Permit No. 77644

THE STATE OF NEVADA

PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant:	**CHARLES PETER DARBY AND MARY ELIZABETH DARBY, TRUSTEES OF THE DARBY REVOCABLE TRUST DATED 02/09/1998**
Source:	**UNDERGROUND**
Basin:	**CARSON VALLEY**
Manner of Use:	**COMMERCIAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**09/23/1968**

****

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 and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 58531 is issued subject to the terms and conditions imposed in said Permit 58531 and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water 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 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 approved for the entire 6.60 acre-feet annually as requested. However, pursuant to NRS 533.3703, initially only the net consumptive use amount of the base right, 4.95 acre-feet, can be diverted annually. Additional diversion up to the total 6.60 acre-feet may be granted if it can be shown that the additional diversion will not cause the consumptive use of 4.95 acre-feet to be exceeded.

(Continued on Page 2)

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 0.0267 cubic feet per second or 4.95 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**February 22 2013**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**February 22 2016**
Map in support of proof of beneficial use shall be filed on or before:	**February 22 2016**

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 22nd day of **February**, A.D. **2011**

J. K. P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Serial No. 77644

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 NOV 2 6 2008

Returned to applicant for correction

Corrected application filed ..... Map filed DEC 0 9 2008

The applicant...Charles Peter Darby & Mary Elizabeth Darby, Trustees of the Darby Revocable Trust dated 02/09/1998....

.....1421 Glenwood Drive..... ..... of.....Gardnerville.....
Street and No. or P.O. Box No. City or Town

.....Nevada.....89460....., hereby make..s.... application for permission to change the
State and Zip Code No.

.....POD. ☒ .....POU. ☒ .....MOU. ☒ ..... of a portion. ☒ .....

of water heretofore appropriated under..... Permit 58531.....
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

.....
and identify right in Decree.

.....

.....

1. The source of water is.....Underground well.....
Name of stream, lake, underground, spring or other sources.

2. The amount of 'water to be changed 0.0267 ~~0.027~~ cfs (6.6 afa).....
Second feet, acre-fee[One second foot equals 448.83 gallons per minute.

-Swazlian - as per fax recd 12/11/08

3. The water to be used for.....Commercial (Tree Nursery).....
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...NW¼ NE¼ Sec 5 T.12 N., R.20 E., MDB&M or at a point from .....
Describe as being within a 40-acre subdivision of public survey and by course

....which the N¼ corner of said Sec 5 bears N 26° 04' 37" W a distance of 1333.24 feet. .....
and distance to a section corner, If on unsurveyed land, it should be stated.

.....

6. The existing point of diversion is located within..... NE¼ SW¼ Sec 32, T.14N., R.20 E., MDB&M or at a .....
If point of diversion is not changed, do not answer.

.....point from which the center ¼ corner of said Sec 32 bears N. 61° 22' ~~23"~~ 33" E., a distance of 525.0 feet.....

MDillon 05 Dec 2008

.....

105 - PO MG

7. Proposed place of use.....A portion of the NW¼ NE¼, SW¼ NE¼, SE¼ NE¼ Sec 5, T.12N., R.20 E.,.....
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

..... MDB&M, South of Carson River (APN 1220-05-601-001).....

8. Existing place of use..... A portion of the NE¼ SW¼ Sec 32, T.14N., R.20 E. MDB&M.....
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of

.....(APN 21-020-37- old number).....
use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from.....January 1st .....to.....December 31st .....of each year.
Month and Day Month and Day

10. 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.).....drilled well, pump & distribution lines... .....
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works.....$15,000..... .....

13. Estimated time required to construct works..... three (3) years.....
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use.....five (5) years.....

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

.....Applicant seeks to drill a well for a tree nursery to grow evergreen and ornamental trees and shrubs. The water.....

.....for the nursery will not be comingled with or used to supplement Carson River water...For a map of existing .....

.....POD and POU, use map on file under Permit No. 58531. For a map of proposed POD and POU, use..... .....

.....map to accompany this application.....

.....(775)885-2101.....
Phone No.

By ....R. Michael Turnipseed, P.E.....
Print or type name clearly

Signature/applicant or agent

...204 North Minnesota Street.....
Street and No., or P.O. Box No.

....Carson City, Nevada 89703.....
City, State, Zip Code

RECEIVED
2008 NOV 26 AM 9:56
STATE ENGINEER'S OFFICE

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

$150 FILING FEE MUST ACCOMPANY APPLICATION