

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

Date of filing in State Engineer's Office JAN 29 2004

Returned to applicant for correction FEB 19 2004

Corrected application filed MAR 08 2004

Map filed MAR 08 2004

The applicant **BDS Properties, LLC**, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.) **Limited Liability Company Charter 5/29/1998**

1. The source of the proposed appropriation is **Spring**
2. The amount of water applied for is **.005** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **wildlife**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T19N, R28E, MDM, at a point from which the SW corner of said Section 3, T19N, R28E, MDM bears S 63° 47' 51" W 2354.54 feet**
6. Place of Use **portion of the SW $\frac{1}{4}$ Section 3, T19N, R28E, MDM**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **None**
9. Estimated cost of works **None**
10. Estimated time required to construct works **N/A**
11. Estimated time required to complete the application of water to beneficial use **N/A**

12. Remarks: Wetlands area will be used by waterfowl

By s/ Gerald W. Heiskanen
Gerald W. Heiskanen
3100 Mill Street, Suite 100
Reno, Nevada 89502

Compared gkl/cm³ lt/gkl

Protested _____

APPROVAL OF STATE ENGINEER

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

This permit is issued subject to all existing rights on the source. It is understood that the 0.005 c.f.s., herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

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

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

This permit is issued with the understanding that there is no guarantee that drain and waste water from lands above will be available.

This permit is issued with the understanding that no change application will be allowed.

(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 **0.005** cubic feet per second, **not to exceed 3.60 acre-feet annually.**

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

August 5, 2006

Proof of completion of work shall be filed on or before:

September 5, 2006

Water must be placed to beneficial use on or before:

August 6, 2007

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

September 6, 2007

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

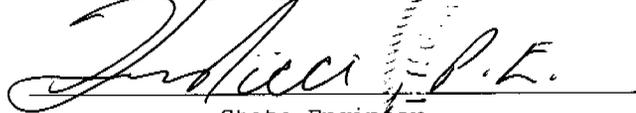
N/A

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **5th** day **August** A.D. **2005**


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____