

EXHIBIT

TMWA 4-4

State of Nevada, Permit 70934



THE STATE OF NEVADA

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

Name of applicant: WASHOE COUNTY, CITY OF RENO & CITY OF SPARKS
Source: TRUCKEE RIVER
Basin: TRACY SEGMENT
Manner of Use: WILDLIFE
Period of Use: AS DECREED
Priority Date: AS DECREED

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 manner and place of use of a portion of the waters of the Truckee River as set forth under Claim Number 3 in the Truckee River final decree, and under Permit 47810, Certificate 13150, is issued subject to the terms and conditions imposed in said decree and permit and with the understanding that no other rights on the source will be affected by the change proposed herein

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

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

This permit is expressly contingent on the payment of the operation and maintenance charges that are properly assessed and come due the same as if the water were still appurtenant to the agricultural land from which it is transferred, pursuant to NRS 533.370, subsection 1 (b).

If the effect of granting this permit does not have a neutral effect on the efficiency calculations under OCAP, adequate mitigation must be provided.

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

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 6.786 cubic feet per second or 1615.16 acre feet as decreed.

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

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: November 30, 2012

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 30th day of November, A.D. 2007

Handwritten signature of Tracy Taylor, P.E., State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

AMENDED

NO. 70934

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 MAR 10 2004

Returned to applicant for correction APR 01 2004

Corrected application filed MAY 26 2004

Map filed JUN 01 2004 under 67182

The applicant Washoe County, a political subdivision of the State of Nevada, the City of Reno, a municipal corporation, and the City of Sparks, a municipal corporation, as tenants in common, each as to a one-third (1/3) undivided interest hereby make application for permission to change the Place and Manner of Use of portion of water heretofore appropriated under Claim No. 3 of the Truckee River Decree, said Decree entered by the District Court of the United States for the District of Nevada in that certain action entitled, "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket No. A-3. and Permit 47810 cert. 13150

1. The source of water is **Truckee River**
2. The amount of water to be changed **6.875 CFS (1636.45 acre feet per year)**
3. The water to be used for **Wildlife Purposes**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **Same as the Existing Point of Diversion, the water will remain in the Truckee River without diversion at Derby Dam.**
6. The existing permitted point of diversion is located within **As Decreed, N½ SW¼ of Section 19, T20N, R23E MDB&M (Derby Dam)**
7. Proposed place of use **The Place of Use is the Truckee River beginning at the Point of Diversion (Derby Dam) downstream to the Pyramid Lake inlet. (Refer to supporting map filed with Permit 67182)**
8. Existing place of use **As shown on the water rights map and described in Attachment A**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **As Decreed to As Decreed** of each year.
11. Description of proposed works **Instream flows within the Truckee River from Derby Dam to the inlet of Pyramid Lake will be conducted in the river's natural stream channel, therefore, no other works are proposed.**
12. Estimated cost of works **N/A**
13. Estimated time required to construct works **N/A**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**

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15. Remarks: 1636.45 acre-feet per year to be used in the Truckee River channel for wildlife purposes. Washoe County, Reno, and Sparks have a written agreement with TCID to pay the Operations and Maintenance fees associated with these water rights.

By Donald A. Mahin, Agent
s/ Donald A. Mahin
4930 Energy Way
Reno, Nevada 89502

Compared aem/gkl

Protested 9/30/04 by: Churchill Co. 10/01/04 by: City of Fallon 10/4/04 by: T.C.I.D.
Pro. Overruled 8/21/2007 See Ruling #5760

Attachment A
Existing place of use, duty, and TCID Serial Number of water rights to be changed

Note: This application to change only applies to the water rights identified as qualifying for transfer as shown on the map.

Detail Map Reference Letter	Acres Proposed for Transfer	Duty (AF/acre)	Amount Proposed for Transfer (AF)	TCID Serial #	Location of Existing Place of Use
A	75.30	4.5	338.85	374	N 1/2 of SE 1/4, Section 7, T19N, R27E, MDB&M
B	18.40	4.5	82.80	411	NE 1/4 of NE 1/4, Section 17, T19N, R27E, MDB&M
C	57.43	4.5	258.44	377	S 1/2 of SW 1/4, Section 8, T19N, R27E, MDB&M
D	19.69	4.5	88.61	378	S 1/2 of NW 1/4, Section 8, T19N, R27E, MDB&M
E	7.11	4.5	32.00	372-1-A	SE 1/4 of NE 1/4, Section 7, T19N, R27E, MDB&M
F	68.30	4.5	307.35	409	S 1/2 of NW 1/4, Section 17, T19N, R27E, MDB&M
G	1.91	4.5	8.60	372-10	SE 1/4 of NE 1/4, Section 7, T19N, R27E, MDB&M
H	1.32	4.5	5.94	372-1-B	SE 1/4 of NE 1/4, Section 7, T19N, R27E, MDB&M
I	17.70	4.5	79.65	407	NW 1/4 of NE 1/4, Section 17, T19N, R27E, MDB&M
J	35.6	4.5	162.65	843	N 1/2 of NE 1/4, Section 34, T20N, R26E, MDB&M
K	19.73	4.5	88.79	837-1-A	SE 1/4 of NE 1/4, Section 33, T20N, R26E, MDB&M
L	6.90	4.5	31.05	377-2	SW 1/4 of SW 1/4, Section 8, T19N, R27E, MDB&M
M	12.54	4.5	56.43	378-A-1	S 1/2 of NW 1/4, Section 8, T19N, R27E, MDB&M
N	21.18	4.5	95.31	1075-2	W 1/2 of NW 1/4, Section 22, T20N, R25E, MDB&M
Total	363.81		1,636.45		