



THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: FROSTY ACRES M, INC.
Source: TRUCKEE & CARSON RIVERS
Basin: CARSON DESERT
Manner of Use: AS DECREED
Period of Use: AS DECREED
Priority Date: AS DECREED

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 place of use of a portion of the waters of the Newlands Reclamation Project rights in the Truckee and Carson River final decrees and as set forth under portion of Permit 51368 which changed the place of use of a portion of the Newlands Reclamation Project rights in the Truckee and Carson River final decrees and is issued subject to the terms and conditions imposed in said decrees and with the understanding that no other rights on the source will be affected by the change proposed herein

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

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

This permit is issued under the provisions of NRS 533.040 Paragraph 4 and is limited to the irrigation of 63.07 acres within the proposed place of use.

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 283.815 acre-feet as decreed.

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:

September 18, 2011

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

September 18, 2011

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 18th day of September, A.D. 2008

Handwritten signature of Tracy Taylor, P.E., for State Engineer

Completion of work filed June 25, 1998 under 62742

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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... FEB 08 2007
Returned to applicant for correction...
Corrected application filed... Map filed... FEB 08 2007

The applicant... Frosty Acres M, Inc., a Nevada Corporation
5225 Indian Lakes Rd of Fallon
Nevada, 89406, hereby make... application for permission to change the
Place of Use of a portion

of water heretofore appropriated under... United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 3;
United States of America v. Alpine Land and Reservoir Co., No. D-183 BRT; both in the Federal District Court of
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.
Nevada and Permit 51368.

- 1. The source of water is... Truckee and Carson River
2. The amount of water to be changed... 283.815 ac. ft.
3. The water to be used for... as decreed
4. The water heretofore used for... as decreed
5. The water is to be diverted at the following point... Lahontan Dam within SW 1/4 SE 1/4 Section 33, T.19N., R.26E., M.D.B.&M.
6. The existing point of diversion is located within... no change

101-04+

7. Proposed place of use..... NE¼ NE¼ Section 3, T19N., R29E., M.D.B.&M., SE¼ SE¼ Section 34, T20N., R29E., M.D.B.&M., TCID Serial No. 622-5 Total 63.07 Acres per NRS 533.040.

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.

8. Existing place of use..... NE¼ NE¼ (34.19 ac [16.75 ac Permit 51368]), Section 3, T19N., R29E., M.D.B.&M., SE¼ SE¼ (28.88 ac [4.12 ac Permit 51368]), Section 34, T20N., R29E., M.D.B.&M., TCID Serial No. 622-5

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..... as decreed.....to.....of each year.
Month and Day Month and Day

10. Use permitted from..... as decreed.....to.....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.).....dams, canals & ditches.....
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works.....complete.....

13. Estimated time required to construct works.....complete.....
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use...3 years.....

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

This application is made under the provisions of NRS 533.040 Paragraph 4.
This application will be for the irrigation of 63.07 acres within the proposed place of use.

By... Barry A. Fitzpatrick, S.W.R.S. # 817.....
Print or type name clearly

Barry A. Fitzpatrick..... Agent.....
Signature, applicant or agent

178 S. Maine Street.....
Street and No., or P.O. Box No.

Fallon, Nevada 89406.....
City, State, Zip Code No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

\$150 FILING FEE MUST ACCOMPANY APPLICATION