



# TEMPORARY

## THE STATE OF NEVADA

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

Name of Permittee: BENTLEY FAMILY TRUST  
Source: GANSBERG SPRING  
Basin: CARSON VALLEY  
Manner of Use: RECREATIONAL  
Period of Use: EXPIRES OCTOBER 15, 2011  
Priority Date: 12/07/1925

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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 temporary permit to change the place and manner of use of a portion of the waters of Gansberg Spring heretofore appropriated under Permit 7595, Certificate 1780, is issued with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed at or near the point of diversion to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times. This permit is issued subject to the Order of Determination of the Relative Rights In and To the Waters of Mott Creek, et al, of the waters of Gansberg Spring that may be made under this adjudication proceeding under NRS 533.090 through 533.320.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire **October 15, 2011** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be temporarily transferred shall consist of the full flow of Gansberg Spring and the commingled waters of the north split of Sheridan Creek and Stutler Creek in a rotation scheme of distribution. This water may be diverted during the time allotted to the Pestana property, further described as Douglas County Assessor's Parcel No. 1219-14-001-014, consisting of 23.76 acres of water-righted ground. This permit is issued subject to the approval of the modified irrigation rotation schedule by the Ninth Judicial District Court of the State of Nevada In and For Douglas County, Case No. : 08-CV-0363-D; Dept. No. : I, which includes the Pestana property. These rights may be placed to use on the Bentley parcel and are subject to the same sharing agreements as set forth in the initial 2011 schedule.

Upon approval of the rotation agreement by the court this permit may be initiated only at the beginning of one of the 21-day irrigation rotation cycles occurring between April 1, 2011 and October 15, 2011.

(Continued on Page 2)

Further, these rights may be shared as set forth under Footnote No. 1 of the recommended rotation schedule.

This temporary permit is issued subject to the terms and conditions as set forth in State Engineer's Ruling No. 6123, dated June 8, 2011.

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 0.2321 cubic feet per second or 84.56 acre-feet seasonally.**

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

N/A

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

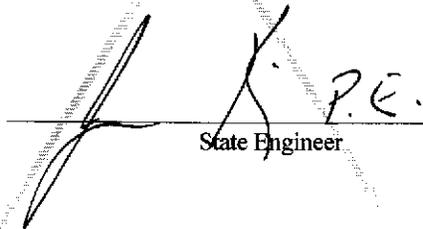
N/A

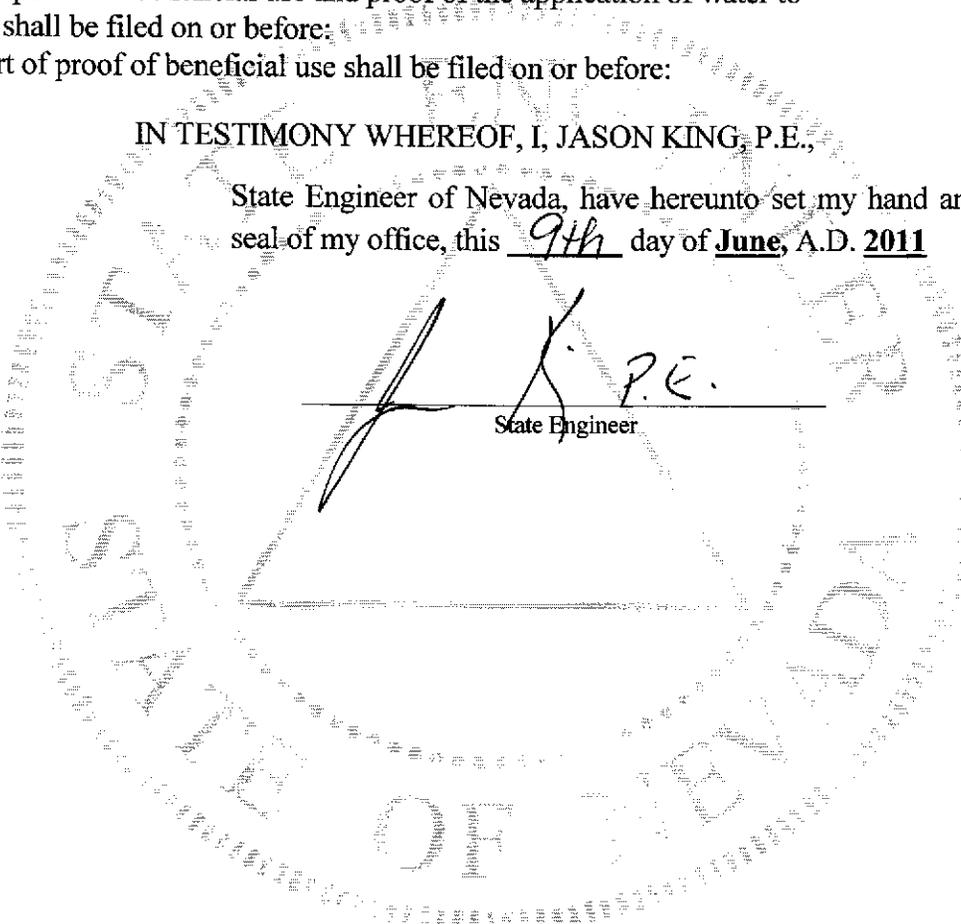
Map in support of proof of beneficial use shall be filed on or before:

N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 9<sup>th</sup> day of June, A.D. 2011

  
\_\_\_\_\_  
State Engineer



**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 06 2011

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed JUL 29 1930 under 7595

The applicant Bentley Family Trust, James W. Bentley, Trustee  
853 Sheridan Lane of Gardnerville  
Street Address or PO Box City or Town  
Nevada 89460  
State and ZIP Code

hereby make(s) application for permission to change the

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

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)  
Permit 7595, Certificate 1760.

1. The source of water is Gansberg Spring  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.1321 04.5583 JW 5/11/2011  
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.)  
SE¼SE¼ Section 16 T.12N., R.19E., M.D.B.&M.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
SE¼SE¼ Section 16 T.12N., R.19E., M.D.B.&M.

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SA

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

7.67 acres in the SW¼NW¼ of Section 14, T.12N., R.19E., M.D.B.&M.  
1.94 acres in the SE¼NW¼ of Section 14, T.12N., R.19E., M.D.B.&M.  
3.32 acres in the NW¼SW¼ of Section 14, T.12N., R.19E., M.D.B.&M.  
12.93 Acres Total.

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.)

7.42 acres in the NW¼NW¼ of Section 14, T.12N., R.19E., M.D.B.&M.  
15.62 acres in the SW¼NW¼ of Section 14, T.12N., R.19E., M.D.B.&M.  
0.72 acres in the SE¼NE¼ of Section 14, T.12N., R.19E., M.D.B.&M.  
23.76 Acres Total.

9. Proposed use will be from April 1 to October 15 of each year.  
Month and Day Month and Day

10. Existing use permitted from April 1 to October 15 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.)

Head gate, pipeline and ditches which are already in place.

12. Estimated cost of works Already in place.

13. Estimated time required to construct works Already in place.

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Already in place.

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.)

Lease of irrigation water under the Pestana 1986 Family Trust to increase diversion interval within the rotation schedule as set by the Final Order of Determination for Mott Creek, et al. Copy of lease is attached.

16. Miscellaneous remarks:

Use maps on file for Proposed Place of Use and Place of Use filed under Proof V-06305 and on file under Permit 7595, Certificate 1760 for the Existing Place of Use and Point of Diversion. This water from Stutler Creek and the water from Gansberg Spring is commingled in the same pipeline that commingles with the waters of the north division of Sheridan Cr.

oldbentley@gmail.com  
E-mail Address  
(714) 412-0685  
Phone No. Ext.

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

Revised 07/09

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

James W. Bentley, Trustee

James W. Bentley  
Type or print name clearly  
Signature, applicant or agent

853 Sheridan Lane  
Company Name  
Street Address or PO Box  
Gardnerville, Nevada 89460  
City, State, ZIP Code

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STATE ENGINEERS OF NV

Protested: May 20, 2011, by Thomas J. Hall, Esq.

Pro. Overruled 6/8/11 See Ruling #6123