Permit No. 75681

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:	**DAVID L. NOVOTNY AND LEANNE JENNINGS**
Source:	**CARSON RIVER EAST FORK**
Basin:	**CARSON VALLEY**
Manner of Use:	**AS DECREED**
Period of Use:	**January 1st to December 31st**
Priority Date:	**AS DECREED**

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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 of a portion of Claim No. 309 of the Carson River as heretofore granted under the Final Carson River Decree No. D-183, in the District Court of the United States in and for the District of Nevada, is issued subject to the terms, conditions and irrigation period imposed in said Final decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

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.

The decreed water from DCR-309 shall be used in its entirety before irrigation proceeds with any underground water.

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 the decreed duty of water to land irrigate 3.56 acres.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**September 8, 2009**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**September 8, 2011**
Map in support of proof of beneficial use shall be filed on or before:	**September 8, 2011**

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 8th day of **September**, A.D. **2008**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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Serial No. 75681

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office MAY 1 0 2007

Returned to applicant for correction

Corrected application filed Map filed MAY 1 8 1999 under CR-012

The applicant **David L. Novotny and Leanne Jennings**

1026 Pony Court (Street and No. or P.O. Box No.) of **Gardnerville** (City or Town)

Nevada 89460 (State and Zip Code No.), hereby make_application for permission to change the

Point of Diversion of a portion

of water heretofore appropriated under, **Claim 309 of the United States of America, plaintiff vs. Alpine Land** (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

and Reservoir Company, a corporation, et.al., defendants in the United States District Court for the District of Nevada; Case # D-183 BRT.

1. The source of water is **Carson River (East Fork)** (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed **3.56 Acres** (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for **As Decreed** (Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.)
4. The water heretofore used for **As Decreed** (If for stock state number and kind of animals.)
5. The water is to be diverted at the following point **Left bank in NW¼ SE¼ Section 9, T12N, R20E, MDM, Louis Nelson or Dick Tholke Ditch per Carson River Decree, Pg. 52 (same diversion as Claim 287)** (Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)
6. The existing point of diversion is located within **Left bank in the NW corner NE¼ SE¼ Section 8, T12N, R20E, MDM, Herman Heitman or Pedrojetta Ditch per Carson River Decree, Pg. 54** (If point of diversion is not changed, do not answer.)

Douglas 2-105

7. Proposed place of use **No Change**

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use **3.56 acres in the W½ NW¼ Section 17, T12N, R20E, MDM, shown as**

Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation

Douglas County parcel APN 27-070-18 (new APN 1220-17-101-009) under Claim 309 on the Nevada

permit, describe acreage to be removed from irrigation.

Division of Water Resources Carson River Claim Map CR-012.

9. Use will be from **As Decreed** (Month and Day) to **As Decreed** (Month and Day) of each year.

10. Use permitted from **As Decreed** (Month and Day) to **As Decreed** (Month and Day) of each year.

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) **Louis Nelson/Dick Tholke Ditch and diversion are**

State manner in which water is to be diverted, i.e. diversion structure, ditches,

In place

pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works **Completed**

13. Estimated time required to construct works **Completed**

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use **3 years**

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is filed to allow the Applicants to convey water to their property through the existing L. Nelson/ D. Tholke Ditch system. The H. Heitman/Pedrojetta Ditch was washed out years ago, and the Applicants desire to receive water in the same way as others who also have Decreed rights from the H. Heitman/Pedrojetta Ditch, and are presently being served from the Nelson/Tholke Ditch system (see Permit 71549)

Brian A. Randall, Resource Concepts, Inc.

Type or print name clearly

By Brian A. Randall

Signature, applicant or agent

340 North Minnesota Street

Street and No., or P.O. Box No.

Carson City, Nevada 89703

City, State, Zip Code No.

STATE ENGINEERS OFFICE
2007 MAY 10 AM 11:16

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE MUST ACCOMPANY APPLICATION