

NO. 72288

**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 02 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 02 2005

The applicant **Kenneth W. Berg and Barbara L. Berg**, hereby make application for permission to change the **Point of Diversion and Place of Use and Manner of Use** of water heretofore appropriated under a **portion of Permit No. 52856 Certificate No. 13525**

1. The source of water is **from underground sources within the Big Smoky Valley Basin, North Part (137-B.)**
2. The amount of water to be changed is **31.28 acre feet (0.135 feet per second)**
3. The water to be used for **irrigation and domestic purposes**
4. The water heretofore permitted for **irrigation**
5. The water is to be diverted at the following point **surveyed S 08° 41' 18" W. 1933.66 feet to corner common to sections 4/5/8/9 in Township 10 North Range 43 East Mount Diablo Meridian, Nevada within the NW¼, SW¼, Section 4, Township 10 North Range 43 East, M.D.B&M**
6. The existing permitted point of diversion is located within at a point mapped on map to accompany application to change point of diversion and place of use and manner of use as delineated with Permit No. 52856 as being **N 09° 25' 52" E to the N¼ corner of S. 4, T10N, R.43E, M.D.M. within the NE¼ NE¼ SW¼ S.4, T10N, R43E, M.D.B&M**
7. Proposed place of use **within a portion of the NW¼ SW¼ of Section 4, T10N, R.43E, M.D.B.&M more specifically the majority of a portion of Lot 3, less ingress and egress, and a portion of Lot 4, less ingress and egress and a single family residence area all a part of Parcel Map 184820. T10N, R43E M.D. Nye County, Nevada.**
8. Existing place of use See Attached proposed application map and Permit No. 52856 Certificate No. 13525 **7.82 acres in the NW¼ NW¼ SE¼ S.4 T10N. R.43E. MDB&M 6.86 acres in the NE¼ NE¼ SW¼ S.4 T10N., R43E. MDB&M only the 7.82 acres in the NW¼ NW¼ SE¼ of S.4 T10N. R.43E. M.D.B&M is being changed. And removed from irrigation.**
9. Use will be from **Jan. 1st to Dec. 31st** of each year.
10. Use was permitted from **April 15 to September 30** of each year.
11. Description of proposed works **Planned irrigation piping, valve system and metering**
12. Estimated cost of works **15,000**
13. Estimated time required to construct works **Existing well is comprised of a 6 inch diameter O.D. drilled 165 feet below natural ground including an electric pump and electric meter**
14. Estimated time required to complete the application of water to beneficial use **6 months**

15. Remarks: N.A.

By **Kenneth W. Berg**
s/ **Kenneth W. Berg**
HC 60 Box 53702
Round Mountain NV. 89045

Compared gkl/sc 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 to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 52856, Certificate 13525, is issued subject to the terms and conditions imposed in said Permit 52856, Certificate 13525, 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 measuring device must be installed in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. 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.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.135 cubic feet per second, but not to exceed 31.28 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

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

March 3, 2007

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

April 3, 2007

Water must be placed to beneficial use on or before:

March 3, 2009

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

April 3, 2009

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

April 3, 2009

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

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 3rd day of March A.D. 2006


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____