

ESCROW NO: 98072831C

APN: 17-212-05

When recorded, return to:  
WALLEY'S PARTNERS LIMITED PARTNERSHIP  
Attn: Thomas J. Hubeny  
1702 County Road, Suite D  
Minden, NV 89423  
RPTT: 24.70

GRANT, BARGAIN AND SALE DEED

THIS INDENTURE, made this 17<sup>th</sup> day of August, 2000, by and between GARDNERVILLE TOWN WATER COMPANY, INC., hereinafter referred to as "GRANTOR," and WALLEY'S PARTNERS LIMITED PARTNERSHIP, hereinafter referred to as "GRANTEE."

WITNESSETH:

That GRANTOR, in consideration of TEN DOLLARS (\$10.00), lawful money of the United States, and other good and valuable consideration to it in hand paid by the GRANTEE, the receipt of which is hereby acknowledged, does by these presents grant, bargain, and sell to the GRANTEE, and to its successors and assigns forever, all of its right, title and interest in and to those certain water rights appurtenant to real property, lying and situate in Douglas County, state of Nevada, more particularly described as follows:

/No. 66657

All right, title and interest under Permit issued by the Office of the State Engineer for the State of Nevada, a copy of the Application for which is attached hereto as Exhibit "A" and incorporated herein by this reference.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion or reversions, remainder or remainders, rents,

issues or profits thereof so long as said water rights are used in the Carson Valley Basin as such is

**THIS DOCUMENT IS BEING RE-RECORDED TO INSERT PERMIT NO. AS INSERTED ABOVE AND REPLACE EXHIBIT "A" WITH EXHIBIT "B" WHICH IS ATTACHED HERETO, AS IT WAS ORIGINALLY INTENDED.**

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defined on the date of this deed.

TO HAVE AND TO HOLD all and singular the rights together with the appurtenances, unto the said GRANTEE, and to its successors and assigns forever.

IN WITNESS WHEREOF, the GRANTOR has set its hand on the day and year first above written.

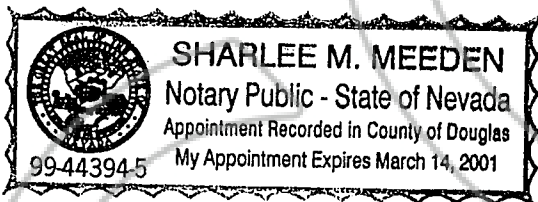
GARDNERVILLE TOWN WATER COMPANY, INC.

By: *Dale Bohelman*  
DALE BOHLMAN, Chairman

STATE OF NEVADA            )  
  : ss.  
COUNTY OF DOUGLAS

On 17 August, 2000, personally appeared before me, a notary public, DALE BOHLMAN, personally known (or proved) to me to be the person whose name is subscribed to the foregoing instrument, who acknowledged to me that he is the Chairman of GARDNERVILLE TOWN WATER COMPANY, INC., GRANTOR herein, and who further acknowledged to me that he executed the foregoing Grant, Bargain and Sale Deed on behalf of said entity.

*Sharlee M Meeden*  
NOTARY PUBLIC



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**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 \_\_\_\_\_  
Returned to applicant for correction \_\_\_\_\_  
Corrected application filed \_\_\_\_\_ Map filed \_\_\_\_\_

The applicant Gardnerville Town Water Company  
1390 Highway 395 North of Gardnerville  
Street and No. or P.O. Box No. City or Town  
Nevada 89410, hereby makes application for permission to change the  
State and Zip Code No.

**Point of Diversion and Place of Use of a portion**  
of water heretofore appropriated under, Permit 60576  
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  
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed .014 c.f.s., 10.0 acre-feet  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Municipal  
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 Municipal  
If for stock state number and kind of animals.

5. The water is to be diverted at the following point SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 15, T.13 N., R.19 E., MDM, or at a  
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.  
point from which the S<sup>1</sup>/<sub>4</sub> corner of said Section 15 bears South 5°26' West, 1125 feet

6. The existing point of diversion is located within NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 4, T.12 N., R.20 E., MDB&M, or at a  
If point of diversion is not changed, do not answer.  
point from which the NE corner of said Section 4 bears North 86°15' East, 3,946 feet

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7. Proposed place of use NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 22, SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> Section 15, T.13 N., R.19 E., MDM

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

8. Existing place of use See Attached

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

permit, describe acreage to be removed from irrigation.

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

10. Use permitted from January 1 to December 31 of each year.  
Month and Day Month and Day

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.) well, pump, motor, storage tank, and domestic

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

fire distribution system

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

12. Estimated cost of works existing

13. Estimated time required to construct works existing

If well completed, describe well.

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

See Attached

Bruce R. Scott, Resource Concepts, Inc.

Type or print name clearly

By

Bruce R. Scott

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.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

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\$150-FILING FEE MUST ACCOMPANY APPLICATION

Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36,  
Township 14 North, Range 19 East, M.D.B.&M.,

Sections 1, 2, 3, E 1/2 Section 4, NE 1/4 and NW 1/4 SE 1/4, and East 1/2 SE 1/4  
Section 9, Sections 10, 11, 12, 13, 14, 15, and East 1/2 NE 1/4, and East 1/2 SE  
1/4 Section 16, and East 1/2 NE 1/4, and East 1/2 SE 1/4 Section 21, Sections 22,  
23, 24, 25, 26, 27, East 1/2 Section 28, East 1/2 Section 33, Sections 34, 35, and  
36, Township 13 North, Range 19 East, M.D.B.&M.,

Sections 1, 2, 3, NE 1/4 and NW 1/4 SE 1/4 and East 1/2 SE 1/4 Section 4, Sections  
10, 11, 12, 13, 14, 15, the NE 1/4 and Portions of the NW 1/4, SE 1/4 and the SW  
1/4 of Section 22, Sections 23, 24, and 25, the NE 1/4 and Portions of NW 1/4, SW  
1/4, and SE 1/4 of Section 26, the NE 1/4 and Portions of NW 1/4 and SE 1/4 of  
Section 36, Township 12 North, Range 19 East, M.D.B.&M.,

Sections 1 through 36, Township 12 North, Range 20 East, M.D.B.&M.,

Sections 1 through 36, Township 13 North, Range 20 East, M.D.B.&M.,

West 1/2 Section 5, Sections 6, 7, 8, and Sections 13 through 36, Township 14  
North, Range 20 East, M.D.B.&M.,

Sections 18, 19, 30, and 31, Township 14 North, Range 21 East, M.D.B.&M.,

Sections 6, 7, 18, 19, 30, and 31, Township 13 North, Range 21 East, M.D.B.&M.,

Sections 6, 7, 18, 19, and 30, Township 12 North, Range 21 East, M.D.B.&M.,

all in Douglas County, Nevada

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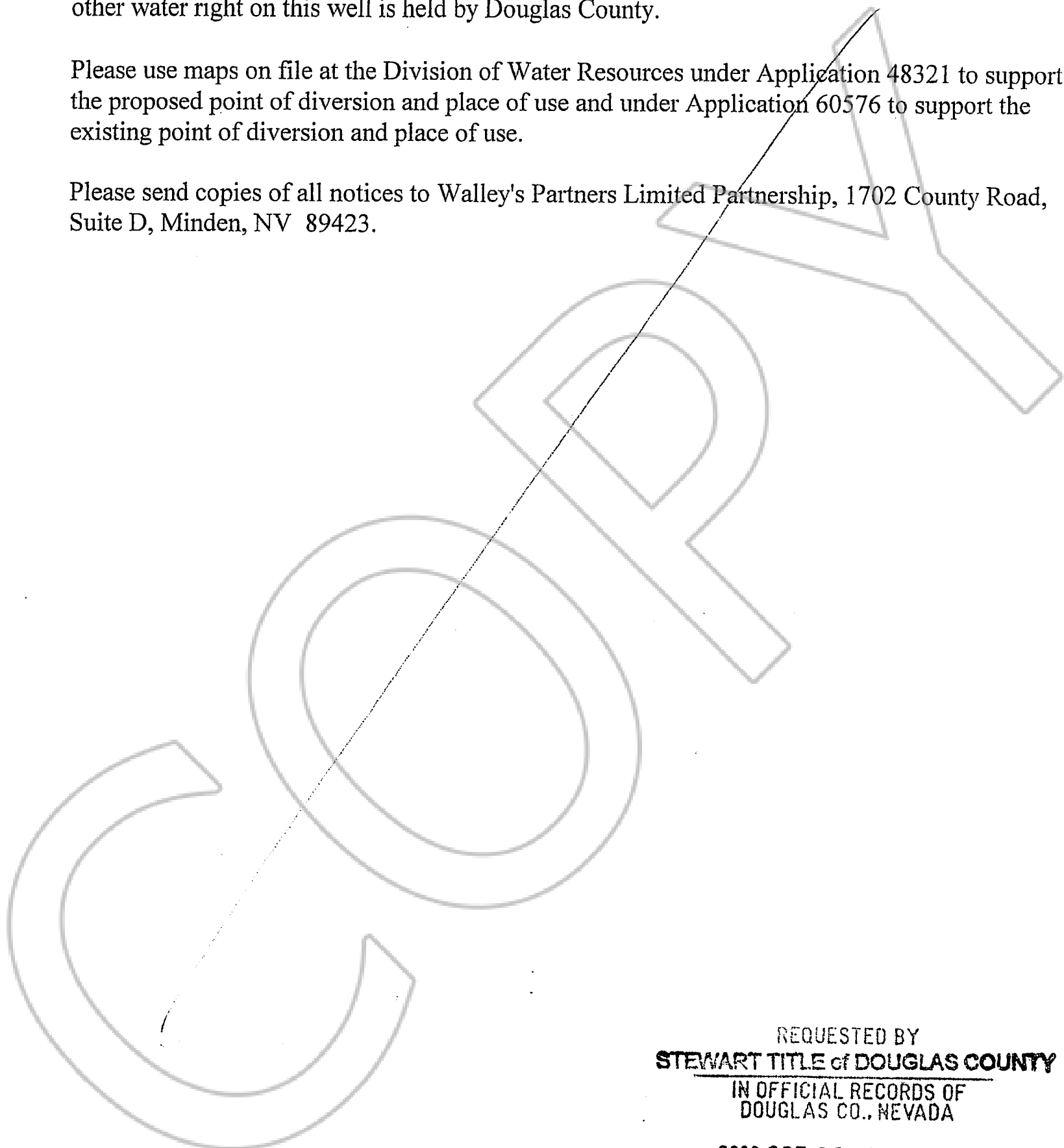
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**Question 15 - Remarks**

The applicant has entered into an agreement to transfer the water rights to Walley's Partners Limited Partnership for use at Walley's Hot Springs, in conjunction with the permit being issued. The water under this application is to be used with other water for the overall resort use. The other water right on this well is held by Douglas County.

Please use maps on file at the Division of Water Resources under Application 48321 to support the proposed point of diversion and place of use and under Application 60576 to support the existing point of diversion and place of use.

Please send copies of all notices to Walley's Partners Limited Partnership, 1702 County Road, Suite D, Minden, NV 89423.



REQUESTED BY  
**STEWART TITLE of DOUGLAS COUNTY**  
IN OFFICIAL RECORDS OF  
DOUGLAS CO., NEVADA

2000 OCT 26 PM 3: 50

LINDA SLATER  
RECORDER

\$ 11<sup>00</sup> PAID Bh DEPUTY

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No. 66657

**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**

Date of filing in State Engineer's Office AUG 09 2000

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

Corrected application filed \_\_\_\_\_

Map filed AUG 17 1984

\*\*\*\*\*

The applicant **Gardnerville Town Water Company**, hereby makes application for permission to change the **Point of Diversion and Place of Use of a portion of water** heretofore appropriated under **Permit 60576**

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1. The source of water is **Underground**
2. The amount of water to be changed **.014 c.f.s., 10.0 acre-feet**
3. The water to be used for **Municipal**
4. The water heretofore permitted for **Municipal**
5. The water is to be diverted at the following point **SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 15, T.13N., R.19E., MDM, or at a point from which the S $\frac{1}{4}$  corner of said Section 15 bears South 5°26' West, 1125 feet**
6. The existing permitted point of diversion is located within **NW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 4, T.12N., R.20E., MDB&M, or at a point from which the NE corner of said Section 4 bears North 86°15' East, 3,946 feet**
7. Proposed place of use **NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 22, SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 15, T.13N., R.19E., MDM**
8. Existing place of use **See Attached**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **well, pump, motor, storage tank, and domestic fire distribution system**
12. Estimated cost of works **existing**
13. Estimated time required to construct works **existing**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **See Attached**

By **Bruce R. Scott, Resource Concepts, Inc.**  
**s/Bruce R. Scott**  
**340 North Minnesota Street**  
**Carson City, Nevada 89703**

Compared cmf/kdg hf/cmf

Protested \_\_\_\_\_

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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 and place of use of a portion of the waters of an underground source as heretofore granted under Permit 60576 is issued subject to the terms and conditions imposed in said Permit 60576 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 48320, 48321, 64881, 65762, and 66657 shall not exceed 85.84 acre-feet annually.

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

The issuance of Permit 66657 reduces the total combined duty of water under Permits 60576; 60607; 60608; 60609; 60611, Certificate 15122; 60612; 60613, Certificate 15123; 60614, Certificate 15395; 60615, Certificate 15124; 64626; 64627, and 65007 to 1,984.70 million gallons annually.

(CONTINUED ON PAGE 3)

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.014 cubic feet per second, **but not to exceed 10 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

October 16, 2001

Proof of completion of work shall be filed before:

November 16, 2001

Water must be placed to beneficial use on or before:

October 16, 2002

Proof of the application of water to beneficial use shall be filed on or before:

November 16, 2002

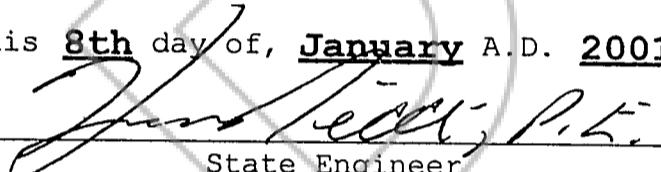
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,

this 8th day of, January A.D. 2001

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

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, Township 14 North, Range 19 East, M.D.B.&M.,

Sections 1, 2, 3, E 1/2 Section 4, NE 1/4 and NW 1/4 SE 1/4, and East 1/2 SE 1/4 Section 9, Sections 10, 11, 12, 13, 14, 15, and East 1/2 NE 1/4, and East 1/2 SE 1/4 Section 16, and East 1/2 NE 1/4, and East 1/2 SE 1/4 Section 21, Sections 22, 23, 24, 25, 26, 27, East 1/2 Section 28, East 1/2 Section 33, Sections 34, 35, and 36, Township 13 North, Range 19 East, M.D.B.&M.,

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all in Douglas County, Nevada

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REQUESTED BY  
STEWART TITLE of DOUGLAS COUNTY  
IN OFFICIAL RECORDS OF  
DOUGLAS COUNTY, NEVADA

2001 FEB -2 AM 10:41

LINDA SLATER  
RECORDER

\$16<sup>00</sup> PAID *Bh* DEPUTY

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