the capital for a 28-mile pipeline to feed the water to Lemmon Valley.

Marshall's project essentially fell flat.

An unfinished project

At 80, Marshall has a mind like a steel trap, instantly recalling names, dates and figures from decades ago. He has dancing blue eyes, a witty charm and is always ready with an entertaining story to tell about old-time Reno, fast cars and that randy bull that almost broke out

of the back of his 1931 pickup truck in downtown Los Angeles.

Beyond his perpetually friendly demeanor, however, Marshall has a bubbling frustration over his water project. He does his best to keep it under wraps.

But he said he's put a lot of time and effort into assembling the water rights, which had the potential to be very lucrative for him and his family.

Along the way, he has jumped through bureaucratic hoops at the county, state and federal level. In 1997, his project was approved as a preferred way to provide water to the North Valleys by the Regional Water Planning Commission.

And in the most recent water management plan, the Dry Valley water is identified as a source to help Cold Springs with its water needs in the future.

While Marshall is loath to express his frustration, he notes that he wants to see the project through in his lifetime.

"I hate to tell you this, but a clock does run on a person's life," Marshall said. "I'm 80 years old. I don't want to leave my family with an unfinished project."

Tom Marshall doesn't work as hard to keep up a veneer of diplomacy. In his opinion, the county and its staff have kowtowed to Vidler Water—a multimillion-dollar subsidiary of a giant holding company that has invested heavily in lobbying local government to see its project through.

The Marshalls, by contrast,

he says, are local ranchers who have done their best to give back to the community.

"We're just two local guys with a little bit of water to sell," Tom Marshall said. "We don't have the money to go schmooze the commissioners. We can't afford to pay all those lobbyists, and I don't like them, anyway. I think they're a waste of money."

And, it's not like the county has never bought water off a rancher before, Tom Marshall said during a recent tour of five test wells the family has drilled to help prove the water resource.

In fact, in 1987, the county bought the surface water rights in Dry Valley from rancher Dalton LaRue. The babbling brook runs right over the top of the Marshalls' groundwater.

"The county bought the LaRues' water," Tom Marshall said, standing on the edge of the small creek in Dry Valley. "Why can't they buy ours?"

Water wars

Vidler won the North Valleys water war. Many county officials point to the Vidler project as an example of how water deals should be done.

The private company invested its own money—up to \$100 million—to both assemble the water rights and build the infrastructure for piping it to Lemmon Valley.

That infrastructure has been decided to Washoe County, which now is responsible for its operating and maintenance costs. And only Vidler water can

The subject has been studied ad nauseam. Analyses date back to the 1960s and include various models for estimating how much water seeps into the ground and is stored each year. To help the research along, the Marshalls built five test wells, running 10-day pumps to better establish the potential yield.

According to the early models, the groundwater is recharged at a fast enough rate to yield the 3,400 acre-feet Marshall has permits for. But in 2008, an independent review by Earth Knowledge concluded "there is insufficient data to make an informed decision on the availability of ground water."

Further, the quality of the water was called into question, with findings of arsenic and a pH level above allowable levels for drinking water. That's not unusual for the region, which has to treat or blend water from multiple sources to achieve healthy limits.

In light of those concerns, the county passed on Marshall's offer.

But now, with one new commissioner on the board, and new staff leading the county's water resources division, Marshall has decided to make another go of it.

In September, with the help of Weber and Humke, Marshall convinced the county to spend \$25,000 on yet another independent assessment of the water.

The county hired Mike Turnipseed, the former state engineer.

Asked how he came by the contract, Turnipseed answered:

purpose and no identifiable return on investment when the county is facing so many other needs in the wake of the recession.

"The county, first of all, is not really in a position to make these kinds of long-term investments, and if we were going to spend this kind of money, I personally see a higher need," Turnipseed said. "Everything from the detention facility to senior services and all points in between."

Commissioner Marsha Berkbigler raised a similar point.

"Where would the money come from?" Berkbigler said. "We are doing well, but we are not fully recovered and we have lots of things we need to do with the money we do have."

Marshall said he is sympathetic to the county's financial needs. He has asked for a down payment of 7.5 percent and is willing to finance the balance over 10 years at a 5 percent interest rate.

Weber has no suggestions for where the county would find the money.

"I don't know. Staff is supposed to be answering that," Weber said.

Humke said he would suggest using money the federal government pays the county in lieu of property taxes. That is estimated to be about \$3 million a year.

But Slaughter said that money is already included in the general fund budget. If the county used it to buy water rights, it would have to offset it with a "revenue increase or an expenditure decrease" somewhere else.

THE WEST

Suits seek to block water pipeline to Vegas

Environmentalists, rural advocates take the debate into federal system

By Sandra Chereb
Associated Press

An environmental group and a coalition of rural interests filed separate federal lawsuits Wednesday seeking to block a massive water pipeline that would pump billions of gallons of water from beneath remote valleys along the Nevada-Utah line and ship it to Las Vegas.

The lawsuits are the first foray into the federal court system in the ongoing battle over plans by the Southern Nevada Water Authority to siphon groundwater from four rural valleys in

the central eastern part of the state to quench the thirst of the desert gambling metropolis that is home to 2 million people and hosts 40 million visitors annually.

The Center for Biological Diversity argues in its lawsuit that the water pipeline project would virtually suck rural groundwater dry and turn meadows to dust. The suit contends the project imperils delicate species, including fish, frogs, toads and sage grouse, a chicken-size bird being considered for protection under the Endangered Species Act.

In a statement, the Las Vegas-based water authority said environmental groups "regularly test the sufficiency of federal environmental examinations made under the National Environmental Policy Act by filing lawsuits."

"We will review the complaint over the next few weeks to determine our course of action," the agency said.

The suit claims the U.S. Bureau of Land Management violated federal environmental laws when it granted the water authority the right of way for the 250-mile, multibillion-dollar pipeline project in 2012.

"Congress passed these laws to make sure our public lands are managed on the basis of multiple use, to protect irre-

placeable cultural and natural resources for current and future generations," said Rob Mrowka, Nevada representative for the Tucson-based environmental group.

A separate lawsuit was filed by a coalition of local governments in White Pine and Lincoln counties, citizen groups, Indian tribes, environmental organizations and others. It also argues that the BLM failed to adequately analyze effects the water project would have on the rural landscape, livelihoods and cultural resources.

Simeon Herskovits, a lawyer for the coalition, said scientific modeling shows the pumping would have devastating consequences for the Spring, Cave, Dry Lake and Delamar valleys.

He said BLM's plans to offset the effects of withdrawing the water are "woefully vague and inadequate" and have little to no hope of success.

Both lawsuits, filed in U.S. District Court in Las Vegas, seek an injunction to block the project from going forward.

A push to find more water for Las Vegas has increased in recent years amid ongoing drought in the Southwest and the depletion of the Lake Mead reservoir on the Colorado River to half full. Las Vegas draws about 90 percent of its drinking water from the reservoir behind Hoover Dam.

The federal lawsuits are the latest in years of litigation that until now has taken place in state courts.



InterMountain
Water Supply

625 Onyo Way
Spanish Springs, NV 89441

(725) 425-1161
(725) 425-1327 FX

marshallw@att.net

February 18, 2014

Jason King, P.E.
Nevada State Engineer
901 S. Stewart St., Suite 2002
Carson City, NV 89701

Re: Applications for Extension of Time Permits 64977, 64978, 66400, 73428,
73429, 73430, 74327, 67037

Dear Jason:

Enclosed are Applications for Extension of Time to file Proofs of Completion and Proofs of Beneficial Use for the above permits, together with our check for \$960.00 to cover the \$120.00 fee for each permit.

Please grant the requested extension as we have been diligently working on this project this past year (expended over \$17,000.00), but the bad economy has prevented us from being able to start putting pipes in the ground.

Many thanks for your consideration of this request.

Sincerely,

Bob Marshall

Enclosures

RECEIVED
2014 FEB 19 PM 2:07
STATE ENGINEERS OFFICE

997.800/4811-2509-8755.1
997.800/4811-2509-8755.1

JA1018
SE ROA 937

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.**FILED**

FEB 09 2014

IN THE MATTER OF PERMIT NO. 64977 FILED TO APPROPRIATE/CHANGE THE WATER RIGHTS ON
underground

STATE ENGINEER'S OFFICE

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Robert W. Marshall

the

Agent

Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

1. Does this permit have multiple owners? ☐ Yes ☒ No (Check the appropriate box)

2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?

☐ Yes ☐ No (Check the appropriate box)

3. If "No" on question 2 is checked, on whose behalf is this extension being filed?

4. How much time is needed to construct the works of diversion or place the water to beneficial use? Ten (10) years5. What is the expenditure on the project under this permit? Last year? \$17,034.00 Total to date? \$2,550,649.006. The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
(Not to exceed 1 year)

proof of completion and proof of beneficial use

(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

The economy has not improved at all this past year. There is no growth occurring in the area of beneficial use. We have continued maintenance of the project. We have continued monitoring activities with Interflow Hydrology with continuous flow recording meters. We have drastically reduced the price of the Project and have been actively working with a public agency to purchase the project.

State of Nevada

County of WashoeSubscribed and sworn to before me on February 18, 2014by Robert W. Marshall

Signed

Robert W. Marshall
Permittee or AgentAddress 625 Onyo Way

Street Address or PO Box

Sparks, NV 89411

City, State, ZIP Code

Phone (775) 425-1161

E-mail

Kathy Souvion
Signature of Notary Public Required



KATHY SOUVIRON

Notary Public - State of Nevada

Appointment Recorded in Washoe County

No: 08-7639-2 - Expires July 30, 2016

Notary Stamp or Seal Required

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 07/13 - oxt_app

JA1019
SE ROA 938

State of Nevada - Division of Water Resources

901 S. Stewart Street
2nd Floor
Carson City, NV 89701

INTERMOUNTAIN WATER SUPPLY LTD
625 ONYO WAY
SPARKS NV 89441

Receipt

		Payment Method	Check No.	Receipt #
		Check	1483	286431
Date	Item	Description	Amount	
2/19/2014	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO. 64977 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327	120.00	
Received By: Catherine Orpilla			Total	\$120.00

JA1020
SE ROA 939