

FEB 07 2006

APPLICATION FOR WATER NO. 73429

NOTICE IS HEREBY GIVEN, that on the 3rd day of November 2005 Intermountain Pipeline, Ltd. of Reno, Nevada made application to the State Engineer of Nevada for permission to change the point of diversion of 0.97 c.f.s., a portion of water heretofore appropriated under Permit 66400. Water will be diverted from an underground source at a point located within the SE¼ NE¼ of Section 14, T24N, R18E, MDM or at a point from which the E¼ corner of said Section 14 bears S 34 degrees 41' 38" E., a distance of 669.14 feet (20 miles N of Reno Stead Airport). Water will be used for municipal and domestic purposes from January 1st to December 31st of each year. The existing point of diversion was located within the SW¼ SE¼ of Section 10, T24N, R18E, MDM, or at a point from which the SE corner of said Section 10 bears S 62 degrees 30' 36" E, a distance of 2807 feet. Water was used for municipal and domestic purposes from January 1st to December 31st of each year.

Hugh Ricci, P. E.
State Engineer

Date of first publication _____

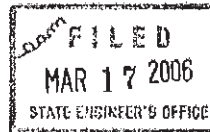
Date of last publication _____

HR/ag

2/6/06
JA2144 KE

SE ROA 2060

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA



IN THE MATTER OF APPLICATION NUMBER 73429

FILED BY Intermountain Pipeline, Ltd

ON November 3, 2005, TO APPROPRIATE THE

WATERS OF Underground

PROTEST

Comes now Washoe County

Printed or typed name of protestant

whose post office address is 4930 Energy Way, Reno, NV 89502-4106

Street No. or P.O. Box, City, State, and Zip Code

whose occupation is a political subdivision of the State of Nevada, and protests the granting

of Application Number 73429, filed on November 3, 2005,

by Intermountain Pipeline, Ltd to appropriate the

waters of underground situated in Washoe

Underground or name of stream, lake, spring, or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please refer to attached Exhibit "A".

THEREFORE the protestant requests that the application be denied

Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

Agent or Protestant

Vahid Behmaram, Water Rights Manager

Printed or typed name, if agent

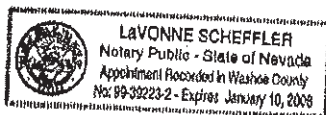
Address Washoe County Dept. of Water Resources

Street No. or P.O. Box No.

4930 Energy Way, Reno, NV 89502-4106

City, State, and Zip Code No.

Subscribed and sworn to before me this 16th day of March, 2006.



Notary Public

State of Nevada

County of Washoe

325 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

JA2145
SE ROA 2061

Exhibit "A"

Applications 73428, 73429 & 73430

The above referenced applications propose to change the point of diversion of a portion of water rights appropriated under permit 66400 in Dry Valley Hydrographic Basin. Washoe County opposes the granting of these applications because: 1) there is no unappropriated water in the source; and, 2) granting of these permits could threaten to prove detrimental to the public interest. Washoe County's opposition to these applications are in accordance with County's Development Code adopted in 1992 which in part states:

"PSF.1.10.1 Washoe County shall work with state and federal agencies to manage local groundwater resources to provide for annual use of these resources which does not exceed levels sustainable at current rates of inflow and recharge."

And

"PSF 1.10.2 The Washoe County Board of County Commissioners shall not approve land development activities dependent upon groundwater supplies which will cause the groundwater basin(s) to fall below self sustaining levels as a result of the project's water consumption or effluent discharge method."

The State Engineer issued Ruling # 5568 dated February 28, 2006, in response to a similar protest on application 69664 filed to change the point of diversion of permit 64978. In this Ruling the State Engineer determined as follows:

"The State Engineer finds that the issues related to water availability and inter-basin transfer have been settled with the issuance of Permit 64978 and will not be revisited for a point of diversion change as proposed under Application 69664."

Washoe County respectfully disagrees with the above finding and the reasoning behind it. All Permits issued by the State Engineer are subject to review and revision, under appropriate circumstances, at any time. The filing of a change application allows the State Engineer the discretion to review all aspects of the original Permit, including those of water availability. Permits 64978, 64977 & 66400 were granted in January 2002 for a total combined duty of nearly 3,000.00 acre-feet annually. At that time there was limited objective information and data on the safe yield of the Dry Valley Hydrographic Basin.

Since the time of the granting of these permits, Washoe County through funding recommended by the Regional Water Planning Commission (RWPC) has employed the United States Geological Survey (U.S.G.S.) to conduct a detailed study of the groundwater discharge from Dry Valley^[1]. Extensive geophysical studies and hydrologic evaluation by the U.S.G.S. suggests that the original U.S.G.S. estimates of the perennial yield of 1,000 acre-feet annually for this basin were within reasonable range. The results of these studies were presented to the RWPC with the State Engineer's permanent staff assigned as a member to RWPC present and copies of reports provided for his review.

Furthermore, The Nevada Revised Statutes do not exempt "Change Applications" from the provisions of NRS 533.370 which prohibits the State Engineer from granting a permit if:

" 1) There is no unappropriated water at the proposed source" and " 2) the proposed use or change threatens to prove detrimental to the public interest." These issues can properly be heard "De Novo" in order to protect the public interest and prevent long-term groundwater mining.

It is Washoe County's position that neither one of these criteria can be satisfied in light of the recent findings by the U.S.G.S. and that therefore, the above referenced applications should be denied and the base permits amended as appropriate.

[1] U.S.G.S., 2004, Estimates of Natural Ground-Water Discharge and Characterization of Water Quality in Dry Valley, Washoe County, West-Central Nevada, 2002-2003, U.S.G.S. Scientific Investigations Report 2004-5155.

State of Nevada - Division of Water Resources

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

WASHOE COUNTY
4930 ENERGY WAY
RENO NV 89502-4106

Receipt

Date	Item	Description	Amount
3/17/2006	Protest	FILING PROTEST UNDER APPLICATION NO. 73429 APPLICANT: Intermountain Pipeline, Ltd PROTESTANT: Washoe County Check covers 73428, 73429 & 73430	25.00
Gloria Lash			Total \$25.00

JA2148
SE ROA 2064

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>
March 23, 2006

Intermountain Pipeline, Ltd
Intermountain Water Supply, Ltd
175 Stags Leap Circle
Sparks, Nevada 89436-7280
Certified Mail No: 71067808063000196697

Re: Applications 73428 through 73430

Ladies and Gentlemen:

You are hereby notified that a formal protest was filed in this office on March 17, 2006, against the granting of your applications, under the above-mentioned serial numbers. A copy of these protests is enclosed herewith.

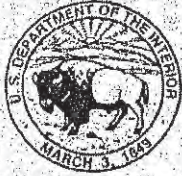
A brochure titled *Practice and Procedure in Protest Hearings Before State Engineer* is available from this office upon request. The contents of this brochure are contained in the Nevada Administrative Code, Chapter 533.

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 notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent direct otherwise.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Hugh Ricci, P.E.", written over a circular stamp.
Hugh Ricci, P.E.
State Engineer

HR/sam
Enclosures
cc. R. Michael Turnipseed, P.E.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701
<http://www.nv.blm.gov>



MAY - 2 2006

In Reply Refer To:
2800 (NV030)

Nevada Division of Water Resources
Attn: Hugh Ricci, State Engineer
901 S. Stewart St., Ste. 2002
Carson City, NV 89701-5250

Dear Mr. Ricci:

On December 12, 2005, Terri Knutson, of my staff, and I met with Jason King, Robert Martinez, and Richard Felling, of your staff, to discuss the *North Valleys Rights-of-Way Projects Final Environmental Impact Statement - Fish Springs Ranch and Intermountain Water*. Included in Appendix D of this Final EIS is a document called *Recommended Water Resources Monitoring and Management Plan for Future Pumping in Honey Lake Valley, Dry Valley, and Bedell Flat, Nevada* (Plan). As was discussed in the meeting in December, this Plan was developed and recommended in coordination with the Cooperating Agencies for the EIS and for your consideration. The Cooperating Agencies for the North Valleys EIS are: U.S. Fish & Wildlife Service; U.S. Bureau of Indian Affairs; U.S. Geological Survey; Sierra Army Depot; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; California Department of Water Resources; California Department of Fish and Game; Lassen County, CA; Washoe County, NV; Truckee Meadows Water Authority; Truckee Meadows Regional Planning Agency; Airport Authority of Washoe County; City of Reno; and City of Sparks.

The Final EIS was released to the public on November 10, 2005 and the comment period ended on December 30, 2005. A total of 13 comment letters were received and seven of those letters were from Cooperating Agencies (BIA-Western Nevada Agency and Western Regional Office; Lassen County; California Water Resources; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; and Truckee Meadows Regional Planning Agency). All but one of the comment letters from the Cooperating Agencies contained revisions for the Plan. Attached is the revised Plan incorporating all comments received from the Cooperating Agencies.

The BLM Carson City Field Office strongly urges the implementation of the attached Plan. As stated in NRS 534.250(5), "The State Engineer shall require the holder of a permit to monitor the operation of the project and the effect of the project on users of land and other water within the area of hydrologic effect of the project. In determining any monitoring requirements, the State Engineer shall cooperate with all government entities which regulate or monitor, or both, the quality of water." As described in the document, the BLM would not take a lead role in implementing the Plan but would be happy to help or facilitate in any other way needed. Please notify this office of any decisions you make in this matter. The record of decisions (RODs) for

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SE ROA 2066

both the Fish Springs Ranch and Intermountain Water Projects should be issued within the next month.

Thank you for your consideration in review of this document. If you have any questions, please call either myself at 885-6000 or Terri Knutson at 885-6156.

Sincerely,



Donald T. Hicks
Manager,
Carson City Field Office

Enclosure: *Revised Recommended Water Resources Monitoring and Management Plan for Future Pumping in Honey Lake Valley, Dry Valley, and Bedell Flat, Nevada*

Cc: U.S. Fish & Wildlife Service; U.S. Bureau of Indian Affairs; U.S. Geological Survey; Sierra Army Depot; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; California Department of Water Resources; California Department of Fish and Game; Lassen County, CA; Washoe County, NV; Truckee Meadows Water Authority; Truckee Meadows Regional Planning Agency; Airport Authority of Washoe County; City of Reno; and City of Sparks.

REVISED

RECOMMENDED WATER RESOURCES MONITORING AND MANAGEMENT PLAN

FOR FUTURE PUMPING IN HONEY LAKE VALLEY, DRY VALLEY, AND BEDELL FLAT, NEVADA NORTH VALLEYS RIGHTS-OF-WAY PROJECTS (Submitted to the Nevada State Engineer)

The purpose of this Monitoring and Management Plan (**Plan**) is to describe monitoring and management activities of water resources and related potential impacts due to development of groundwater resources in eastern Honey Lake Valley, Dry Valley, and Bedell Flat associated with the proposed North Valleys Rights-of-Way Projects (**Projects**). This Plan applies to proposed groundwater extraction rates of up to 8,000 acre-feet per year (af/yr) in eastern Honey Lake Valley, 2,000 af/yr in Dry Valley, and 500 af/yr in Bedell Flat. The groundwater would be extracted from these valleys by Fish Springs Ranch and Intermountain Water Supply (**Proponents**) and conveyed via pipelines to the North Valleys Planning Area in Washoe County, Nevada, and also be subject to water right appropriations from the Nevada State Engineer and conformance with Nevada State law concerning adverse impacts to public resources. This Plan is prepared to cover both Proponents; site-specific proposed monitoring activities are presented in **Attachment A** (Honey Lake Valley), **Attachment B** (Dry Valley), and **Attachment C** (Bedell Flat).

It should be recognized that this recommended **Plan** was included in the Final EIS (FEIS) due to the lack of concurrence between Cooperating Agencies and the Project Proponents regarding the adequacy of existing data and hydrologic evaluations (contained in the FEIS) to substantiate sustainable annual groundwater extraction levels in the Project areas. This **Plan** is intended to provide the necessary data, provide an early warning capability and provide safeguards for responsible management of the water resources.

Along with the U.S. Bureau of Land Management (BLM) as lead agency, the following groups are cooperating agencies for the North Valleys Rights-of-Way Projects EIS: U.S. Geological Survey (USGS); U.S. Fish and Wildlife Service (USFWS); U.S. Bureau of Indian Affairs (BIA); Pyramid Lake Paiute Tribe; Sierra Army Depot; California Department of Water Resources; California Department of Fish and Game; Washoe County, Nevada; Lassen County, California; Truckee Meadows Water Authority; Truckee Meadows Regional Planning Agency; City of Reno; City of Sparks; Airport Authority of Washoe County; and Susanville Indian Rancheria. This group hereinafter is referred to as the "**Cooperating Agencies**". Because the two project Proponents would eventually be replaced by a local area water purveyor, this potential purveyor should also become a "Cooperating Agency".

The two agencies with primary importance with respect to this Plan are:

- Nevada State Engineer (Nevada Dept. of Conservation and Natural Resources -- Division of Water Resources): This state agency has authority to administer the use of water resources in Nevada, including the issuance of water rights.
- U.S. Geological Survey (U.S. Dept. of the Interior): This federal agency is the primary water resources data collection agency in the United States. It is in the process of developing a regional groundwater monitoring program in west-central Nevada and adjoining portions of California.

Because these agencies have the jurisdiction, and over-riding authority and responsibility for the protection of water resources in Nevada and nationwide respectively, they should together provide impartial oversight for development of groundwater for this Project.

This Plan consists of four principal components:

1. Monitoring Requirements, related to production wells, monitoring wells, elevation control, spring flow, water quality, precipitation stations, quality of data, and reporting as proposed in Attachments A, B, and C to this document.

Incorporated in the development of the monitoring plan would be the inclusion of data from *Previous Monitoring*, related to monitoring of surface water and groundwater resources in Honey Lake Valley, Dry Valley, and Bedell Flat, including location of existing supply and monitoring wells, groundwater extraction rates, groundwater level measurements, flow from springs, water quality, precipitation data, and wetland/riparian conditions

2. Management Requirements, related to the creation and role of a Water Advisory Committee (WAC), and a subcommittee of the WAC -- the Technical Advisory Committee (TAC), continued use of numerical groundwater flow models, establishment of action criteria, and details of the decision-making process;
3. Mitigation Measures, related to potential mitigation measures that could be implemented if "unreasonable adverse impacts" (to be defined) occur as a result of groundwater extraction associated with the North Valleys Projects; and
4. Modification of Plan, related to procedures that could be followed to modify the Plan if future changing conditions or mitigations warrant modifications.

The common goal of the Proponents, BLM, Cooperating Agencies, and the Nevada State Engineer (all referred to as "**Parties**") in proposing and adopting this plan is to develop water resources data relating to a better understanding and analysis to assist the

Nevada State Engineer in managing development of groundwater resources in Honey Lake Valley, Dry Valley, and Bedell Flat without resulting in unreasonable adverse impacts to public resources and the prior water rights of other appropriators (i.e., receptors). The Parties agree that groundwater extraction and management decisions can be based on data collected and analyzed for these proposed Projects and from the USGS proposed regional monitoring program. The Parties will collaborate via the WAC on technical data collection and analysis provided by the TAC.

The Parties acknowledge that pursuant to NRS 534.110(4) each right to appropriate groundwater in the State of Nevada carries with it the right to make a reasonable lowering of the static groundwater level at the appropriator's point of diversion and that pursuant to NRS 534.110(5) the Nevada State Engineer may allow, at his discretion, the groundwater level to be lowered at the point of diversion of a prior appropriator with the provision that rights of holders of existing appropriations can be satisfied under such express conditions.

The Parties expressly acknowledge that the Nevada State Engineer has, pursuant to both statutory and case law, broad authority to administer groundwater resources in the State of Nevada. The Pyramid Lake Reservation is held in Trust by the United States government. The U.S. and its representative, the BIA hold legal authority and jurisdiction over water resources located on the Reservation. Nothing contained in this Plan shall be construed as waiving or diminishing such authorities.

MONITORING REQUIREMENTS

The Final EIS for the North Valleys Rights-of-Way Projects contains information about water resources data in Honey Lake Valley, Dry Valley, Bedell Flat, and surrounding areas. This information includes location of existing supply and monitoring wells, groundwater extraction rates, groundwater level measurements, flow from springs, water quality, precipitation data, and wetland/riparian conditions. This information, as well as data available from other local, state, and federal agencies, would be compiled into a central database that would be expanded as new data are collected.

Where?
Who compiles

Generally, project specific monitoring may be the responsibility of the Proponents as recommended or agreed to by the TAC; however, the USGS is in the process of developing a regional groundwater monitoring program in west-central Nevada and adjoining portions of California (i.e., "Regional Study Area"). Objectives are to develop a network of monitoring wells in the Regional Study Area to monitor and document any regional effects of future groundwater development and management on groundwater levels, water quality, and groundwater discharge.

Who is responsible
this study?

The USGS regional monitoring network would be designed to supplement rather than replace individual project monitoring programs. For example, Project monitoring would be conducted by the technical agents of the Proponents, while the USGS monitors other wells within Honey Lake Valley, Dry Valley, Bedell Flat, and surrounding basins. The USGS monitoring may include wells in the Project monitoring groups. In addition to

the Proponents, Washoe County, Lassen County, and/or other agencies also may volunteer to participate in some monitoring activities.

The term "as is feasible" as used in this Plan shall relate to mechanical failures or other events/reasons outside the control of the Parties, or agreed by the Parties, that do not permit data collection.

Production Wells

- Discharge rates and groundwater levels may be measured in production wells on a continuous or frequent basis, as is feasible, using permanent recording devices. Water levels could be measured during pumping and non-pumping periods.
- The proposed action includes six production wells at the Fish Springs Ranch property in eastern Honey Lake Valley, five wells in Dry Valley, and two wells in Bedell Flat.
- All monitoring data may be entered into a project database recommended by the TAC.

Monitoring Wells

- A network of monitoring wells has been proposed by the Proponents to measure groundwater levels over time. Monitoring wells are located in Honey Lake Valley (**Attachment A**), Dry Valley (**Attachment B**), Bedell Flat (**Attachment C**). These proposed monitoring networks would be subject to concurrence from the TAC. The USGS likely could establish additional monitoring wells in the Regional Study Area that includes some surrounding valleys that may be affected by groundwater extraction (e.g., Smoke Creek Desert, Pyramid Lake Valley, Warm Springs Valley, Antelope Valley, and/or Long Valley).
- Groundwater levels can be measured, as feasible, using permanent recording devices in selected monitoring wells. For those monitoring wells without continuous monitoring instruments, water levels could be measured initially on a quarterly basis to establish seasonal variations, followed by semi-annual or annual measurements after such seasonal trends have been established.
- The TAC may recommend that new monitoring well(s) be installed in key areas where there are no existing wells available for monitoring. These new wells can be located and constructed in a cost-effective manner, while meeting the objectives of early-warning detection of impacts, if any, from proposed groundwater extraction. Consideration could be given to completing nested wells that monitor individual aquifers at a single location. The Proponent(s) may be responsible for completing new monitoring well(s), unless another member of the Parties or the USGS agrees to complete the well(s).

- Initiation of groundwater level monitoring should commence as soon as possible, recognizing the desire to obtain baseline data prior to groundwater extraction. Groundwater levels should be measured in each aquifer from which ground water is extracted, as is feasible, in basins including and immediately surrounding Honey Lake Valley, Dry Valley, and Bedell Flat.
- Locations and monitoring frequency of the monitoring well network would be reviewed by the TAC on an annual basis, and may be reduced or expanded in scope upon its recommendation to the WAC.
- All groundwater level monitoring data would be entered into the project database on a regular basis, reflecting the monitoring interval chosen.

Elevation Control

- Ground surface and measuring point elevations should be established using survey-grade GPS instrumentation at production and monitoring wells used as part of this Plan. Elevations for surface water and spring monitoring Locations should also be established. The common datum would allow a comparative base for all elevation associated data, including the possibility of the occurrence of subsidence due to groundwater extraction.
- All elevation measurements would be added to the project database that contains project data.

Monitoring Springs and Riparian Areas

- Selected springs and associated riparian areas could be monitored on a quarterly basis located in Honey Lake Valley (**Attachment A**), Dry Valley (**Attachment B**), Bedell Flat (**Attachment C**), and some surrounding valleys that may be affected by groundwater extraction (e.g., Smoke Creek Desert). Monitoring may consist of measuring flow rate and photo-documenting general site conditions (see attachments for proposed site-specific monitoring activities). Flow can be estimated for low flow conditions or where flow is diffuse on the ground surface. Monitoring frequency may be reduced later as recommended by the TAC to semi-annually or annually.
- Initiation of monitoring for springs and riparian areas could commence as soon as possible, recognizing the desire to obtain baseline data prior to groundwater extraction. Monitoring data may be recorded using a standard format to be used for each monitoring event.

Water Quality

- Groundwater quality samples may be collected from selected production and monitoring wells and analyzed by a laboratory for major ions, trace elements, and/or

isotopes. Wells to be sampled, schedule of sample collection, and list of parameters are included in **Attachments A, B, and C.**

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

Precipitation Stations

- Precipitation stations would be established in each of the following locations: eastern Honey Lake Valley, western Dry Valley, and central Bedell Flat. Existing precipitation stations may be used where possible. The purpose of collecting precipitation data is to support conclusions regarding changes in groundwater levels with corresponding changes in precipitation, if it occurs.
- All precipitation data would be entered into the project database.

Quality of Data

- The TAC would ensure that the entity or entities that collect water resources data follow standard protocols of data collection, recording and analysis (e.g., USGS and EPA), unless otherwise agreed to by the Parties.
- The water quality sampling program would include standard field and laboratory quality control procedures.

Reporting

- All data collected under or as described in this Plan, would be fully and cooperatively shared among the Parties, and made available to the public after appropriate QA/QC evaluation procedures have confirmed its accuracy.
- All water resources information collected for the North Valleys Projects would be downloaded to the project database and updated periodically on a website that is accessible to all Parties and the public.
- In addition to updating the water resources project database on a regular basis, an annual summary report would be prepared by the TAC that summarizes all information collected during the previous calendar year, including an analysis of any trends. These reports would be provided to the WAC for annual assessment of potential impacts to water resources resulting from groundwater extraction in Honey Lake Valley, Dry Valley, and Bedell Flat.

MANAGEMENT REQUIREMENTS

Water Advisory Committee (WAC) and Technical Advisory Committee (TAC)

These two committees are to establish and carry out policy (WAC), and to provide the technical scientific expertise (TAC) necessary to impartially develop, evaluate and analyze data. Separation of the roles and responsibilities of these two bodies is crucial to the maintenance of scientific impartiality of the data program.

- The Parties would establish a Water Advisory Committee (WAC) with membership created from representatives from cooperating agencies listed above, BLM, Project Proponents, and Nevada State Engineer. The WAC may also include representatives from the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers. A representative of the Nevada State Engineer's Office would be invited to participate as the chair of the WAC.
- The WAC would create a Technical Advisory Committee (TAC) as a subcommittee to the WAC. TAC members would be appointed by the WAC.
- The WAC would meet in the first quarter of each year, or at other times as mutually agreed upon.
- The TAC would meet initially to establish and execute the monitoring plan and, thereafter, at intervals deemed appropriate to review and analyze data.
- Roles and responsibilities of the WAC and TAC would be determined by the Parties under advisement of the Nevada State Engineer's Office.

Suggested purposes and functions of the WAC would be to:

1. Provide a forum for discussion of relevant data and analyses.
2. Share information regarding modeling efforts and model results, if used as part of the monitoring and management program.
3. Discuss needs for additional data collection and scientific investigations as recommended by the TAC.
4. Provide status reports and recommendations to the Parties.
5. Form recommendations for groundwater management actions based on reports from the TAC.
6. Recommend values for monitored variables (water levels, spring discharges, etc.) known as "action criteria", which, if exceeded, could be of concern to the parties. The values would be based on evaluations of historic hydrologic conditions and trends reported by the TAC.
7. Determine what constitutes an "unreasonable adverse impact" on a case-by-case basis.

8. Provide the Nevada State Engineer, Washoe County, and other relevant agencies with results of any analyses or technical evaluations, along with recommendations for specific mitigation.

Suggested purposes and functions of the TAC would be to:

1. Review proposed project monitoring plans and recommend implementation as appropriate.
2. Review historic groundwater level trends, spring and creek flows to determine historic hydrologic trends. Where possible identify wet and dry regimes, climate effects on groundwater recharge rates and base flows in surface waters. Where possible identify critical lows for detrimental impacts on habitat and resource sustainability.
3. Develop/refine standards and quality control procedures for data collection, management and analysis.
4. Evaluate monitoring plans and data to determine whether data gaps exist, make appropriate recommendations to the WAC.
5. Evaluate all monitoring data to determine if any action criteria have been exceeded, indicating a possible unreasonable adverse impact, report findings to the WAC.

Numerical Ground-Water Flow Models

- The TAC can recommend if numerical groundwater flow models that have previously been prepared for the North Valleys Projects for each of the three basins could be updated for use by the TAC/WAC for predicting future impacts.
- If deemed appropriate by the TAC/WAC, the full TAC or members of the TAC could update each model at the request of the Nevada State Engineer. Model output could be in the form of drawdown maps at appropriate intervals as requested by the State Engineer, plots of simulated water levels for the aquifer systems, and results of model calibration. The TAC would provide scientific review of modeling updates and hydrogeologic assumptions.

Action Criteria

- Specific quantitative criteria (action criteria) would be developed by the WAC, based on data developed by the TAC, and recommended to the Nevada State Engineer for possible use to "trigger" management actions.
- Action criteria would be developed by the WAC and recommended to the Nevada State Engineer to provide early warning of unreasonable adverse impacts to public resources and prior water rights of other appropriators. These criteria would be based on changes in groundwater levels, flow of springs, water quality, and/or changes in wetland/riparian habitat that can be attributed to groundwater extraction by the Project(s).

- If and when any action criterion is reached, the following management actions could be triggered:
 1. The WAC would request that the TAC conduct a thorough fact-finding to determine the level and extent of impacts, the TAC would report findings to the WAC;
 2. If WAC members agree that the action criterion exceedance is attributable to groundwater extraction by the Project(s), then the TAC would make recommendations to the WAC for possible mitigation actions to alleviate the impacts;
 3. The WAC members would determine whether or not to implement the recommended mitigation actions. The Nevada State Engineer's Office would determine whether the appropriate actions were implemented to conserve the resource.
- In the event that adverse environmental impacts are found to be unrelated to Project operations, the Nevada State Engineer should consult with the USGS regarding regional hydrologic conditions that may be contributing to the impacts.
- Any member of the WAC may propose a change to any action criterion. Any such change could be presented in writing to other members of the WAC, and accompanied by data and scientific analyses to support the proposed change. If the supporting analyses are found to be technically sound, then the WAC may recommend to the Nevada State Engineer that the action criterion be adjusted, as appropriate.

Decision-Making Process

- If the WAC determines that an action criterion is exceeded and attributed to groundwater extraction by the Project(s), based on reports from the TAC, the WAC can recommend a course-of-action (i.e., management activity or mitigation measure). If within the WAC, there are: (1) different interpretations regarding relationship of an adverse impact to the Project's groundwater extraction; or (2) different opinions on the course-of-action, the Parties may jointly agree to conduct additional data collection and/or data review and analysis directed at resolving the different interpretations or opinions, if possible. If that is not successful, the Parties could refer the issue to their respective managers and the Nevada State Engineer. Nothing herein limits or changes the Nevada State Engineer's authority, and any Party can petition the State Engineer to consider the issue.
- In the event that any of the Parties disagree as to whether the Proponents' proposed or ongoing groundwater extraction will result in unreasonable adverse impacts, any Party may petition the Nevada State Engineer to request that it determine whether there is or is not adverse impact(s) that require implementation of management or mitigation measures.

MITIGATION MEASURES

- The Project(s) can mitigate unreasonable adverse impacts either as agreed upon by the Parties or after the Nevada State Engineer determines whether there are unreasonable adverse impacts due to Project(s) groundwater extraction. The Parties may take necessary steps to ensure that mitigation actions are feasible and reasonable.
- The mitigation portion of the plan should include a bond or escrow account established by the Project Proponents to fund possible mitigation actions.
- Mitigation measures may include one or more of the following:
 1. Geographic redistribution of groundwater extraction;
 2. Reduction or cessation of groundwater extraction from one or more wells;
 3. Restoration/modification of existing habitat;
 4. Establishment of new habitat;
 5. Augmentation of water resources with groundwater extracted for the Project(s);
 6. Purchase other water rights in the area, if available;
 7. Other measures as agreed to by the Parties and/or required by the Nevada State Engineer.

MODIFICATION OF THE PLAN

- The Parties may modify this Plan by mutual agreement. The Parties also acknowledge that the Nevada State Engineer has authority to modify this Plan. In addition, the Parties may individually or jointly petition the Nevada State Engineer to modify this Plan in the event that mutual agreement cannot be reached. Any such petition shall only be filed after 90 days written notice to the remaining Party members. Any Party member, including the Proponents, may submit written comments to the Nevada State Engineer regarding the merits of any such petition for modification.

ATTACHMENT B

PROPOSED MONITORING PLAN FOR DRY VALLEY

ATTACHMENT B PROPOSED WATER RESOURCES MONITORING PLAN FOR DRY VALLEY AREA

This water resources monitoring program is proposed by Intermountain Water Supply for groundwater extraction of up to 2,000 acre-feet per year (af/yr) from five production wells located in Dry Valley, Nevada. The monitoring program would document changes that could be caused by the pumping and transfer of water from Dry Valley to the Stead/Lemmon Valley areas.

GROUNDWATER LEVELS

Depth to groundwater will be measured in all production wells (DV-1 through DV-5) on a daily basis using pressure transducers or sounding probes. Each production well will be equipped with a flow meter to record cumulative water production. Cumulative well production will be recorded at least once per month.

A network of 15 monitoring well sites will be measured for water levels on a minimum quarterly basis. Locations are shown on **Figure D-2** and listed in **Table D-1**. Two of the sites located near the CA-NV state line are nested piezometers (DVM-15/-16 and DVM-17/-18/-19) recently installed by the USGS. All of the wells are located on private property, with the exception of DVM-1 which is located on BLM public land. Permission is still needed from some land owners to gain access to some of the monitoring wells.

Four 6-inch diameter test wells (DVM-1 through DVM-4) ranging in depth from 700 to 800 feet are being installed this year (2005) at the locations of proposed production wells. These test wells will be established as nearby monitoring wells for the production wells that will be installed at a later date. One new monitoring well is proposed for the center of the lower valley floor where deep monitoring wells are presently absent. This new well would be completed to a depth of 700 to 800 feet.

Continuous water level recorders will be installed on two shallow wells (DVM-6 and DVM-17) and two deep wells (DVM-5 and DVM-9 or DVM-18). This will allow daily tracking of water levels from these wells.

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

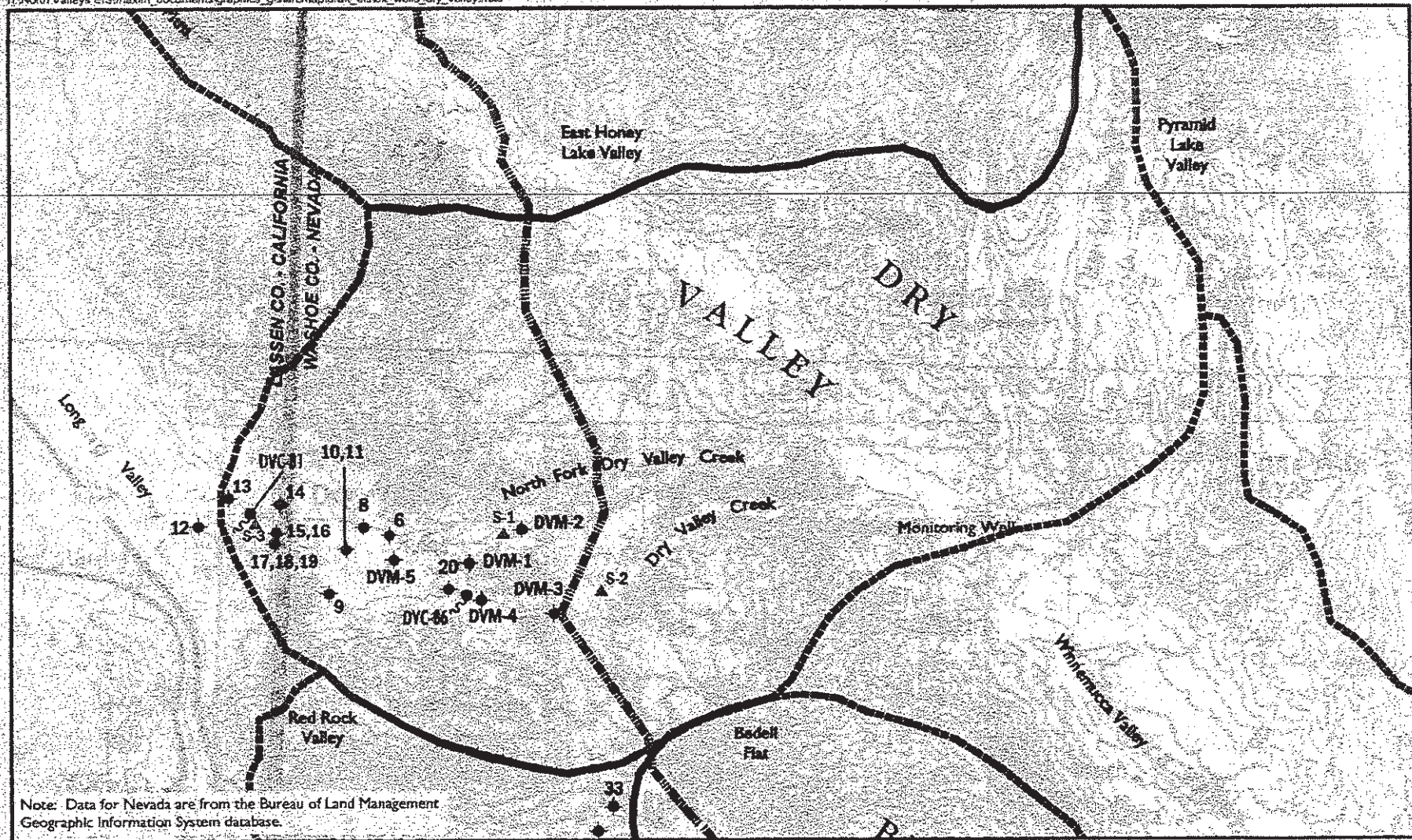
Selected springs and associated riparian areas will be monitored in Dry Valley to determine if pumping from the production wells would have an adverse effect on flow and/or vegetative conditions. The springs selected for monitoring are: DVC-81 (seepage from Dry Valley Creek into a pond); and DVC-86 (Duckweed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

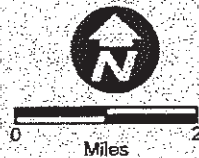
- Flow: Flow rate of water discharging from the spring will be measured using a flow meter or portable flume. Alternatively, a staff gage can be installed to measure relative changes in water level if the flow is in a well-defined channel. For low flows or dispersed flows on the ground surface, flows 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.



Note: Data for Nevada are from the Bureau of Land Management Geographic Information System database.



- 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

JA2166

1 **4105**
2 ADAM PAUL LAXALT
3 Attorney General
4 MICHELINE N. FAIRBANK
5 Senior Deputy Attorney General
6 Nevada Bar No. 8062
7 100 North Carson Street
8 Carson City, Nevada 89701-4717
9 Tel: (775) 684-1225
10 Fax: (775) 684-1108
11 Email: mfairbank@ag.nv.gov
12 *Attorney for Respondent,*
13 *Nevada State Engineer*

14 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
15
16 **IN AND FOR THE COUNTY OF WASHOE**

17 SIERRA PACIFIC INDUSTRIES, a
18 California Corporation,

19 Petitioner,

20 vs.

21 JASON KING, P.E., in his capacity as
22 Nevada State Engineer, and the
23 DIVISION OF WATER RESOURCES,
24 DEPARTMENT OF CONSERVATION,
25 an agency of the State of Nevada,

26 Respondent,

27 and,

28 INTERMOUNTAIN WATER SUPPLY,
LTD., a Nevada limited liability company,

Intervenor-Respondent.

Case No. CV16-01378

Dept. No. 1

SUPPLEMENTAL RECORD ON APPEAL

Part V of V

SE ROA 2083 - 2405

JA2167

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

JA2168
SE ROA 2083

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)	Perf'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

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF PROTESTED)
APPLICATIONS 73428, 73429 AND 73430)
FILED TO CHANGE THE POINT OF)
DIVERSION OF THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE PREVIOUSLY)
APPROPRIATED UNDER PERMIT 66400)
WITHIN THE DRY VALLEY HYDROGRAPHIC)
BASIN (95), WASHOE COUNTY, NEVADA.)

RULING

#5622

GENERAL

I.

Application 73428 was filed on November 3, 2005, by Intermountain Pipeline, Ltd., and later assigned to Intermountain Water Supply, Ltd., to change the point of diversion of 0.45 cubic feet per second (cfs), not to exceed 325 acre-feet annually (afa), a portion of the underground water previously permitted for appropriation under Permit 66400. The proposed manner of use and place of use is described as being for municipal and domestic purposes within the Lemmon Valley Hydrographic Basin. The proposed place of use is further described as being located within Sections 1 through 36, T.21N., R.19E., M.D.B.&M., Section 36, T.21N., R.18E., M.D.B.&M., Sections 1 through 12, 15, 16, and 17, T.20N., R.19E., M.D.B.&M., and Sections 1 and 12, T.20N., R.18E., M.D.B.&M. The change requested by Application 73428, if approved, would transfer the Applicant's existing point of diversion from the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.24N., R.18E., M.D.B.&M., to a point located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T.24N., R.18E., M.D.B.&M.¹

II.

Application 73429 was filed on November 3, 2005, by Intermountain Pipeline, Ltd., and later assigned to Intermountain Water Supply, Ltd., to change the point of diversion of 0.97 cfs, not to exceed 700 afa, a portion of the underground water previously permitted for appropriation under Permit 66400. The proposed manner of use and place of use is described on the application as being for municipal and domestic purposes within the Lemmon Valley Hydrographic Basin as described above. The change requested by Application 73429, if approved, would transfer the Applicant's existing point of diversion from the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of

¹ File No. 73428, official records in the Office of the State Engineer.

Section 10, T.24N., R.18E., M.D.B.&M., to a point located within the SE¼ NE¼ of Section 14, T.24N., R.18E., M.D.B.&M.²

III.

Application 73430 was filed on November 3, 2005, by Intermountain Pipeline, Ltd., and later assigned to Intermountain Water Supply, Ltd., to change the point of diversion of 0.22 cfs, not to exceed 159 afa, a portion of the underground water previously permitted for appropriation under Permit 66400. The proposed manner of use and place of use is described on the application as being for municipal and domestic purposes within the Lemmon Valley Hydrographic Basin. The change requested by Application 73430, if approved, would transfer the Applicant's existing point of diversion from the SW¼ SE¼ of Section 10, T.24N., R.18E., M.D.B.&M. to a point located within the NW¼ SE¼ of Section 15, T.24N., R.18E., M.D.B.&M.³

IV.

Applications 73428, 73429 and 73430 were timely protested by Washoe County on the following grounds:^{1,2,3}

The above referenced applications propose to change the point of diversion of a portion of water rights appropriated under permit 66400 in Dry Valley Hydrographic Basin. Washoe County opposes the granting of these applications because: 1) there is no unappropriated water in the source; and, 2) granting of these permits could threaten to prove detrimental to the public interest. Washoe County's opposition to these applications are in accordance with County's Development Code adopted in 1992 which in part states:

"PSF.1.10.1 Washoe County shall work with state and federal agencies to manage local groundwater resources to provide for annual use of these resources which does not exceed levels sustainable at current rates of inflow and recharge."

And

"PSF 1.10.2 The Washoe County Board of County Commissioners shall not approve land development activities dependent upon groundwater supplies which will cause the groundwater basin(s) to fall below self sustaining levels as a result of the project's water consumption or effluent discharge method."

² File No. 73429, official records in the Office of the State Engineer.

³ File No. 73430, official records in the Office of the State Engineer.

The State Engineer issued Ruling # 5568 dated February 28, 2006, in response to a similar protest on application 69664 filed to change the point of diversion of permit 64978. In this Ruling the State Engineer determined as follows:

"The State Engineer finds that the issues related to water availability and inter-basin transfer have been settled with the issuance of Permit 64978 and will not be revisited for a point of diversion change as proposed under Application 69664."

Washoe County respectfully disagrees with the above finding and the reasoning behind it. All permits issued by the State Engineer are subject to review and revision, under appropriate circumstances, at any time. The filing of change application allows the State Engineer the discretion to review all aspects of the original Permit, including those of water availability. Permits 64978, 64977 & 66400 were granted in January 2002 for a total combined duty of nearly 3,000.00 acre-feet annually. At that time there was limited objective information and data on the safe yield of the Dry Valley Hydrographic Basin.

Since the time of the granting of these permits, Washoe County through funding recommended by the Regional Water Planning Commission (RWPC) has employed the United States Geological Survey (U.S.G.S.) to conduct a detailed study of the groundwater discharge from Dry Valley. [Footnote omitted.] Extensive geophysical studies and hydrologic evaluation by the U.S.G.S. suggests that the original U.S.G.S. estimates of the perennial yield of 1,000 acre-feet annually for this basin were within reasonable range. The results of these studies were presented to the RWPC with the State Engineer's permanent staff assigned as a member to RWPC present and copies of reports provided for his review.

Furthermore, The Nevada Revised Statutes do not exempt "Change Applications" from the provisions of NRS 533.370 which prohibits the State Engineer from granting a permit if:

"1) There is no unappropriated water at the proposed source" and "2) the proposed use or change threatens to prove detrimental to the public interest." These issues can properly be heard "De Novo" in order to protect the public interest and prevent long-term groundwater mining.

It is Washoe County's position that neither one of these criteria can be satisfied in light of the recent findings by the U.S.G.S. and that therefore, the above referenced applications should be denied and the base permits amended as appropriate.

KENNY G. 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>

RE: 73428, 73429 and 73430

November 10, 2005

Intermountain Pipeline, Ltd.
2440 Holcomb Lane
Reno, NV 89511

Ladies and Gentlemen:

Application Nos. 73428, 73429 and 73430 for permission to appropriate water were filed in the Division of Water Resources on November 3, 2005, in the name of Intermountain Pipeline, Ltd. by R. Michael Turnipseed as agent. The \$450.00 was received and Receipt Nos. 195950, 195951 and 195952 were issued on November 3, 2005, to Turnipseed Engineering, LTD.

Please be advised that, in addition to the correspondence and notices sent to you from the Division of Water Resources relative to these water filings, a copy will be forwarded to R. Michael Turnipseed as agent unless we are otherwise instructed by you as the owner of record.

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.

Very truly yours,
Hugh Ricci, P.E.

Hugh Ricci, P.E.
State Engineer

HR/dl

*195950 (\$150.00)
*195951 (\$150.00)
*195952 (\$150.00)

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>

RE: 73428, 73429, and 73430

November 23, 2005

R. Michael Turnipseed
204 N. Minnesota Street
Carson City, NV 89703

Dear Mr. Turnipseed:

Your applications to appropriate the public waters of the State of Nevada were received and filed November 03, 2005. These applications were assigned Numbers 73428, 73429, and 73430.

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

MAP:

Need a map. A supporting map, prepared by a licensed State Water Surveyor, is required in support of the application.

The map must illustrate the exact place and acreage being removed under this application.

The map must be filed in this office on or before **January 22, 2006**, or it becomes mandatory of the State Engineer to cancel the above application.

If your map is returned within 60 days, your applications will retain the priority of their original filing; if not returned within the time stated, they will be cancelled.

R. Michael Turnipseed
November 23, 2005
Page 2

Should you have any questions concerning these corrections, please contact Karl Eitenmiller at your earliest convenience.

Sincerely,



Hugh Ricci, P.E.
State Engineer

HR/KE/mc

Enclosures

cc: Intermountain Pipeline, LTD
Certified Mail # 71067808063000172523
Certified Mail #71067808063000172554

JA2125
SE ROA 2041

ABSTRACT OF TITLE

Please retain this sheet underneath the Summary of Ownership form

PERMIT
PAGE

73429

1 of 1

DEED NO.	GRANTOR	GRANTEE	CFS	MGA/ MGS AFS/ (AFA)	ACRES or Units	FILED UNDER DATE	DOC # DATE	DOCUMENT DESCRIPTION/ REMARKS
1	Intermountain Pipeline Ltd	Intermountain Water Supply Ltd	0.97	700	N/A		3325490 12/19/05	Water Rights Deed
2								
3								
4								
5								
6								
7								
8								

SE ROA 2042

JA2126

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>

December 22, 2005

RE: 73249

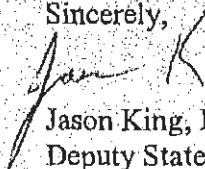
Intermountain Pipeline Ltd
2440 Holcomb Lane
Reno NV 89511

Ladies and Gentlemen:

Please be advised that NRS 533.360 (3b) establishes certain noticing requirements, which must be met by any applicant for underground water for municipal, quasi-municipal, or industrial uses whose reasonably expected rate of diversion is 0.5 c.f.s. or greater. It appears that your Application Numbers 73249 are subject to this statute. I have enclosed a copy of NRS 533.360 for your information. The State Engineer **cannot** consider approval of 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,


Jason King, P.E.
Deputy State Engineer

JK/sc

cc: R. Michael Turnipseed

Enclosures

Nevada Revised Statutes: Chapter 533

NRS 533.360 Notice of application: Contents; publication; mailing required under certain circumstances.

1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 4 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application which sets forth:

- (a) That the application has been filed.
 - (b) The date of the filing.
 - (c) The name and address of the applicant.
 - (d) The name of the source from which the appropriation is to be made.
 - (e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.
 - (f) The purpose for which the water is to be appropriated.
- The publisher shall add thereto the date of the first publication and the date of the last publication.

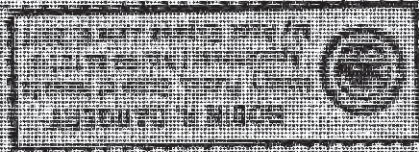
2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

- (a) For municipal, quasi-municipal or industrial use; and
 - (b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,
- the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to his address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before he may consider the application.

4. The provisions of this section do not apply to an environmental permit.

[61:140:1913; A 1925, 121; 1951, 132]—(NRS A 1975, 1397; 1981, 358; 1985, 489; 1989, 319; 1991, 758; 1993, 2641; 1995, 1530; 2001, 551; 2003, 2979)



TO: *Mr. J. Edgar Hoover*
FROM: *Mr. [illegible]*
SUBJECT: *[illegible]*

RE: *[illegible]*

DATE: *10/20/50*
BY: *[illegible]*

RE: *[illegible]*

RE: *[illegible]*

RE: *[illegible]*

RE: *[illegible]*

RE: *[illegible]*

RECEIVED

OFFICE OF THE SECRETARY

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OFFICE OF THE SECRETARY

65400

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 R18E MDM.

Section 38, T21N R18E MDM.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, all in T20N R18E MDM.

Sections 1 and 12 T20N R18E MDM.

ABSTRACT OF TITLE

Please retain this sheet underneath the Summary of Ownership form.

PERMIT
PAGE

73429
1 of 1

DEED NO.	GRANTOR	GRANTEE	CFS	AFA	ACRES	FILED UNDER	DOC #	DOCUMENT DESCRIPTION/ REMARKS
						DATE	DATE	
1	Intermountain Pipeline, LTD.	Intermountain Water Supply, LTD.	0.97	700.0	—	73428 1/9/2006	3325490 12/19/2005	Water Rights Deed
2								
3								
4								
5								
6								
7								
8								

SE ROA 2048

JA2132

STATE OF NEVADA
DIVISION OF WATER RESOURCES

SUMMARY OF OWNERSHIP

Please retain this sheet on top of file

APPLICATION: 73429
CERTIFICATE: _____

USE: MUN
ISSUED: _____

CFS: 0.97
CFS: _____

DUTY: 700.0 AFA
DUTY: _____ AFA

Page 1 OF 1
ACRES
ACRES

REVIEW

DATE: 1/19/2006

LAST

UPDATE: _____

BY: EVS

BY: _____

SUPPLEMENTAL TO: 66400, 73428, 73429, 73430

APPURT-

ENANT

CHANGED BY:

REFERENCED

OWNER

CFS

DUTY

AFA

ACRES

STATUS

DOCUMENTS

DESCRIPTION

Intermountain Water Supply, Ltd.

0.97

700.0

—

1

ENCUMBRANCE(S) : YES () NO (X)

0.970

700.000

0.000

SE ROA 2049

JA2133

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>

January 25, 2006

RE: Applications 73428, 73429 & 73430

Intermountain Water Supply, Ltd.
2440 Holcomb Lane
Reno, NV 89511

To Whom It May Concern:

Please be advised that the above-referenced water rights have been confirmed to show **Intermountain Water Supply, Ltd.** as the current owner of record. The amount of water allocated is listed in the table below.

Application No.	Allocation Rate (CFS)	Priority (AD)	Right	Use
73428	0.45	325.0	---	MUN
73429	0.97	700.0	---	MUN
73430	0.22	159.0	---	MUN

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) The water right is in good standing with the office of the State Engineer; or b) The amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact this office at (775) 684-2800.

Sincerely,

A handwritten signature in cursive script that reads "Eric Schadeck".

Eric Schadeck
Engineering Technician III

EVS/ld

cc:

R. Michael Turnipseed P.E., Turnipseed Engineering, Ltd.
Southern Nevada Branch Office

ALLEN BIAGGI
Director

HUGH RICCI, P.E.
State Engineer

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

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-9965

FEB 07 2006

In reply refer to
No. 73429

Address All Communications to
the State Engineer, Division
of Water Resources.

Telephone (775) 884-2800

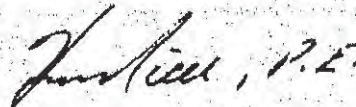
**INTERMOUNTAIN WATER SUPPLY LTD
2440 HOLCOMB LANE
RENO NV 89511**

Your application was received and filed in this office under the above mentioned serial number on NOV 3, 2005.

The supporting map was received and filed on JAN 13, 2006.

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

Sincerely,



State Engineer

HR/ag

cc: R. Michael Turnipseed

JA2135
SE ROA 2051

Angela Gault

From: Angela Gault
Sent: Tuesday, February 07, 2006 8:40 AM
To: legals@RGJ.com
Subject: 73428 & 73429

Please publish this notice (s) 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 following receipt of proof of publication.

Thank You,

Angela Gault
Admin. Assist. II
Nevada Division of Water Resources
(775) 684-2800 Fax: (775) 684-2811

2/7/2006

JA2136
SE ROA 2052

DEPARTMENT OF COMMUNITY DEVELOPMENT

● PLANNING ● BUILDING INSPECTION ● ECONOMIC DEVELOPMENT ● HOUSING AUTHORITY ● CODE ENFORCEMENT ● MINING

County of Lassen



ROBERT K. SORVAAG, Director
JOSEPH J. BERTOTTI, Assistant Director
STEVE FULLER, Building Official
707 Nevada Street, Suite 5
Susanville, CA 96130-3912

February 10, 2006

CERTIFIED, RETURN RECEIPT REQUESTED

7002 3150 0006 0241 3460

State of Nevada
Department of Conservation & Natural Resources
Division of Water Resources
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

RE: In the Matter of Application Number 73429 (Point of Diversion Change)
Water Appropriation Protest, Dry Valley Hydrographic Unit

Dear Sir/Madam:

Enclosed please find two (2) original protest forms and one (1) copy, as well as a copy of USGS Scientific Investigations Report 2004-5155 (Exhibit B). Please file the two (2) original protest forms with your office and return the conformed copy to this office in the enclosed, return envelope. The filing fee of \$25.00 is also enclosed.

If you have any questions with regards to the above request, please call this office collect at (530) 251-8269 or (530) 251-8266

For the County of Lassen County,

Robert K. Sorvaag
Director of Community Development

RKSmla

Enclosures

1203.15.02.12

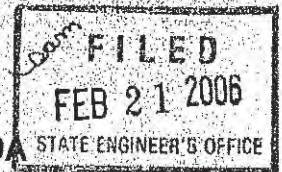
☎ (530) 251-8269
Fax: (530) 251-8373

Zoning & Building
Inspection Requests
☎ (530) 257-LAND

RECEIVED
2006 FEB 21 PM 3:17
STATE ENGINEERS OFFICE

JA2137
SE ROA 2053

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA



In the Matter of Application Number 73429.
Filed By Intermountain Pipeline, LTD
On November 3, 2005, to change the point of diversion of
a portion of water appropriated under permit 66400 (DRY
VALLEY CREEK & TRIBUTARIES).

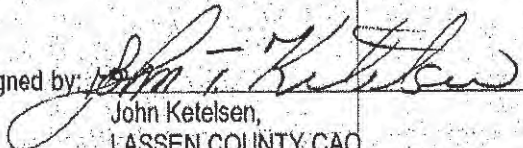
PROTEST

Comes now LASSEN COUNTY, whose post office address is 707 Nevada Street, Susanville, California 96130 and protests the granting of Application Number 73429, filed on November 3, 2005, by Intermountain Pipeline, LTD to change the point of diversion of a portion of water appropriated under permit 66400 (DRY VALLEY CREEK & TRIBUTARIES), situated in WASHOE County, State of Nevada, for the following reasons and on the following grounds, to wit:

PLEASE SEE EXHIBIT "A" ATTACHED HERETO.

THEREFORE the Protestant requests that the application be denied and that an order be entered for such relief as the State Engineer deems just and proper.

Signed by:

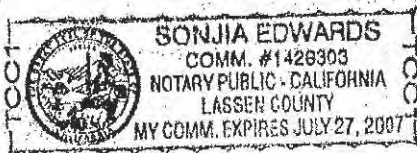

John Ketelsen,
LASSEN COUNTY CAO

Address: 707 Nevada Street
Susanville, CA 96130

Subscribed and sworn to before me this 17th day of February, 2006.


Notary Public

State of California, County of Lassen County



\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

EXHIBIT "A"

Application 73429

The U.S. Geologic Survey in cooperation with Washoe County has completed a comprehensive Ground-Water Resource Evaluation of Dry Valley, Washoe County, Nevada; Scientific Investigation Report 2004-5155 (EXHIBIT "B"). The objectives and scope of this 3-year study of the Nevada portion of Dry Valley were to: (1) describe the hydrogeologic framework; (2) characterize the groundwater flow system and water quality; and (3) quantify ground-water discharge. Results from the evaluation estimate total natural ground-water discharge from Dry Valley to range from a minimum of 700 acre-ft to a maximum of 1,000 acre-ft annually.

Based on the foregoing, and on information and belief, this Protestant offers the following reasons and following grounds:

1. Approval of the subject application will have an adverse impact on flows of Long Valley Creek and, accordingly, will adversely impact existing water rights and existing down-gradient ground-water users.
2. Approval of the subject application will, on information and belief, constitute a withdrawal of more water from the basin than is allowed by law, pursuant to Nevada Revised Statutes 533.271 (perennial yield principal), particularly when combined with other applications seeking to have the points of diversion changed to the same general area.
3. Approval of the subject application will, on the information and belief, adversely impact existing water sources (springs and seeps) presently utilized and depended upon by livestock, wildlife, fisheries, and riparian vegetation.
4. Approval of the subject application is not in the public interest because on the information and belief, pumping of the volume of ground-water represented by the subject application, particularly when combined with other applications seeking to have the points of diversion changed to the same general area, will result in a water mining situation and long-term detrimental impact on the aquifer.
5. The applicant does not own or control the land upon which it seeks to divert ground-water under the subject application.
6. There is insufficient water in the proposed source.

State of Nevada - Division of Water Resources

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

LASSEN COUNTY
707 NEVADA ST #5
SUSANVILLE CA 96130

Receipt

Payment Method	Check No.	Receipt #
MONEY ORDER	08832948491	199648

Date	Item	Description	Amount
2/21/2006	Protest	FILING PROTEST UNDER APPLICATION NO. 73429 APPLICANT: INTERMOUNTAIN PIPELINE, LTD PROTESTANT: LASSEN COUNTY	25.00
Received by: Sue Cox <i>Se</i>			Total \$25.00

JA2140
SE ROA 2056

ROBERT W. MARSHALL
NANETTE MARSHALL
INTERMOUNTAIN PIPELINE, LTD.
INTERMOUNTAIN WATER SUPPLY, LTD.

Nevada Div. of Water Resources
901 S. Stewart, Suite 2002
Carson City, NV,
89701

re: Account Permits: 39593, 64073,
64074, 64075, 64076, 64077, 64078,
64079, 49669, 44670, 66873, TR-014,
73048, 73049, 73428, 73429, 73430,
66400, 69664, 64977, 64978, 66961,
72700,

This is to notify you of an address change for the above account ---

Old address: 2440 Holcomb Ranch Lane
Reno, Nevada 89511-9549

New address: 175 Stags Leap Circle
Sparks, Nevada 89436-7280

Sincerely,

Robert W. Marshall

RECEIVED
2006 MAR -6 AM 11:57
STATE ENGINEERS OFFICE

JA2141
SE ROA 2057

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>
March 7, 2006

Intermountain Pipeline Ltd
2440 Holcomb Lane
Reno, Nevada 89511
Certified Mail No. 71067808063000191968

Re: Applications 73428, 73429, 73430

Ladies and Gentlemen:

You are hereby notified that a formal protest was filed in this office on February 21, 2006, by Lassen County against the granting of your applications, under the above-mentioned serial numbers. A copy of these protests is enclosed herewith.

A brochure titled *Practice and Procedure in Protest Hearings Before State Engineer* is available from this office upon request. The contents of this brochure are contained in the Nevada Administrative Code, Chapter 533.

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 notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent direct otherwise.

Yours very truly,

A handwritten signature in dark ink, appearing to read "Hugh Ricci, P.E.", written over a printed name and title.
Hugh Ricci, P.E.
State Engineer

HR/sam
Enclosures
cc. R. Michael Turnipseed, P.E.

RECEIVED

2006 MAR -9 AM 11:16

RENO NEWSPAPERS INC

STATE ENGINEER'S OFFICE

Publishers of

Reno Gazette-Journal

955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200

Legal Advertising Office 775.788.6394

FILED

MAR 09 2006

STATE ENGINEER'S OFFICE

NV STATE WATER RESOURCES
901 S STEWART ST STE 2002
CARSON CITY NV 89701-5250

Customer Acct# 310374
PO# 73429
Ad# 1000191893
Legal Ad Cost \$50.00

STATE OF NEVADA
COUNTY OF WASHOE

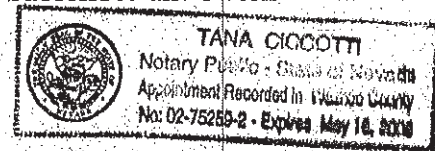
ss: Tamara Robinson

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoc County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: 2/14/2006 - 3/7/2006, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *T. Robinson*

MAR 7 2006



Tana Ciccotti

Proof of Publication

APPLICATION FOR WATER NO. 73429 NOTICE IS HEREBY GIVEN, that on the 3rd day of November 2005 Intermountain Pipeline, Ltd. of Reno, Nevada made application to the State Engineer of Nevada for permission to change the point of diversion of 0.97 c.f.s., a portion of water heretofore appropriated under Permit 66400. Water will be diverted from an underground source at a point located within the SE 1/4 NE 1/4 of Section 14, T24N, R18E, MDM or at a point from which the E 1/4 corner of said Section 14 bears S 34 degrees 41' 38" E., a distance of 669.14 feet (20 miles N of Reno Stead Airport). Water will be used for municipal and domestic purposes from January 1st to December 31st of each year. The existing point of diversion was located within the SW 1/4 SE 1/4 of Section 10, T24N, R18E, MDM, or at a point from which the SE corner of said Section 10 bears S 62 degrees 30' 36" E, a distance of 2807 feet. Water was used for municipal and domestic purposes from January 1st to December 31st of each year. Hugh Ricci, P.E. State Engineer Date of first pub 2-14-06 Date of last pub 3-7-06 No. 191893 February 14, 21, 28; March 7, 2006

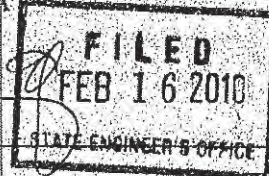
Ad Number: 1000191893

Date *3/17/06*
Warrant No. *PV 631493*

Page 1 of 1

JA2143
SE ROA 2059

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.IN THE MATTER OF PERMIT NO. 73428 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.

Signed

Robert W. Marshall, agent
Permittee or AgentSubscribed and sworn to before me this 16th day ofFeb, 20 10Address 625 Onyo Way

Street Address or PO Box

Sparks, NV 89441

City, State, ZIP Code

Phone 775-425-1161

E-mail

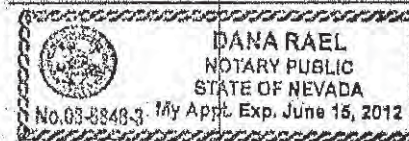
Notary Public in and for the County of

Carson City

State of

NV

My commission expires

June 15, 2012

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

JA2088**SE ROA 2004**

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
2/16/2010	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 73428 COVERS EXT NO'S 64977, 64978, 66400, 73428, 73429, 73430 AND 74327	100.00
Received by: Sue Cox		Total	\$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

JA2089
SE ROA 2005

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 73428, 73429, 73430 and 74327

This is to inform you that the Application for Extension of Time has been granted to February 11, 2011, for filing of the Proof of Beneficial Use.

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 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 that reads "Erica Fagan".

Erica Fagan
Administrative Assistant

cc: Robert W. Marshall
R. Michael Turnipseed, Turnipseed Engineering, Ltd.
TEC Civil Engineering Consultants

STATE OF NEVADA



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. 71067808063000455503

Re: Final Notice for Permit 73428, 73429, 73430 & 74327

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: R.Michael Turnipsco
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

JA2091
SE ROA 2007

2. Article Number  7106 7808 0630 0045 5503		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: Robert W. Marshall Intermountain Water Supply 625 Onyo Way Sparks, NV 89441 2/16/2011 8:57 AM		A. Signature X <i>RW Marshall</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
		B. Received by (Printed Name) <i>RW Marshall</i>	C. Date of Delivery <i>2/21/11</i>
		D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES enter delivery address below:	
		3. Service Type <input checked="" type="checkbox"/> Certified	
Code2: Water Resources File: FN 73428 dr		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811

Domestic Return Receipt

JA2092
SE ROA 2008

APPLICATION FOR EXTENSION OF TIME

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

FEB 25 2011

IN THE MATTER OF PERMIT NO. 73428 FILED TO APPROPRIATE/CHANGE THE WATERS OF

STATE ENGINEER'S OFFICE

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? \$2,663.00 Total to date? \$2514,880 ±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.

Signed

Robert W. Marshall

Permittee or Agent

Subscribed and sworn to before me this 25 day ofFebruary, 20 11Joy G. Elwood

Signature of Notary Public Required

Notary Public in and for the County of Carson

Address

625 Onyo Way

Street Address or PO Box

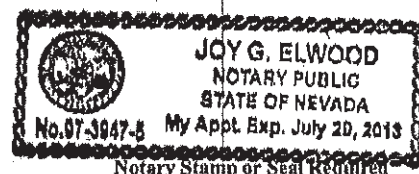
Sparks, NV 89441

City, State, ZIP Code

Phone

775-425-1161

E-mail

State of NevadaMy commission expires July 29, 2013

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

JA2093
 SE ROA 2009

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	256091
Date	Item	Description	Amount	
2/25/2011	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 73428 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327	100.00	
Received by: Sue Cox			Total	\$100.00

JA2094
SE ROA 2010

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

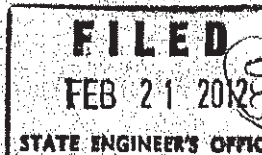
Fee for filing Proof of Beneficial Use - \$50

Fee for filing Request for Extension of Time - \$100

JA2096
SE ROA 2012

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. 73428 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.

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 4-14-13Signed Robert W. Marshall

Permittee or Agent

Address 625 Onyo Way

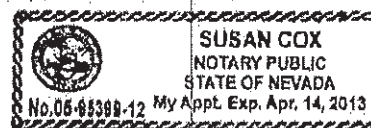
Street Address or PO Box

Sparks, NV 89441

City, State ZIP Code

Phone 775-425-1161

E-mail



Notary Stamp or Seal Required

RECEIVED FEB 21 2012 11:59 AM STATE ENGINEER'S OFFICE

1 ch doc PBL 2/23/2012 for

\$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

JA2097
SE ROA 2013

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

JA2098
SE ROA 2014

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>

February 27, 2012

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

RE: PERMITS 73428, 73429, 73430 and 74327

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)
Turnipseed Engineering, Ltd.

JIM GIBBONS
Governor

STATE OF NEVADA



ALLEN DIAGGI
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, 73428 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. 5/2/09 **JA2100**
SE ROA 2016

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

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

FEB 19 2013

STATE ENGINEER'S OFFICE

IN THE MATTER OF PERMIT NO. 73428 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

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. Marshall

Signed

Permittee or Agent

Address 625 Onyo Way

Street Address or PO Box

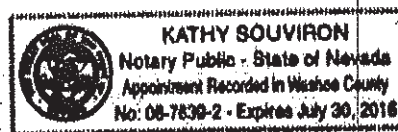
Sparks, NV 89441

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

JA2101
SE ROA 2017

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	1457	275709

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

JA2102
SE ROA 2018

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 73428, 73429, 73420 and 74327

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 black ink, appearing to read "Shannon McDaniel".

Shannon McDaniel
Water Resource Specialist 1

SM/mt

c: TEC Civil Engineering Consultants (via email)
Turnipseed Engineering, Ltd. (via email)



**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 13, 2013

Corrected Letter

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

RE: PERMITS 73428, 73429, 73430 and 74327

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 Group (via email)
Turnipseed Engineering, Ltd. (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

JA2105
SE ROA 2021

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Intermountain Water Supply, Ltd.

FILED

FEB 19 2014

IN THE MATTER OF PERMIT NO. 73428 FILED TO APPROPRIATE/CHANGE

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) years

5. What is the expenditure on the project under this permit? Last year? \$17,034.00

Total to date? \$2,550,649.00

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

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 Washoe

Subscribed and sworn to before me on February 18, 2014

by 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 Souvion
Signature of Notary Public Required



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 - ext_app

JA2106
SE ROA 2022

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	286435
Date	Item	Description	Amount
2/19/2014	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO. 73428 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327	120.00
Received By: Catherine Orpilla		Total	\$120.00

JA2107
SE ROA 2023

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 McDaniel".

Shannon McDaniel
Water Resource Specialist I

SM/dl

cc: TEC Civil Engineering Consultants

JA2108
SE ROA 2024

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

JA2109
SE ROA 2025

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED

FEB 19 2015

STATE ENGINEER'S OFFICE

Owner of Record Intermountain Water Supply, Ltd.IN THE MATTER OF PERMIT NO. 73428 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

Robert W. Marshall

Permittee or Agent

Address

625 Onyo Way

Street Address of 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: 08-7839-2 - Expires July 30, 2016

Notary Stamp or Seal Required

Kathy Souviron
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

JA2110
SE ROA 2026



**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 #: 4,575

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

Check Total: \$960.00

2/20/2015

22

JA2111
SE ROA 2027



InterMountain
Water Supply

625 Onyo Way
Spanish Springs, NV 89441

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

marshall@iws.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
Robert W. Marshall, Manager

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

4827-3643-6260

RECEIVED
2015 MAY 28 AM 10:06
STATE ENGINEERS OFFICE
JA2112
SE ROA 2028

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;

JA2113
SE ROA 2029

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

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.

JA2114
SE ROA 2030

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)

JA2117
SE ROA 2033

APPLICATION TO CHANGE THE P.O.D. OF 66400 OF A FORKION

No. **73429**Date Filed **NOV 03 2005**

Indexed under		Well Log
Name of applicant		
Map	Basin 7 - 95	
Stream	DRY VALLEY	
Township 24 N	Range 13 E	County WASHOE
Point of diversion SE 1/4 NE 1/4 Section 14		
Applicant INTERMOUNTAIN PIPELINE, LTD.		ASSIGNED
Source of Water UNDERGROUND		
Returned for correction NOV 23 2005	Abrogated by P 74874 T 0.208 Sep 11-29-	
Corrected application received		
Map filed 1-13-2006 under 73428 , exist. & prop. POU 5-1-1998 under 64073(300)		
Sent for publication FEB 07 2006		
Proof of publication filed MAR 09 2006		
Investigated on ground by		
Protested 2-21-06 BY LASSEN CTRY, 3-17-06 BY WASHOE CTRY Pro. Overruled 5-27-06 See Rule #3062		

Ready for action **APR 06 2006**Approved **June 29, 2006****0.97****municipal & domestic**

Denied

	PROOF OF COMMENCEMENT	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
Date due		Feb 11, 2008 15-16	Feb 11, 2009 15-16	NA
1st extension		NO FURTHER EXTENSION	NO FURTHER EXTENSION	
2nd extension		NO FURTHER EXTENSION	NO FURTHER EXTENSION	
Date filed				

Filed under map

CERTIFICATE NO.	ISSUED	AMOUNT
Use		
COMPUTER CHECK	File Entry <input checked="" type="checkbox"/>	Publication <input checked="" type="checkbox"/>
	Permit <input checked="" type="checkbox"/>	Certificate <input checked="" type="checkbox"/>

ADDRESS

JA2118
 SE ROA 2034

OF A FORKION

SEE APPLICATION 74874 T TO CHANGE POU.

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS
OF THE STATE OF NEVADA HERETOFORE APPROPRIATED**

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office..... **NOV 03 2005**
 Returned to applicant for correction..... **NOV 23 2005**
 Corrected application filed..... Map filed **JAN 13 2006** under **73428**

The applicant, **Intermountain Pipeline, Ltd.**

2440 Holcomb Lane..... of **Reno**.....
Street and No. Or P.O. Box No. City or Town

NV 89511....., hereby make.... application for permission to change the
State and Zip Code No.

Point of diversion Place of use Manner of use **of a portion**

of water heretofore appropriated under..... **Permit 66400**

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

1. The source of water is **Underground water well**.....
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed **0.97 cfs (700 AF)**.....
feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for **Same as heretofore**.....
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.
4. The water heretofore used for **Municipal and Domestic**.....
If for stock state number and kind of animals.
5. The water is to be diverted at the following point **SE ¼ NE ¼, Section 14, T. 24 N., R. 18 E.,
M D B & M, or at a point from which the E. ¼ corner of said Section 14 bears S. 34° 41' 38" E.,
a distance of 669.14 feet. #2**
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 stated.
6. The existing point of diversion is located within **SW ¼ SE ¼, Section 10, T. 24 N., R. 18 E.,
M D B & M, or at a point from which the SE corner of said Section 10 bears S. 62° 30' 36" E.,
a distance of 2807 feet.**
If point of diversion is not changed, do not answer.

7. Proposed place of use... Same as heretofore.....
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use... See attached sheet.....
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from.... 1/1..... to..... 12/31..... of each year.
Month and Day Month and Day

10. Use permitted from.... 1/1..... to..... 12/31..... of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)..... Deep well, pump, motor and transmission lines.....
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works.... \$10,000,000.00.....

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

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

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

For map of existing POD, use map on file under permit 66400. For map of proposed POD use map to accompany this application. .

(775) 885-2101
Phone No.

By: R. Michael Turnipseed P.E.
Print or type name clearly

Signature, applicant or agent

204 N. Minnesota Street
Street and No., or P.O. Box No.

Carson City, NV 89703
City, State, Zip Code

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

\$150 FILING FEE MUST ACCOMPANY APPLICATION

JA2120
SE ROA 2036

66400

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 R18E MDM.

Section 38, 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.

State of Nevada - Division of Water Resources

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

TURNIPSEED ENGINEERING LTD
204 N MINNESOTA ST
CARSON CITY NV 89703

Receipt		Payment Method	Check No.	Receipt #
Date	Item	Description	Amount	
11/3/2005	Permanant Change	APPLICATION TO CHANGE NO. 73429 COVERS CHGAPP NO'S 73428, 73429 AND 73430	150.00	
Received by: Sue Cox Sc			Total	\$150.00

JA2122
SE ROA 2038

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 73933

Electronically Filed
Feb 08 2018 04:56 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 IX Part 1 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)
775-357-8172 (fax)

relmore@rlepc.com

*Attorneys for Respondent
Intermountain Water Supply*

NV ATTORNEY GENERAL

Micheline N. Fairbank, Esq.
100 North Carson Street
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 IX** 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 IX** 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

permits occur.⁵ Permit 66400 also carries a set of specific requirements referred to as permit terms, which provides additional regulatory authority to the State Engineer. The State Engineer finds the regulatory authority within the Nevada Revised Statutes and the terms of Permit 66400 provide additional protection for senior existing water right appropriators and domestic well owners.

The State Engineer finds that the issues related to water availability and inter-basin transfer have been settled with the issuance of Permit 66400 and will not be revisited for a point of diversion change as proposed under Applications 73428, 73429 and 73430. The State Engineer further finds that reducing the annual duty of Permits 64977, 64978 and 66400 is not appropriate and sufficient protections exist within the Nevada Revised Statutes to protect senior existing water right appropriators and domestic well owners from any adverse effects that may occur in the future.

III.

A determination was made, after an examination of the records of the Office of the State Engineer, that there is only one additional water right permit, proof or claim filed for the proposed underground water source within the Dry Valley Hydrographic Basin exclusive of the Applicant's permits. This is a certificated water right for irrigation and domestic purposes at a duty not to exceed 25.60 cfs. The permit number is Permit 28097, Certificate 10521 and the current owner of record is shown as John G. Lenz.⁶ It should be noted that Mr. Lenz is not listed as a protestant to Applications 73428, 73429 and 73430. The State Engineer finds that the Protestants do not possess existing groundwater appropriations in the Dry Valley Hydrographic Basin.

IV.

Records in the Office of the State Engineer indicate that up to nine domestic wells have been drilled in the Dry Valley Hydrographic Basin. The Applicant has indicated that there is currently only one house in Dry Valley utilizing an underground domestic water supply.⁷ Nevada water law does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectible interests in existing domestic wells and the rights of existing appropriators can be satisfied. The State

⁵ NRS § 534.110.

⁶ Nevada Division of Water Resources, *Water Rights Database Special Hydrographic Abstract*, May 9, 2006.

⁷ See, Intermountain Pipeline, Ltd. letter to State Engineer, October 3, 2005, within File No. 69664, official records in the Office of the State Engineer.

Engineer finds that protections exist within the Nevada water law to protect domestic well owners and existing water right holders from an unreasonable lowering of the water table, should such impacts occur as a result of pumping water at the proposed well site.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁸

II.

The State Engineer is prohibited by law from granting a change application to appropriate the public waters where:⁹

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

When Permits 64977, 64978 and 66400 were issued, the State Engineer made a determination, based on the information available at that time, that 2,996 afa of water was available for appropriation in the Dry Valley Hydrographic Basin and the requirements for interbasin transfer were met. Applications 73428, 73429 and 73430 seek to change the point of diversion of Permit 66400 and do not request any additional water from the Dry Valley Hydrographic Basin. The State Engineer concludes he is not required to reevaluate the determination as to water availability under the change application and that the proposed changes in point of diversion will not threaten to prove detrimental to the public interest.

IV.

The State Engineer concludes that the protest issues regarding the inter-basin transfer of water and water availability were settled by the issuance of Permit 66400; therefore, those protest issues are dismissed.

⁸ NRS chapters 533 and 534.

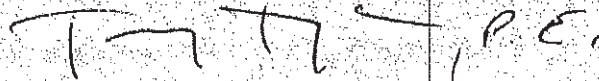
⁹ NRS § 533.370 (5).

RULING

The protest claims are overruled and Applications 73428, 73429 and 73430 are hereby approved subject to:

1. Existing rights;
2. The payment of the statutory permit fees;
3. A monitoring program approved by the State Engineer prior to the diversion of any water appropriated under these permits.

Respectfully submitted,


TRACY TAYLOR, P.E.
State Engineer

TT/TW/jm

Dated this 27th day of

June, 2006

KENNY C. GUINN
Governor

STATE OF NEVADA



ALLEN BIAGGI
Director

TRACY TAYLOR, 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>

Re: 73428, 73429, and 73430

June 27, 2006


Robert W. and Nanette Marshall
Intermountain Water Supply, Ltd.
175 Stags Leap Circle
Sparks, Nevada 89436-7280
Certified Mail #7106 7808 0630 0021 8702

Ladies and Gentlemen:

Enclosed is our official Ruling granting Applications 73428, 73429, and 73430 filed to change the Point of Diversion of underground water within the Dry Valley Hydrographic Basin (95), Washoe County County, Nevada, subject to payment of the statutory permit fees.


Please be advised that within the next few weeks you will receive notice from this office requesting payment of the fees for the issuance of your permits.

Sincerely,



Tracy Taylor, P.E.
State Engineer

TT/jm
Enclosures


cc: R. Michael Turnipseed
Certified Mail #7106 7808 0630 0021 8719
Vahid Behmaram, Washoe County Dept. of Water Resources
Certified Mail #7106 7808 0630 0021 8726
John Ketelsen, County of Lassen
Certified Mail #7106 7808 0630 0021 8733
Southern Nevada Branch Office
Elko Branch Office

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7106 7808 0630 0021 8719 1. Article Addressed to: R. Michael Turnipseed Turnipseed Engineering, Ltd. 204 N. Minnesota Street Carson City, Nevada 89703		A. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 6/28
		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. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811 File: 73428/ruling/tw/jm Domestic Return Receipt

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7106 7808 0630 0021 8733 1. Article Addressed to: John Ketelsen County of Lassen 707 Nevada Street Susanville, CA 96130		A. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 6-28-06
		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. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811 File: 73428 et al./ruling/tw/jm Domestic Return Receipt

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7106 7808 0630 0021 8726 1. Article Addressed to: Vahid Behmaram Dept. Of Water Resources Washoe County 4930 Energy Way Reno, Nevada 89502-4106		A. Signature X <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
		B. Received by (Printed Name) <i>[Signature]</i>	C. Date of Delivery 6/28/06
		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. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811 File: 73428 et al./ruling/tw/jm Domestic Return Receipt

JA2063
SE ROA 1979

Permit Terms Sheet

a. APPLICATION NO: 73428

b. Ready for Action April 6, 2006; 6/27/06

c. Source UNDERGROUND

d. Amount 0.45 cfs

e. No. of Units, Cattle Acres, etc
(325 AF)

f. Manner of Use Municipal & Domestic

g. Period of Use 1/1 - 12/31

h. Fees \$752

i. Status of Basin Design (Non-Design)

j. Basin Name DRY VALLEY

k. Basin Number 7-095

l. Reviewed: Office Engineer
By _____

Reviewed: Groundwater Engineer
29 Jun 06 By KWS

Reviewed: Surfacewater Engineer
6-29-06 By JK

Office Notes: FEES: \$100 + \$2(325.72 AF) = \$752 The purpose of Applications 73428, 73429 & 72430 is to change the POD of portions Intermountain Water Supply's only Permit in Dry Valley to 3 new wells along Dry Valley Creek, leaving a portion of water in 66400. POU is in the northern Reno-Sparks/North Valleys area via proposed pipeline to Lemmon Valley. Apps were protested by both Washoe & Lassen Counties; protests overruled by Ruling #5622 on 6/27/06.

Permit Plat Filed 50564 (herein)

Supplemental to: See S (6) Term

Permit Terms: C (c) Point of diversion of a portion 66400/66400

S (2)

S (3)

S (11)

S (6) 73428, 73429 & 72430/ 1187.08 AFA

QT-Rpt

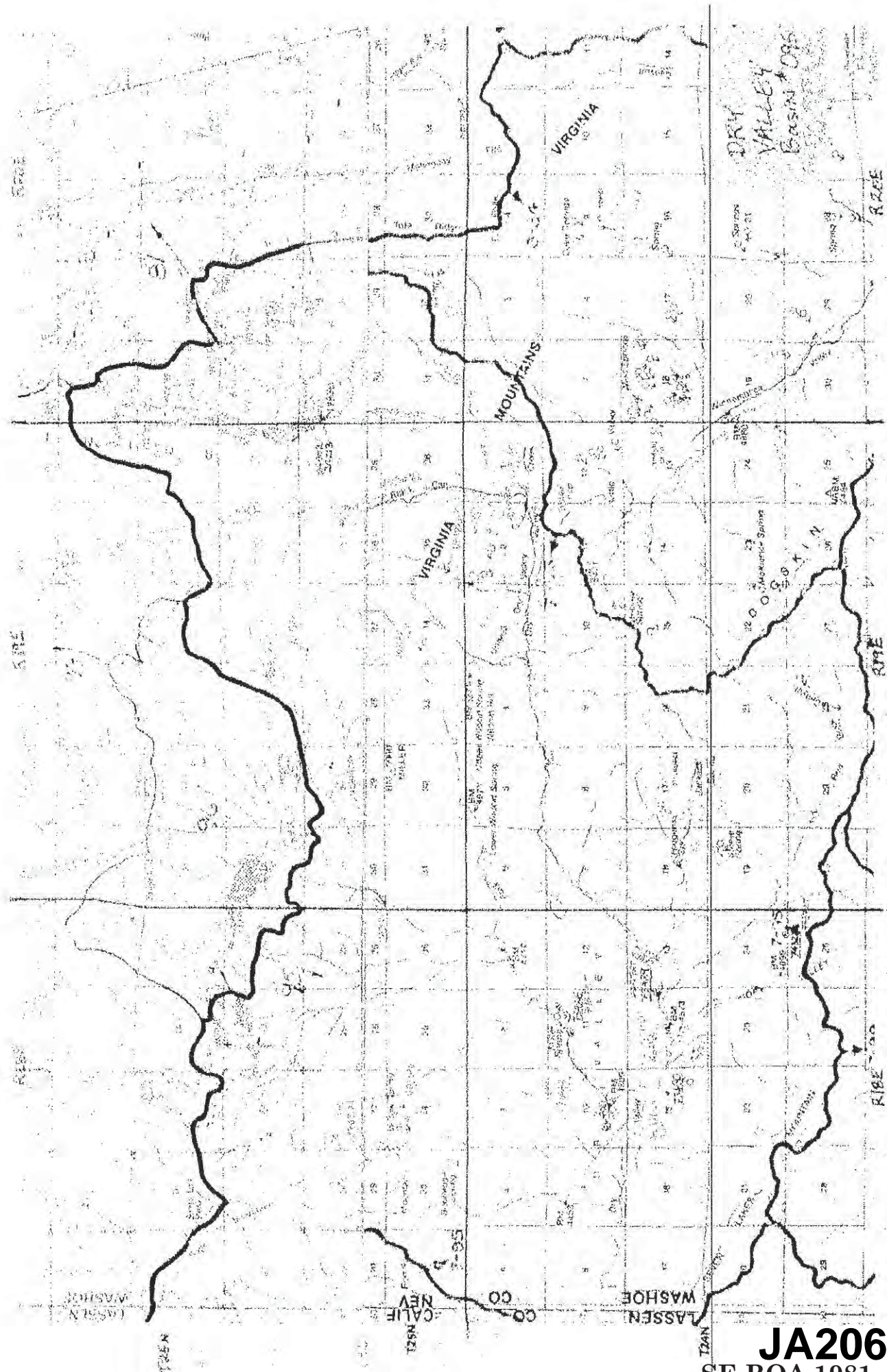
The issuance of permits 73428, 73429 and 73430 will reduce the TCD of permits 64977, 64978 and 66400 to 1808.92 AFA.

?Pumping subject to monitoring plan approved by DWR?

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.45 cubic feet per second but not to exceed 325.72 acre-ft annually

Completion 3 yrs Feb 11, 2008
PBU 2 years Feb 11, 2009
PBU Map N/A
Date: June 28, 2006
By: ALE

This permit is issued subject to State Engineer's Order JA2064622, SE ROA 1980



JA2065
SE ROA 1981

NO. 73428

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office NOV 03 2005

Returned to applicant for correction NOV 23 2005

Corrected application filed

Map filed JAN 13 2006

The applicant **Intermountain Pipeline, Ltd.** hereby make application for permission to change the **Point of diversion** of a portion of water heretofore appropriated under Permit 66400

1. The source of water is **Underground water well**
2. The amount of water to be changed **0.45 cfs (325 AF)**
3. The water to be used for **Same as heretofore**
4. The water heretofore permitted for **Municipal and Domestic**
5. The water is to be diverted at the following point **NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, T.24N., R.18E., M D B & M**, or at a point from which the **N $\frac{1}{4}$ corner** of said Section 11 bears **N. 21°02'38" E.**, a distance of **1370.69 feet**.
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, T.24N., R.18E., M D B & M**, or at a point from which the **SE corner** of said Section 10 bears **S. 62°30'36"E.**, a distance of **2807 feet**
7. Proposed place of use **Same as heretofore**
8. Existing place of use **See attached sheet**
9. Use will be from **1/1 to 12/31** of each year.
10. Use was permitted from **1/1 to 12/31** of each year.
11. Description of proposed works **Deep well, pump, motor and transmission lines**
12. Estimated cost of works **\$10,000,000.00**
13. Estimated time required to construct works **5 years**
14. Estimated time required to complete the application of water to beneficial use **10 years**

JA2066
SE ROA 1982

73428

15. Remarks: For map of existing POD, use map on file under permit 66400. For map of proposed POD, use map to accompany this application.

By R. Michael Turnipseed, P.E.
s/R Michael Turnipseed PE
204 N. Minnesota Street
Carson City, NV 89703

Compared dr/ gkl lh/ gkl

Protested 2-21-06 by Lassen Connty. 3-17-06 by Washoe County Pro. Overruled 6-27-06 See Ruling #5622

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 66400 is issued subject to the terms and conditions imposed in said Permit 66400 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 64977, 64978, 66400, 73428, 73429 and 73430 shall not exceed 2996 acre-feet annually.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This permit is issued subject to State Engineer's Ruling No. 5622.

(CONTINUED ON PAGE 3)

JA2067
SE ROA 1983

Proof of completion of work shall be filed before:

February 11, 2008

Water must be placed to beneficial use on or before:

January 11, 2009

Proof of the application of water to beneficial use shall be filed on or before:

February 11, 2009

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


N/A

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 29th day of June A.D. 2006

 P.E.
By: Deputy State Engineer, Jason King, P.E.

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

N/A

Certificate No. _____

Issued _____

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.

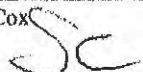
Sections 1 and 12 T20N R18E MDM.

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	1234	204412
Date	Item	Description		Amount
6/29/2006	Change	PERMIT FEE - CHANGE NO. 73428 COVERS FEECHG NO'S 73428, 73429 AND 73430		752.00
Received by: Sue Cox 			Total	\$752.00

JA2070
SE ROA 1986

KENNY C. GUINN
Governor

STATE OF NEVADA



ALLEN BIAGGI
Director

TRACY TAYLOR, 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 29, 2006

Re: 73428, 73429 and 73430

Intermountain Pipeline Ltd
175 Stags Leap Circle
Sparks NV 89436-7280

Ladies and Gentlemen:

You are hereby advised that your applications to change the public waters of the State of Nevada, under our Serial Numbers 73428, 73429 and 73430 for the waters of an underground source is now ready to be presented to the State Engineer for approval.

You are further advised that in accordance with NRS 533.435 it will be necessary that you forward to this office, within sixty (60) days from the date hereof, permit fees of *\$2,676.00 for the application listed above.

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.

In the event that this office does not receive the permit fees within sixty (60) days from this date, your application will be subject to denial.

Sincerely,

Tracy Taylor, P.E.

Tracy Taylor, P.E.
State Engineer

TT/sc

cc: R. Michael Turnipseed

- * 73428 - \$ 752.00
- * 73429 - \$ 1505.00
- * 73430 - \$ 419.00

NEVADA DIVISION OF WATER RESOURCES
WATER RIGHTS DATABASE

SPECIAL HYDROGRAPHIC ABSTRACT

Run Date: 7/20/2006

Selection Criteria: basin in (095) and app_status in ('APP','CER','PER','RES','RFA','RFP','RLP','RVP','VST','DEC') order by basin,m.app

Active

BASIN	APP	CHANGE OF APP	CERT	DATE	STAT	SRC	POINT OF DIVERSION					DIV RATE (CFS)	TYPE OF USE	SUP	IRRIGATED ACRES	ANNUAL DUTY	UNIT	CO	OWNER OF RECORD
095	11827		4966	4/11/1947	CER	STR	SW	SW	01	24N	19E	0.96	IRR		128.80	515.20	AFS	WA	WASHOE COUNTY, Dry V. Pool
	17830	11825	5021	2/16/1959	CER	STR	SW	NW	30	25N	20E	10.00	IRR		416.70	2,000.00	AFS	WA	WASHOE COUNTY, 139, B...
	24002		7649	7/14/1967	CER	STR	SW	NW	30	25N	20E	0.00	STO		0.00	400.00	AFA	WA	WASHOE COUNTY, Pool in al
	24213		7654	11/8/1967	CER	STR	SW	NW	30	25N	20E	2.50	IRR		86.30	345.20	AFA	WA	WASHOE COUNTY, Whiston Sprin
	28096		10520	2/12/1974	CER	STR	NE	SE	07	24N	18E	0.15	IRR		2.94	11.76	AFA	WA	LENZ, JOHN G.
	28097		10521	2/12/1974	CER	UG	SW	SW	08	24N	18E	0.11	IRR		6.40	25.60	AFA	WA	LENZ, JOHN G.
	36643			2/7/1979	PER	SPR	NW	SE	01	24N	19E	2.00	IRR		40.85	163.40	AFA	WA	LA RUE, JUANITA S.
	36644			2/7/1979	PER	SPR	NE	SW	01	24N	19E	2.00	IRR		40.85	163.40	AFA	WA	LA RUE, JUANITA S.
	36645			2/7/1979	PER	SPR	SE	SW	01	24N	19E	2.00	IRR		40.85	163.40	AFA	WA	LA RUE, JUANITA S.
	36646			2/7/1979	PER	SPR	SE	SW	01	24N	19E	2.00	IRR		40.85	163.40	AFA	WA	LA RUE, JUANITA S.
	36647	TVD team NTE 515.2 AFA		2/7/1979	PER	STR	NW	SW	01	24N	19E	2.00	IRR		128.80	515.20	AFA	WA	WASHOE COUNTY
	36648		12980	2/7/1979	CER	SPR	NE	NE	03	24N	19E	0.02	STK		0.00	3.65	MG	WA	LARUE, JUANITA S.
	46213			10/12/1982	PER	SPR	NW	SW	14	24N	18E	1.80	IRR		450.00	1,303.16	AFA	WA	WASHOE COUNTY
	46214	Lower Dry V. CC	13515	10/12/1982	CER	STR	SW	NE	15	24N	18E	0.01	STK		0.00	2.92	MG	WA	LARUE, JUANITA S.
	54858			5/22/1990	RFA	STR	SE	NE	10	24N	18E	1.00	IRR		100.00	0.00		WA	WASHOE COUNTY
	64977			3/24/1999	PER	UG	NW	NW	11	24N	19E	2.00	MUN	Y	0.00	1,447.00	AFA	WA	INTERMOUNTAIN WATER SUPPLY, LTD.
		CHANGE BY:	69663			WDR	UG							Y					
		CHANGE BY:	72700			RFP	UG							Y					
	64978			3/24/1999	PER	UG	NW	NW	11	24N	19E	2.00	MUN	Y	0.00	1,447.00	AFA	WA	INTERMOUNTAIN WATER SUPPLY, LTD.
		CHANGE BY:	69664			RFA	UG							Y					
		CHANGE BY:	74327			APP	UG							Y					
	66400			5/22/2000	PER	UG	SW	SE	10	24N	18E	0.50	MUN	Y	0.00	363.92	AFA	WA	INTERMOUNTAIN WATER SUPPLY, LTD.
		CHANGE BY:	69665			WDR	UG							Y					
		CHANGE BY:	73430			PER	UG							Y					
		CHANGE BY:	73429			PER	UG							Y					
		CHANGE BY:	73428			PER	UG							Y					
	66961			11/22/2000	RFP	UG	NW	NW	15	24N	18E	5.00	MUN		0.00	0.00		WA	INTERMOUNTAIN WATER SUPPLY, LTD.
	69552			2/6/2003	RFP	UG	SW	NE	02	24N	19E	6.00	IRR		0.00	1,400.00	AFA	WA	WINNEMUCCA RANCH
	69664	64978		2/25/2003	RFA	UG	SE	SW	09	24N	18E	2.00	MUN		0.00	1,447.00	AFA	WA	INTERMOUNTAIN WATER SUPPLY, LTD.
	70423			9/23/2003	RFP	SPR	NE	SW	17	24N	18E	0.02	IRR		0.00	0.00	AFA	WA	KNOX, RAYMOND
	70424			9/23/2003	RFP	SPR	SE	SW	17	24N	18E	0.08	IRR		0.00	0.00	AFA	WA	KNOX, RAYMOND
	71268			6/3/2004	RFP	STR	SE	SE	02	24N	19E	5.00	IRR		0.00	0.00	AFA	WA	VENTURACCI, RANDY
	72700	64977		5/3/2005	RFP	UG	SE	SE	02	24N	19E	0.83	MUN		0.00	600.00	AFA	WA	INTERMOUNTAIN WATER SUPPLY, LTD.
	72811			5/20/2005	RFP	UG	NW	NE	06	24N	19E	1.00	QM		0.00	0.00	AFA	WA	AQUA TRAC, LLC
	72812			5/20/2005	RFP	UG	SW	NE	24	24N	18E	1.50	QM		0.00	0.00	AFA	WA	AQUA TRAC, LLC
	72813			5/20/2005	RFP	UG	NE	SE	21	25N	19E	1.00	QM		0.00	0.00	AFA	WA	AQUA TRAC, LLC
	72814			5/20/2005	RFP	UG	NE	SW	29	25N	19E	1.50	QM		0.00	0.00	AFA	WA	AQUA TRAC, LLC

SE ROA 1988

BASIN	APP	CHANGE OF APP	CERT	DATE	STAT	SRC	POINT OF DIVERSION QQ QTR SEC TWN RNG	DIV TYPE RATE OF (CFS) USE SUP	ANNUAL DUTY	UNIT	CO	OWNER OF RECORD
095	73428	66400		11/3/2005	PER	UG	NE NW 11 24N 18E	0.45 MUN Y	0.00	325.72 AFA	WA	INTERMOUNTAIN WATER SUPPLY LTD.
	73429	66400		11/3/2005	PER	UG	SE NE 14 24N 18E	0.97 MUN Y	0.00	702.12 AFA	WA	INTERMOUNTAIN WATER SUPPLY LTD.
	73430	66400		11/3/2005	PER	UG	NW SE 15 24N 18E	0.22 MUN Y	0.00	159.24 AFA	WA	INTERMOUNTAIN WATER SUPPLY LTD.
	74327	64978	APP RPT/FEX	5/23/2006	APP	UG	SW SE 24 24N 18E	0.62 MUN	0.00	0.00 AFA	WA	INTERMOUNTAIN WATER SUPPLY LTD.
	V03072		VST	10/2/1978	VST	STR	NW SW 01 24N 19E	0.02 STK	0.00	4.38 MGS	WA	DBA WINNEMUCCA RANCH
	V03073		VST	10/2/1978	VST	STR	NW SW 01 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03076		VST	10/2/1978	VST	SPR	NW SE 18 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03077		VST	10/2/1978	VST	SPR	NW SW 21 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03078		VST	10/2/1978	VST	SPR	NE NE 21 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03079		VST	10/2/1978	VST	SPR	NW NW 29 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03080		VST	10/2/1978	VST	SPR	SE NE 29 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03081		VST	10/2/1978	VST	SPR	SW SW 28 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03082		VST	10/2/1978	VST	SPR	NE SW 28 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03083		VST	10/2/1978	VST	SPR	SE NW 28 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03084		VST	10/2/1978	VST	SPR	NW NE 28 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03085		VST	10/2/1978	VST	SPR	NE NE 28 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03086		VST	10/2/1978	VST	SPR	SE NW 17 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03087		VST	10/2/1978	VST	SPR	NW NW 28 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03088		VST	10/2/1978	VST	SPR	SW SW 21 24N 19E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03089		VST	10/2/1978	VST	SPR	NW NE 23 25N 18E	0.01 STK	0.00	2.83 MG	WA	LA RUE, W DALTON SR. AND JUANITA S.
	V03090		VST	10/2/1978	VST	SPR	NE NW 34 25N 18E	0.20 STK	0.00	3.76 MGS	WA	LA RUE, JUANITA S.
	V03112		VST	2/7/1979	VST	SPR	NE NW 05 24N 19E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. AND JUANITA S.
	V03113		VST	2/7/1979	VST	SPR	NW NE 19 24N 19E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03115		VST	2/7/1979	VST	SPR	NE NW 20 24N 19E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03116		VST	2/7/1979	VST	SPR	NE NW 20 24N 19E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03117		VST	2/7/1979	VST	SPR	SW SE 23 24N 18E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03118		VST	2/7/1979	VST	SPR	SW SE 23 24N 18E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03119		VST	2/7/1979	VST	SPR	SE NE 22 24N 18E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03120		VST	2/7/1979	VST	SPR	SW SW 14 24N 18E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03121		VST	2/7/1979	VST	SPR	NE SE 15 24N 18E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03122		VST	2/7/1979	VST	SPR	NW SW 27 25N 18E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03123		VST	2/7/1979	VST	SPR	SW NW 16 25N 19E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03124		VST	2/7/1979	VST	SPR	NW SE 09 24N 19E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.
	V03125		VST	2/7/1979	VST	SPR	NW SE 09 24N 19E	0.20 STK	0.00	0.00	WA	LA RUE, W DALTON SR. & JUANITA S.

SE ROA 1989
JA2073

SE ROA 1990

BASIN	APP	CHANGE OF APP	CERT	DATE	STAT	SRC	POINT OF DIVERSION					DIV RATE (CFS)	TYPE OF USE	SUP	IRIGATED ACRES	ANNUAL DUTY	UNIT	CO	OWNER OF RECORD
							QQ	QTR	SEC	TWN	RNG								
095	V03127			2/7/1979	VST	SPR	SW	SW	04	24N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03128			2/7/1979	VST	SPR	SW	SW	04	24N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03129			2/7/1979	VST	SPR	SE	NW	07	24N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03130			2/7/1979	VST	SPR	SE	NW	17	24N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03131			2/7/1979	VST	SPR	NW	SE	34	25N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03132			2/7/1979	VST	SPR	SE	NW	34	25N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03133			2/7/1979	VST	SPR	SW	NW	18	25N	20E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03134			2/7/1979	VST	SPR	NW	NW	20	25N	20E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03135			2/7/1979	VST	SPR	SE	NW	19	25N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03136			2/7/1979	VST	SPR	SW	SE	20	25N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03137			2/7/1979	VST	SPR	SW	SW	30	25N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03138			2/7/1979	VST	SPR	NE	NW	11	24N	18E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. JUANITA S.	
	V03139			2/7/1979	VST	SPR	NW	SW	10	24N	19E	0.02	STK		0.00	2.82	MGS	WA	LARUE, JUANITA S.
	V03140			2/7/1979	VST	SPR	NE	NE	05	24N	19E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03141			2/7/1979	VST	SPR	NE	SW	20	25N	20E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. AND JUANITA S.	
	V03142			2/7/1979	VST	SPR	NE	NE	19	25N	20E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03143			2/7/1979	VST	SPR	NW	NW	11	24N	18E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03144			2/7/1979	VST	SPR	SE	NE	10	24N	18E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03145			2/7/1979	VST	RES	NE	NW	23	25N	18E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03146			2/7/1979	VST	RES	SE	NW	23	25N	18E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V03147			2/7/1979	VST	RES	NW	SE	23	25N	18E	0.20	STK		0.00	0.00	WA	LA RUE, W. DALTON SR. & JUANITA S.	
	V04881			6/22/1989	VST	SPR	SW	SW	35	25N	19E	0.20	STK		0.00	0.00	WA	LA RUE, JUANITA S.	

-- End of Report --

74872T Δ of 74327 10/5/06 RPA/PER UG SW SW 24 24N 18E 0.202 CONST
 74873T Δ of

149.76 AFA Intermountain Water Sup

NEVADA DIVISION OF WATER RESOURCES
WATER RIGHTS DATABASE

SPECIAL HYDROGRAPHIC ABSTRACT

Run Date: 7/20/2006

Selection Criteria : basin in: (0955) and pod_twn in: (25N) and pod_rng in: (20E) and app_status in ('APP','CER','PER','RES','RFA','RFP','RLP','RVP','VST','DEC') order by basin,m.app

Active

BASIN	APP	CHANGE OF APP	CERT	DATE	STAT	SRC	POINT OF DIVERSION					DIV RATE (CFS)	TYPE OF USE	SUP	IRRIGATED ANNUAL		UNIT	CO	OWNER OF RECORD
							QQ	QTR	SEC	TWN	RNG				ACRES	DUTY			
095	17830	11825	5021	2/16/1959	CER	STR	SW	NW	30	25N	20E	10.00	IRR		416.70	2,000.00	AFS	WA	WASHOE COUNTY
	24002		7649	7/14/1967	CER	STR	SW	NW	30	25N	20E	0.00	STO		0.00	400.00	AFA	WA	WASHOE COUNTY
	24213		7654	11/8/1967	CER	STR	SW	NW	30	25N	20E	2.50	IRR		86.30	345.20	AFA	WA	WASHOE COUNTY
	V03133			2/7/1979	VST	SPR	SW	NW	18	25N	20E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03134			2/7/1979	VST	SPR	NW	NW	20	25N	20E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03141			2/7/1979	VST	SPR	NE	SW	20	25N	20E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. AND JUANITA S.
	V03142			2/7/1979	VST	SPR	NE	NE	19	25N	20E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.

-- End of Report --

*Northern
Townships
of Basin*

SE ROA 1991

NEVADA DIVISION OF WATER RESOURCES
WATER RIGHTS DATABASE

SPECIAL HYDROGRAPHIC ABSTRACT

Run Date: 7/20/2006

Selection Criteria : basin in (095) and pod_rwn in (25N) and pod_rng in (18E) and app_status in ('APP','CER','PER','RES','RFA','RFP','RLP','RVP','VST','DEC') order by: basin,m.app

Active

BASIN	APP	CHANGE OF APP	CERT	DATE	STAT	SRC	POINT OF DIVERSION					DIV RATE (CFS)	TYPE OF USE	SUP	IRRIGATED ACRES	ANNUAL DUTY	UNIT	CO	OWNER OF RECORD
095	V03089			10/2/1978	VST	SPR	NW	NE	23	25N	18E	0.01	STK		0.00	2.83	MG	WA	LA RUE, W. DALTON SR. AND JUANITA S.
	V03090			10/2/1978	VST	SPR	NE	NW	34	25N	18E	0.20	STK		0.00	3.76	MGS	WA	LA RUE, JUANITA S.
	V03122			2/7/1979	VST	SPR	NW	SW	27	25N	18E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03145			2/7/1979	VST	RES	NE	NW	23	25N	18E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03146			2/7/1979	VST	RES	SE	NW	23	25N	18E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03147			2/7/1979	VST	RES	NW	SE	23	25N	18E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.

-- End of Report --

SE ROA 1992

NEVADA DIVISION OF WATER RESOURCES
WATER RIGHTS DATABASE

SPECIAL HYDROGRAPHIC ABSTRACT

Active

Run Date: 7/20/2006

Selection Criteria : basin in ('095') and pod_twn in ('25N') and pod_rng in ('19E') and app_status in ('APP','CER','PER','RES','RFA','RFP','RLP','RVP','VST','DEC') order by basin,m.app

BASIN	APP	CHANGE OF APP	CERT	DATE	STAT	SRC	POINT OF DIVERSION					DIV RATE (CFS)	TYPE OF USE	SUP	IRRIGATED ACRES	ANNUAL DUTY	UNIT	CO	OWNER OF RECORD
095	72813			5/20/2005	RFP	UG	NE	SE	21	25N	19E	1.00	QM		0.00	0.00	AFA	WA	AQUA TRAC, LLC
	72814			5/20/2005	RFP	UG	NE	SW	29	25N	19E	1.50	QM		0.00	0.00	AFA	WA	AQUA TRAC, LLC
	V03123			2/7/1979	VST	SPR	SW	NW	16	25N	19E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03131			2/7/1979	VST	SPR	NW	SE	34	25N	19E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03132			2/7/1979	VST	SPR	SE	NW	34	25N	19E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03135			2/7/1979	VST	SPR	SE	NW	19	25N	19E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03136			2/7/1979	VST	SPR	SW	SE	20	25N	19E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V03137			2/7/1979	VST	SPR	SW	SW	30	25N	19E	0.20	STK		0.00	0.00		WA	LA RUE, W. DALTON SR. & JUANITA S.
	V04881			6/22/1989	VST	SPR	SW	SW	35	25N	19E	0.20	STK		0.00	0.00		WA	LA RUE, JUANITA S.

-- End of Report --

SE ROA 1993

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, 2008

73428 through 73430
& 74327

Intermountain Water Supply LTD
175 Stags Leap Circle
Sparks, NV 89436-7280
Certified Mail No. 71067808063000344852

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**

on or before **February 11, 2008**

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

cc: R Michael Turnipseed

Enclosure(s): Proof of Completion of Work 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

JA2078
SE ROA 1994

2. Article Number

7106 7808 0630 0034 4852

1. Article Addressed to:

Intermountain Water Supply LTD
175 Stags Leap Circle
Sparks, NV 89436-7280

Code2: Water Resources
File: FN 73428 dr

PS Form 3811

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Robert W. Marshall*

B. Received by (Printed Name)

Robert W. Marshall

D. Is delivery address different from item?
If YES enter delivery address below

☐ Addressee

Day of Delivery

☐ Yes

☐ No

3. Service Type



Certified

4. Restricted Delivery? (Extra Fee)



Yes



FILED
MAR 27 2008
FBI - NEW YORK

NEW YORK STATE DEPARTMENT OF TAXATION
APPLICATION FOR EXTENSION OF TIME

Name of Taxpayer: Michael J. Dwyer Address: 100 West 17th Street, New York, NY 10011

Is this extension of time for: Income Tax

For the calendar year: 2007

Reason for extension: Unusually Circumstances

Explain: See attached letter explaining the reasons for this extension.

The State of New York has reviewed the application and has determined that the extension is warranted for the reasons stated above.

For the State of New York, I hereby certify that the extension is warranted for the reasons stated above.

Signature of Taxpayer: Michael J. Dwyer Date: 3/27/08

Signature of Agent: [Signature] Date: 3/27/08

1. This extension is for the period of time from 3/27/08 to 6/27/08.

2. What is the consequence of this extension? None

3. Is there a penalty for this extension? Yes

4. If so, what is the penalty? See attached letter.

5. If so, how much is the penalty? See attached letter.

6. If so, when is the penalty due? See attached letter.

7. If so, how is the penalty paid? See attached letter.

8. If so, what is the interest rate? See attached letter.

9. If so, how is the interest paid? See attached letter.

Michael J. Dwyer

Signature of Agent: [Signature]

Name: Michael J. Dwyer
Address: 100 West 17th Street, New York, NY 10011

City: New York
State: NY

Zip: 10011



JA2080

NOTE: THIS FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERIOD.

State of Nevada - Division of Water Resources

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

TURNIPSEED ENGINEERING LTD
204 N MINNESOTA ST
CARSON CITY NV 89703

Receipt

		Payment Method	Check No.	Receipt #
		Check	878	222967
Date	Item	Description		Amount
3/7/2008	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 73428 COVERS EXT NO'S 73428, 73429, 73430, 74327 AND 67037		100.00
Received by: Sue Cox <i>Sc</i>			Total	\$100.00

JA2081
SE ROA 1997

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 12, 2008

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

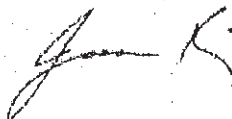
Intermountain Water Supply, Ltd.
c/o Robert W. and Nanette Marshall
175 Stags Leap Circle
Sparks, Nevada 89436-7280

RE: Permits 73428, 73429, 73430 and 74327

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

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"
cc: R. Michael Turnipseed, Turnipseed Engineering, Ltd.

JA2082
SE ROA 1998

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

In regards to permit numberSee Attached List..... : (Check applicable item.)

- [X] 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:

- [X] 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

JA2083
SE ROA 1999

Request for Notice of Water Rights Correspondence

Permit/Application

64977

64978

66400

66961

72700

~~73428~~

73429

73430

74327

2009 FEB -4 PM 4:02
STATE ENGINEERING OFFICE

JA2084
SE ROA 2000

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED
FEB 19 2009
STATE ENGINEER'S OFFICE

Owner of Record Intermountain Water Supply, Ltd.IN THE MATTER OF PERMIT No. 73428 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

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 years5. 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 ofFebruary, 2009

Kathryn Souvion
Signature of Notary Public Required

Notary Public in and for the County of WashoeState of NevadaMy commission expires 7-30-12Signed Robert W. Marshall

Permittee or Agent

Address 625 Onyo Way

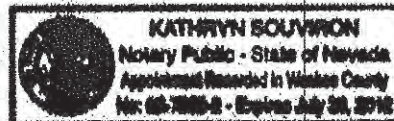
Street No. or P.O. Box No.

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

JA2085
SE ROA 2001

1 yr
poe
poe
2/15/2009
Sgt

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	232865
Date	Item	Description		Amount
2/19/2009	Extension of Time	APPLICATION FOR EXTENSION OF TIME UNDER PERMIT NO 73428 COVERS EXT NO'S 64977, 64978, 66400, 67037, 73428, 73429, 73430 AND 74327		100.00
Received by: Sue Cox			Total	\$100.00

Sc

JA2086
SE ROA 2002

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

JA2087
SE ROA 2003