



# 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: SHERIDAN CREEK  
Basin: CARSON VALLEY  
Manner of Use: RECREATIONAL  
Period of Use: EXPIRES OCTOBER 15, 2013  
Priority Date: 01/01/1852

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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 the waters of Sheridan Creek heretofore appropriated under claim of vested right as evidenced by Proof of Appropriation of Water V06339 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 Sheridan Creek 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, 2013** 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 the north split of Sheridan Creek and the commingled waters of Stutler Creek and Gansberg Spring 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 agreement as set forth in the 2012 irrigation schedule.

This temporary permit shall be initiated only at the beginning of one of the 21-day irrigation rotation cycles occurring between April 1, 2013 and October 15, 2013. Further, these rights may be shared as set forth under the modified rotation schedule.

(Continued on Page 2)

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 0.281 cubic feet per second or 95.04 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:

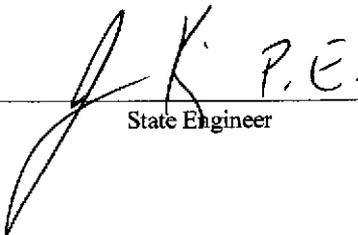
N/A

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 29<sup>th</sup> day of March, 2013

  
\_\_\_\_\_  
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	<u>MAR 01 2013</u>
Returned to applicant for correction	_____
Corrected application filed	Map filed <u>SEP 30 1996 UNDER V06305</u>

The applicant Bentley Family Trust, James W. Bentley Trustee  
853 Sheridan Lane of Gardnerville  
Street Address or PO Box City or Town  
Nevada, 89460 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 rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Proof of Appropriation V-06339

- The source of water is Sheridan Creek  
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 0.281c.f.s. [95.04 acre-feet seasonally]  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Recreation  
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
- The water heretofore used for Irrigation  
If for stock, state number and kind of animals.
- 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.)  
In the NE 1/4 SE 1/4 of Section 15, T. 12 N., R. 19E., M.D.B.&M., from which the SW corner of said Section 15 bears S. 72 deg. 20' 31" W. a distance of 5,412.47 feet [please refer to POD map filed under V-06339]
- The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
No Change

*Carbon Valley-Sheridan Act 105 SA*  
*Do*

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

Two existing ponds with interconnecting surface flow structures located within portions of the following:  
7.60 acres in the SW 1/4 NW 1/4 section 14, T. 12 N., R. 19 E., M.D.B.&M., and  
2.76 acres in the SE 1/4 NW 1/4 section 14, T. 12 N., R. 19 E., M.D.B.&M., and  
2.57 acres in the NW 1/4 SW 1/4 section 14, T. 12 N., R. 19 E., M.D.B.&M., [See Map Filed under V-06305]

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 NW 1/4 NW 1/4 Section 14, T. 12 N., R. 19 E., M.D.B.&M., and  
15.62 acres in the SW 1/4 NW 1/4 Section 14, T. 12 N., R. 19 E., M.D.B.&M., and  
0.72 acres in the SE 1/4 NE 1/4 Section 15, T. 12 N., R. 19 E., M.D.B.&M.  
23.76 acres total [See POU map filed under V-06339]

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 \$0.0 - Already in Place

13. Estimated time required to construct works n/a - already in place  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use n/a

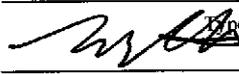
15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

Lease of irrigation water from the Pestana 1986 Family Trust to divert flow from the north diversion of Sheridan Creek. Diverted flow will be consistence with Sheridan Creek North Diversion rotation schedules. The point of diversion will not change, the water will be diverted at the same location. Water will be diverted on a continuous basis when North Diversion is not under rotation schedule. Water will be diverted per rotation schedule during period when the rotation schedule is implemented.

16. Miscellaneous remarks:

Water will be used for Recreational Purposes. Applicant has two existing ponds - water will be used to maintain water levels in ponds for fish habitat- propagation.

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E-mail Address  
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Phone No. Ext.

Michael Stanka PE  
Type or print name clearly  
  
Signature, applicant or agent  
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Carson City Nevada 89701  
City, State, ZIP Code

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Lessor: The Marital Trust, established under the Pestana 1986 Family Trust, as amended

Lessee: Jim Bentley

Lessor hereby grants and transfers to Lessee all water rights Lessor is currently entitled to ("Lessee's Water Rights") as fee simple owner of the property formally known as 933 Sheridan Lane, Gardnerville, NV 89460 (APN: 1219-14-001-014) (the "Property"), which Property consists of approximately 23.76 acres of raw land.

This agreement shall commence April 15, 2013 (the "Commencement Date") and continue on a month-to-month basis, cancellable by either party upon thirty (30) day advance written notice from one party to another, until October 15, 2013 (the "Expiration Date"), upon which date Lessee no longer has any interest in the Property's water rights and Lessor again retains the same.

Lessee shall prepay to Lessor, as rental consideration (hereinafter referred to as "Rent") for the subject Property's water rights, the sum of \$1,500.00. The check should be made payable to Pestana Properties. If for any reason Lessor terminates this agreement before the Expiration Date, Lessor will refund Lessee the amount of any unearned Rent, prorated using a thirty (30) day month.

Lessee shall have no right to access the subject Property for any reason whatsoever unless Lessor's consent has been previously obtained in writing. Any violation of this agreement shall immediately render this agreement null and void.

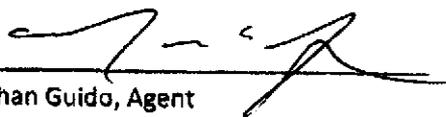
Lessee shall indemnify, defend and hold Lessor harmless from and against any and all claims, judgments, damages, penalties, fines, costs, losses, liabilities and expenses (including, without limitation, attorneys' fees and costs) arising from or in any way connected to Lessee's Water Rights hereby granted by Lessor.

Lessor does not assume any risk, liability, or responsibility or duty of care as to Lessee, its employees, agents, or contractors with respect or in any way connected to Lessee's Water Rights.

The parties hereto have executed this Lease Agreement to be effective as of the Commencement Date.

Lessor: The Marital Trust, established under the Pestana 1986 Family Trust, as amended

Lessee: Jim Bentley

  
Nathan Guido, Agent

  
Jim Bentley

2/22/13  
Date

2/22/13  
Date

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