



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: KENNETH W. BERG AND BARBARA L. BERG
Source: UNDERGROUND
Basin: BIG SMOKY VALLEY-NORTHERN PART
Manner of Use: IRRIGATION
Period of Use: January 1st to December 31st
Priority Date: 11/25/2002

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 54495 is issued subject to the terms and conditions imposed in said Permit 54495 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 total combined duty of water under Permits 77047, 77048 and 77049 shall not exceed 99.07 acre-feet annually for the irrigation of 24.77 acres within the described place of use.

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

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.116 cubic feet per second or 35.23 acre-feet annually, but not to exceed 4.0 acre-feet per acre from any and/or all sources.**

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

December 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:

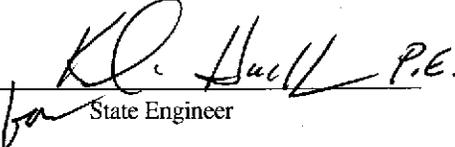
December 8, 2013

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

December 8, 2013

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 **December**, A.D. **2008**



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

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 13 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAY 13 2008

The applicant Kenneth W. Berg and Barbara L. Berg

HC60 Box 53702 of Round Mountain

Street Address or P.O. Box City or Town

Nevada 89045, hereby make(s) application for permission to change the

State and Zip Code

Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit **54495**

1. The source of water is underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.11589 c.f.s and 35.23 acre-feet per annum
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Irrigation
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 Irrigation
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
within the SW1/4 of the SW1/4 of Section 9, T.11N., R.43E., M.D.M., or at a point from which the SW corner of said Section 9 bears N 88°04'43" ~~East~~ West, a distance of 881.4 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
the SE1/4 of the NW1/4 of Section 10, T.14N., R.43E., M.D.M., or at a point from which the center 1/4 corner of said Section 10 bears S 47°42'34" East, a distance of 1,079.55 feet.

* 5/21/08

137B-114

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
 8.807 acres within the South 1/2 of the SW1/4, the SW1/4 of the SE1/4 of Section 9, and the SE1/4 of the SE1/4 of Section 8, T.11N., R.43E., M.D.M. Reference is made to Nye County Assessor's Parcels Nos. 010-211-11 and -12. See map accompanying this Application.
8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
 8.807 acres within the SE 1/4 of the NW 1/4 of Section 10, T14N., R.43E., M.D.M. Reference is made to Nye County Assessor's Parcel Number 010-441-43. See map accompanying this Application.

9. Proposed use will be from January 1st to December 31st of each year.
Month and Day Month and Day
10. Existing use permitted from January 1st to December 31st of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)
 Existing well, pump and pipeline to ditches. Additional ditches may be required.
12. Estimated cost of works \$20,000
13. Estimated time required to construct works 1 (one) year
If well completed, describe well.
14. Estimated time required to complete the application of water to beneficial use 5 (five) years
15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

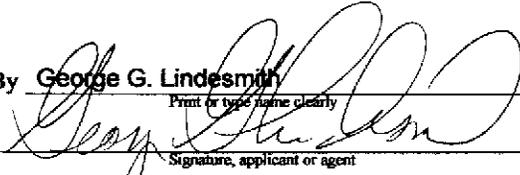
This Application is being filed, along with Applications to Change under Permits 30986, Certificate 10764 and Permit 72288, to apply water for irrigation at 4.0 acre-feet per acre.

16. Miscellaneous remarks:

775-358-9491
Phone No.

GLindesmith@Tristateltd.com
E-mail

By George G. Lindesmith
Print or type name clearly


Signature, applicant or agent

Tri State Surveying, Ltd.
Company Name

1925 E. Prater Way
Street Address or P.O. Box

Sparks, NV 89434
City, State, Zip Code

**APPLICATION MUST BE SIGNED
 BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

RECEIVED

MAY 13 2008

STATE ENGINEER'S OFFICE