

TEMPORARY

No. 69583-T

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 FEB 14 2003

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 29 2002 under 68844-T

The applicant **Reno Sparks Indian Colony**, hereby makes application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under a portion of Permit No. 28447, Certificate 8634

1. The source of water is **underground**
2. The amount of water to be changed **0.0600 cfs, 6.0 afa**
3. The water to be used for **Irrigation and Domestic**
4. The water heretofore permitted for **Irrigation and Domestic**
5. The water is to be diverted at the following point **the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 8, T.22N., R.21E., M.D.M., at a point from which the northwest corner of said Section 8 bears North 64 $^{\circ}$ 35'19" West a distance of 3312.50 feet. See map supporting Application No. 68228 for proposed point of diversion.**
6. The existing permitted point of diversion is located within **the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 5, T.22N., R.21E., M.D.M., at a point from which the northeast corner of said Section 5 bears North 66 $^{\circ}$ 17'59" East a distance of 2969.86 feet (MCO Well #2). See EXHIBIT MAP SUPPORTING THE CONVEYANCE OF WATER RIGHTS BY MCO PROPERTIES INC. filed with the Nevada State Engineer on Feb. 19, 1986.**
7. Proposed place of use **21.87 acs in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and 40.26 acs in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 8; also 40.51 acs in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.47 acs in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, 40.44 acs in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, 40.40 acs in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, 40.52 acs in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, 35.00 acs in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and 35.00 acs in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9; for a total of 334.47+/-acs, all in T.22N., R.21E., M.D.M..**
8. Existing place of use **1.5 acres in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T.22N., R.21E., M.D.M.. See Parcel 49 on EXHIBIT MAP SUPPORTING THE CONVEYANCE OF WATER RIGHTS BY MCO PROPERTIES INC. filed with the Nevada State Engineer on Feb. 19, 1986.**
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 **Existing well, pump and irrigation system.**
12. Estimated cost of works **Completed.**
13. Estimated time required to construct works **Completed.**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks:- This application would allow use of water rights owned by Reno Sparks Indian Colony on lands owned or controlled by Fahnestock Enterprises, Inc. (d.b.a. Western Turf Farm). See attached Water Rights Agreement. See map supporting Application No. 68228 and map supporting Application Nos. 68845, 68846 & 68849 for proposed place of use.

By s/George G. Lindesmith
 George G. Lindesmith
 Tri State Surveying 1925 E. Prater Way
 Sparks, Nevada 89434

Compared cmf/ cac 1b/cmf

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 temporary 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 28447, Certificate 8634, is issued subject to the terms and conditions imposed in said Permit 28447, Certificate 8634, 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 temporary 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 temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued for the irrigation of 1.50 acres within the described place of use.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **May 8, 2004** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.06 cubic feet per second, but not to exceed 6.0 acre feet as decreed, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

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

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

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

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

TEMPORARY

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

State Engineer of Nevada, have hereunto set

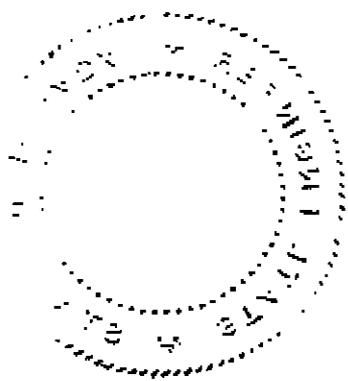
my hand and the seal of my office,

this 9th day of May, A.D. 2003


State Engineer

EXPIRED

DATE MAY 08 2004 DE



WATER RIGHTS AGREEMENT

THIS WATER RIGHTS AGREEMENT, made and entered into this _____ day of _____ 2002, by and between the RENO-SPARKS INDIAN COLONY, a tribal government organized under the Indian Reorganization Act (25 U.S.C. § 476), hereinafter referred to as "Owner" and FAHNESTOCK ENTERPRISES, INC. dba Western Turf, hereinafter referred to as "User". The parties enter into this agreement on the following terms and conditions:

WITNESSETH

1. The Owner, for and in consideration of the sum of One Dollar, the receipt whereof is hereby acknowledged, agrees to allow the User to use the following groundwater water rights owned by the Owner:

Permit No. 28447	Certificate No. 8634	6.0 acre feet
Permit No. 30119	Certificate No. 10589	14.0 acre feet
Permit No. 28444	Certificate No. 8632	4.12 acre feet
Permit No. 28071	Certificate No. 8628	3.88 acre feet
Permit No. 28444	Certificate No. 8632	8.0 acre feet
TOTAL		36.0 acre feet

The above-described certificated groundwater rights hereafter collectively referred to as "Water Rights."

2. The term of this Agreement shall be five years. With the written approval of the Owner, the term of the Agreement may be extended for additional years as agreed to by the parties. The Agreement shall take effect on the date of the last party to sign the Agreement, but the term of the Agreement and the right to use the Water Rights shall commence on January 1, 2003, and shall expire on January 1, 2008.

3. The User agrees that it shall put to beneficial use all 36 acre feet of the Water Rights for irrigation purposes relating to its turf business throughout the 2003 irrigation season (the first year of the Agreement) and, thereafter, shall use the Water Rights as needed for the remainder of the term of this Agreement for the same purpose. All Water Rights used by User shall remain the property of the Owner. In the event of severe drought, power shortage resulting in reduced pumping and/or economic conditions that would create a hardship to User to plant the extra land necessary to utilize these water rights, User has the option to delay beginning to use these water rights until the 2004 season, or thereafter if these severe conditions should persist. User would give written notice to the Owner by May 1, 2003, or earlier, if these

