No. 72817

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 **MAY 20 2005**

Returned to applicant for correction_____

Corrected application filed_____

Map filed **DEC 11 1962 under 20834**

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The applicant **Bently Family Limited Partnership** hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Permit 52095**

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

2. The amount of water to be changed **0.22 CFS not to exceed 68.45 acre-feet annually**

3. The water to be used for **Irrigation And Domestic (No Change)**

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

5. The water is to be diverted at the following point **within the SE¼ NE¼ of Section 6, T13N, R20E, M.D.B&M or at a point from which the E¼ Corner of said Section 6 bears S 45° East, a distance of 56.57 feet.**

6. The existing permitted point of diversion is located within **the SW¼ NW¼ of Section 34, T13N, R20E, M.D.B&M, or at a point from which the NW Corner of said Section 34 Bears N 25° 45' 58" W, 2,913.88 Feet**

7. Proposed place of use **133 acres within the NE¼ NW¼; SW¼ NW¼; SE¼ NW¼; NW¼ SW¼; NE¼ SW¼, all in Section 5, T13N, R20E, M.D.M. Douglas County, Nevada**

8. Existing place of use **133 acres within the SE¼ of Section 21 and the E½ NE¼ of Section 28 all in T13N, R20E, MDM, Douglas County, Nevada**

9. Use will be from **April 1** to **October 1** of each year.

10. Use was permitted from **April 1** to **October 1** of each year.

11. Description of proposed works **Existing Well, pump and motor, meter and irrigation system.**

12. Estimated cost of works **Approximately $25,000**

13. Estimated time required to construct works **1 Year to complete irrigation system improvements. Completed well is 400 feet deep with a 14 inch casing (Log #7386)**

14. Estimated time required to complete the application of water to beneficial use **2 Years**

15. Remarks: **See Attachment**

By **B.J. Vasey**
s/ BJ Vasey
Post Office Box 1120
Minden, Nevada 89423

Compared **gkl/bk** 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 point of diversion, and place of use of a portion of the waters of an underground source as heretofore granted under Permit 52095 is issued subject to the terms and conditions imposed in said Permit 52095 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permit 20834, Certificate 6509; and Permits 72815, 72816 and 72817 shall not exceed 858.954 acre-feet seasonally.

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 entirely supplemental to Carson River water and as such, cannot be pumped unless surface water is not available.

The issuance of this permit completely abrogates Permit 52095.

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(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 **0.19** cubic feet per second, **but not exceed 68.45 acre-feet seasonally.**

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

July 28, 2007

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

August 28, 2007

Water must be placed to beneficial use on or before:

July 28, 2009

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

August 28, 2009

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

August 28, 2009

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **28th** 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 _____

ATTACHMENT

QUESTION 15:

Please us the map on file at the Division of Water Resources under Permit 52094 to show the existing point of diversion and the map on file under Permit 20834 to show the proposed point of diversion.

The diversion rate and annual duty shown on this Application is what remains under Permit 52094 after the granting of Permit 69537.

The existing Place of Use (133.0 acres) is the portion of the 920 acres covered under Permit 52094 that the Bently Family Limited Partnership acquired from Dangberg Holdings Nevada, LLC as described on Exhibit B in recorded Document 0541660 (copy enclosed).

The area described as the existing Place of Use is owned by the Bently Family Limited Partnership and within the Place of Use of Permit 52094. The 133.0 acres being moved is totally supplemental to Carson River Claim No. 91 which has a priority of 1895.

The proposed Place of Use of the supplemental ground water rights to be relocated under this Application covers land also covered under Carson River Claim Nos. 115-116, (78.80 acres), 117-118 (78.50 acres) and 119-120 (15.0 acres) all of which also have a priority of 1895.

The purpose of this Application is to acquire a supplemental ground water right in an existing well to be appurtenant to land recently acquired having surface water rights.