

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office. MAR 02 1995

Returned to applicant for correction

Corrected application filed

Map filed. MAR 02 1995

The applicant Kal Kan Foods, Inc.

3250 East 44th Street, of Vernon City or Town

Nevada 90058, hereby make application for permission to appropriate the public

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated March 1, 1968 in the State of Delaware.

1. The source of the proposed appropriation is Underground Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.2 cfs second-feet One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for Quasi-Municipal (Industrial) Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under No. 12. "Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point SW 1/4 NW 1/4 Section 32, T20N, R22E, Describe as being within a 40-acre subdivision of public

MDM, or at a point from which the Southwest corner of said Section 32 bears, survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

S 10° 48' 05" W a distance of 3,023.52 feet.

6. Place of use Portions of NE 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, NE 1/4 SW 1/4 Section 32 and Describe by legal subdivision. If on unsurveyed land, it should be so stated.

portions of NE 1/4 SE 1/4 Section 31, all in T20N, R22E, MDM.

7. Use will begin about January 1 and end about December 31, of each year. Month and Day

8. 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.) Drill well and seal the top 100 feet, install

pump, motor, storage tank and pipeline to the Industrial Plant. State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$200,000.00

10. Estimated time required to construct works Two Years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use Ten Years

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

This water is to serve a \$23,000,000.00 dry dog food processing and packaging plant. Water is to be used for mixing of the grain for dog food, clean up and domestic use. The expansion would include the processing of wet dog food and dog treats. The estimated annual use is 70 acre feet per year.

By s/Richard W. Arden Agent
950 Industrial Way
Sparks, NV 89431

Compared jk/ gkjr/bk

Protested _____

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 is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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.

(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 0.2 cubic feet per second, but not to exceed 70.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before July 20, 1997

Proof of completion of work shall be filed before August 20, 1997

Application of water to beneficial use shall be filed on or before July 20, 2000

Proof of the application of water to beneficial use shall be filed on or before August 20, 2000

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed SEP 17 1997

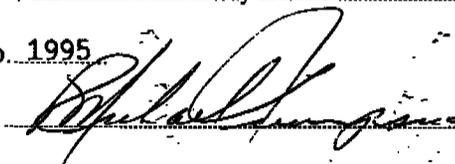
Proof of beneficial use filed OCT 23 2000

Cultural map filed _____

Certificate No. 15962 Issued DEC 07 2001

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of July

A.D. 1995


State Engineer

(PERMIT TERMS CONTINUED)

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

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

