Permit No. 72042

2ND AMENDED

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:	**ADAVEN MANAGEMENT, INC.**
Source:	**UNDERGROUND**
Basin:	**PAHRUMP VALLEY**
Manner of Use:	**QUASI-MUNICIPAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**03/01/1940**

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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 place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 41167, Certificate 13221, is issued subject to the terms and conditions imposed in said Permit 41167, Certificate 13221 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.

The permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

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

The total combined duty of water under Permits 41167, 41170, 66302, 72040, 72042, 73083, 73085, 74568 and 75846, having the same point of diversion - Well # 1, shall not exceed 1.398 cubic feet per second and 985.904 acre-feet annually.

The total combined duty of water under Permits 71871, 72037 thru 72050, 72388, 72389, 72390, 73075 thru 73088, 74241 and 74242, being owned by Adaven for Quasi-Municipal purposes, shall not exceed 8.66 cubic feet per second and 3026.70 acre-feet annually.

(Continued on Page 2)

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

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

Any dedication of water from this permit for residential service shall be allocated at the tiered dedication rate prescribed, by letter dated November 4, 2008, by the State Engineer and as dictated by the stipulated agreement dated March 10, 2009.

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 0.57 cubic feet per second or 412.01 acre-feet annually.**

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: **April 15, 2016**

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 19th day of **May**, A.D. **2009**

for State Engineer

Completion of work filed May 1, 2007 under 72042

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

72042

AMENDED
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 **DEC 15 2004**

Returned to applicant for correction **FEB 08 2005**

Corrected application filed **MAR 10 2005**

Map filed **NOV 16 1989 under 49838**

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The applicant **Adaven Management, Inc.** hereby makes application for permission to change the **Place and Manner of Use of a portion** of water heretofore appropriated under **Permit 41167, Certificate 13221**

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1. The source of water is **Underground**

2. The amount of water to be changed **0.570 cfs, 412.01 acre-feet**

3. The water to be used for **Quasi-municipal**

4. The water heretofore permitted for **Irrigation and Domestic**

5. The water is to be diverted at the following point **SW¼ SE¼ Section 3, T.21S., R.54E., M.D.B.&M., or at a point from which the S¼ corner of said Section 3 bears S. 79° 30' W., a distance of 657.0 feet.**

6. The existing permitted point of diversion is located within

7. Proposed place of use **Portion S½ SW¼ SE¼ Sec. 3; Portion N½ SE¼, Portion NE¼ SW¼, Portion SE¼ NW¼, and Portion S½ NE¼ Sec. 6; E½ Sec. 8; W½ and Portion NE¼ Sec. 9; NW¼ NE¼, NW¼ SW¼, Portion NE¼ SW¼, and SW¼ SE¼ Sec. 10; N½ NW¼ Sec. 16, and N½ NE¼ Sec. 17, all in T.21S., R.54E., MDM**

8. Existing place of use **Portion NW¼ NE¼ (37.2 ac.), NE¼ NE¼ (38.8 ac.), Portion SE¼ NE¼ (east 19.41 ac.) Sec. 8; NW¼ NW¼ (35.7 ac.), SW¼ NW¼ (36.8 ac.), portion NE¼ NW¼ (1.31 ac.), SE¼ NW¼ (36.2 ac.), portion SW¼ NE¼ (20.0 ac.), portion NW¼ NE¼ (2.0 ac.) Sec. 9, M.D.B.&M. (a total of 227.42 acres to be removed from irrigation)**

9. Use will be from **January 1** to **December 31** of each year.

10. Use was permitted from **January 1** to **December 31** of each year.

11. Description of proposed works **Drilled well, pump and motor, and water distribution system**

12. Estimated cost of works **Unknown (well drilled and equipped by prior owner)**

13. Estimated time required to construct works **Existing 16" well drilled to 500' Total Depth, and equipped with 10" Johnson vertical turbine pump and U.S. Motor 100 hp hollow shaft motor**

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

15. Remarks: **Use cultural map filed under Permit 49838 to support Existing and Proposed Point of Diversion and Existing Place of Use. Use the map filed under Permit 70873 to support the Existing Place of Use. Use the Map filed under Application 71871 to support the Proposed Place of Use.**

Brian A. Randall, Resource Concepts, Inc.
By s/Brian A. Randall
340 North Minnesota Street
Carson City, Nevada 89703

Compared gkl/sc lt/ gkl
Protested

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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 place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 41167, Certificate 13221, is issued subject to the terms and conditions imposed in said Permit 41167, Certificate 13221, 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 issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

The total combined duty of water under Permits 65105, 65106, 69248, 69249, 69694, 70408, 70873 and 71224 shall not exceed 946.18 acre-feet annually; and the total combined duty of water under Permits 72037, 72038, 72039, 72040, 72041, 72042, 72043, 72044, 72045, 72046, 72047, 72048, 72049, 72050, 73075, 73076, 73077, 73078, 73079, 73080, 73081, 73082, 73083, 73084, 73085, 73086, 73087 and 73088 shall not exceed 1474.63 acre-feet annually for a total duty of 2420.81 acre-feet annually.

The issuance of this permit is for the consumptive use portion only, being 288.41 acre-feet of the 412.01 acre-feet portion of the base right. The remainder, 123.60 acre-feet, remains in the groundwater source. The issuance of this permit abrogates 412.01 acre-feet from Permit 41167.

(CONTINUED ON PAGE 3)

72042

(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.570** cubic feet per second, **and not to exceed 288.41 acre-feet annually.**

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

March 15, 2007

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

April 15, 2007

Water must be placed to beneficial use on or before:

March 15, 2016

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

April 15, 2016

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 **13th** day of **July**, A.D. **2006**

Tracy Taylor, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____