

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 AUG 03 2000

Returned to applicant for correction _____

Corrected application filed _____

Map filed OCT 28 1980 under Carson River Decree Maps

The applicant **BENTLY FAMILY LIMITED PARTNERSHIP**, hereby make application for permission to change the **Point of Diversion, Place and Manner of Use** of water heretofore appropriated under **Permit 54730**

1. The source of water is **West Fork of the Carson River**
2. The amount of water to be changed **As Decreed (103.95 Acre Feet)**
3. The water to be used for **As Decreed**
4. The water heretofore permitted for **Storage**
5. The water is to be diverted at the following point **From the Right Bank of the West Fork of the Carson River in the SW Corner SE¼ SW¼ of Section 8, T11N; R20E, MDB&M as described on Page 95 of the Decree (Falcke & Tillman Ditch) please refer to the Carson River Decree Maps.**
6. The existing permitted point of diversion is located within **Please refer to Exhibit "A"**
7. Proposed place of use **Please refer to Exhibit "B"**
8. Existing place of use **Mud Lake located within portions of W¼ Section 3; E¼ Section 4; NE¼ Section 9; NW¼ NW¼ Section 10, all in T11N, R20E MDB&M. Please refer to the Carson River Decree Maps.**
9. Use will be from **As Decreed to As Decreed** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Diversion structure in West Fork of the Carson River which diverts water into the Falcke & Tillman Ditch**
12. Estimated cost of works **Completed under Carson River Decree**
13. Estimated time required to construct works **Completed under Carson River Decree**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years**
15. Remarks: **This Application is being made with the understanding that if a Permit is granted it can be withdrawn at any time prior to filing the Proof of Beneficial Use and the Water Right will revert back to the Permit being changed - 54730**

By **JIM USHER**
s/Jim Usher
Post Office Box 127
Minden, Nevada 89423

Compared cmf/ bk ds/cmf

Protested 11-7-00 F. Heise Land & Livestock Co. Pro. Overruled 6-5-01
See Ruling #5031

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, place and manner of use of Permit 54730, which changed the point of diversion, place and manner of use of a portion of Claim Numbers 523, 524, 525, 526, and 527, of the Carson River as heretofore granted under the Final Carson River Decree No. D-183, in the District Court of the United States in and for the District of Nevada, is issued subject to the terms, conditions and irrigation period imposed in said Final Decree 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.

By the issuance of this permit, the water right becomes the junior appropriator to existing water rights in Segment 5 and may only be delivered during Segment 5 weeks.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed the decreed duty of acre-feet per acre for 23.1 acres irrigated from any and all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

July 27, 2002

Proof of completion of work shall be filed before:

August 27, 2002

Water must be placed to beneficial use on or before:

July 27, 2011

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

August 27, 2011

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

August 27, 2011

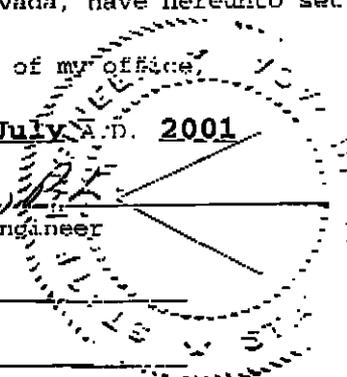
IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office

this 27th day of, July A.D. 2001

Hugh Ricci, P.E.
State Engineer



Completion of work filed SEP 18 2002.

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

agent
WITHDRAWN BY APPLICANT
Hugh Ricci, P.E.
MAY 03 2004
STATE ENGINEER

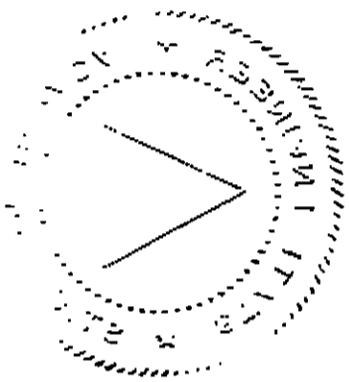


Exhibit "A"

Millich Ditch - NW ¼ SE ¼ Section 34, T11N, R19E, MDB&M or at a Point from which the SE Corner of Section 35, T11N, R19E, MDB&M bears S 76° 45' 39" E, a Distance of 7039 Feet.

Or from Alternative Diversion:

Snowshoe Thompson # 2 - NE ¼ NW ¼ Section 35, T11N, R19E, MDB&M, or at Point from which the SE Corner of said Section 35 bears S 42° 47' 16" E, a Distance of 5586.77 Feet.

Please refer to the Map filed under Permit 54730 for the existing Points of Diversion.

EXHIBIT "B"

23.1 acres within the W ½ NE ¼, E. of W. Fork, in Section 5, T11N, R20E, MDB&M.
Please refer to Carson River Decree Maps.

