

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 FEB 14 2006

Returned to applicant for correction MAR 06 2006

Corrected application filed APR 07 2006

Map filed APR 07 2006

The applicant **Thomas P. Berry and Stacey S. Berry** hereby make application for permission to change the **Point of Diversion and Place of Use of a portion** of water heretofore appropriated under **Claim 457 of the Truckee River Decree, said decree entered by the District Court of the United States for Nevada in that certain action entitled "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants", in Equity Docket A-3.**

1. The source of water is **Truckee River**
2. The amount of water to be changed **1.76 afa and a prorata share of the diversion rate**
3. The water to be used for **As Decreed**
4. The water heretofore permitted for **As Decreed**
5. The water is to be diverted at the following point **within the NE ¼ NW ¼ of Section 19, T.19N., R.19E., M.D.M., or at a point from which the northeast corner of said Section 19 bears South 88° 05' East a distance of 2620 feet. Lake Ditch per Orr Ditch Decree.**
6. The existing permitted point of diversion is located within **the NW ¼ of the SE ¼ of Section 11, T.19N., R.19E., M.D.M., or at a point from which the southwest corner of said Section 11 bears South 69°15' West a distance of 3640 feet. Cochran Ditch per Orr Ditch Decree.**
7. Proposed place of use **0.44 acres within the SE ¼ NE ¼ and NE ¼ NE ¼ of Section 1, T. 18N., R.19E., M.D.M..A portion of Washoe County Assessor's Parcel Number 043-251-04 as depicted and tabulated on Map TR-016, the exact location to be determined upon proof of beneficial use.**
8. Existing place of use **0.22 acres within the SW ¼ SE ¼ and 0.22 acres within the SE ¼ SW ¼ of Section 24, T.19N., R.19E., M.D.M.. All of the water appurtenant to Washoe County Assessor's Parcel Number 019-372-14.**
9. Use will be from **As Decreed**
10. Use was permitted from **As Decreed**
11. Description of proposed works **Existing laterals from the end of Lake Ditch to the place of use.**
12. Estimated cost of works **Completed.**
13. Estimated time required to construct works **Completed.**
14. Estimated time required to complete the application of water to beneficial use **5 years**

73838

15. Remarks: This application would allow the use of water rights owned by Berry-Moana, LLC, on property owned by Thomas P. Berry, manager of said LLC, and his wife Stacey S. Berry. See attached detailed sheet from the Nevada Secretary of State.

By s/George G Lindesmith
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared sg/ag lh/ gk!
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 and place of use of a portion of the waters of the Truckee River as heretofore granted under Claim 457, Truckee River Final Decree is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

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.

Permits 73838 and 74309 are limited to the irrigation of 0.79 acres within the described place of use.

The period of use is as decreed.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0081 cubic feet per second, **but not to exceed 1.77 acre-feet as decreed.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

January 24, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

January 24, 2012

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

January 24, 2012

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E.,

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

this 24th day of January, A.D. 2007

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____