Permit No. 77097T

TEMPORARY

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:	**BREAK-A-HEART, LLC**
Source:	**UNDERGROUND**
Basin:	**MASON VALLEY**
Manner of Use:	**IRRIGATION**
Period of Use:	**January 1st to December 31st**
Priority Date:	**09/12/1974**

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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 point of diversion, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 51100 is issued subject to the terms and conditions imposed in said Permit 51100 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 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 pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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 0.1918 cubic feet per second or 138.88 acre-feet annually.**

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, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 21st day of **July**, A.D. **2008**

K. Hall P.E.
for State Engineer

llb

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Application No. 77097

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 MAY 3 0 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed FEB. 16, 1982 under 45288

The applicant Break - A - Heart, LLC

P.O. Box 234 (Street Address or P.O. Box) of Carson City (City or Town)

Nevada 89702 (State and Zip Code), hereby make(s) application for permission to change the

☒ Point of diversion ☒ Place of use ☒ Manner of use ☒ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit No. 51100

1. The source of water is Underground Source (Name of stream, lake, underground, spring or other sources.) REV
2. The amount of water to be changed ~~0.19 cfs~~ 0.1918 - 45.255 mga (138.88 afa) (Second feet, acre-feet. One second foot equals 448.83 gallons per minute)
3. The water to be used for ~~Industrial~~ Irrigation and Domestic Purposes (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 ~~Irrigation~~ Industrial and Domestic Purposes (If for stock, state number and kind of animals.)
5. 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.)
   Within the NE1/4 NW1/4 Section 7 T14N, R25E, MDM, or at a point from which the S1/4 corner of Section 36 T15N, R24E, MDM, Bears N 43 degrees 51' W a distance of 7335.00 feet. (Refer to map under Permit No. 45288)
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   NE1/4 SW1/4 Section 21, T15N, R25E, MDM, or at a point from which the NW corner of said Section 21 bears North 39 degrees 13' West, a distance of 4,069 feet. (Refer to map under Permit No. 30867)

108-LY

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
Lot 1 (NE1/4 NE1/4), SE1/4 NE1/4 of Section 1 T14N, R24E, MDM SE1/4 NE1/4, NE1/4 SE1/4 and SE1/4 SE 1/4 of Section 36 T15N, R24E, MDM Lot 4 (NW1/4 NW1/4), Lot 5 (SW1/4 NW1/4), Lot 6 (NW1/4SW1/4) and Lot 7(SW1/4 SW1/4) of Section 6 T14N, R25E, MDM Lot 1 (NW1/4 NW1/4) and NE1/4 NW1/4 of Section 7 T14N, R25E, MDM SE1/4NW1/4, Lot 2 (SW1/4NW1/4), Lot 3 (NW1/4 SW1/4), NE1/4 SW1/4, SE1/4 SW1/4 and Lot 4 (SW1/4 SW1/4) of Section 31 T15N, R25E, MDM. (Refer to map under Permit No. 17643)

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.)
SW1/4 Section 15, N1/2SE1/4, SW1/4SE1/4, SW1/4 Section 16, N1/2 Section 20, NW1/4, N1/2SW1/4 Section 21 all in T15N, R25E, MDM (Refer to map under Permit No. 30867)

9. Proposed use will be from January 1st (Month and Day) to December 31st (Month and Day) of each year.

10. Existing use permitted from January 1st (Month and Day) to December 31st (Month and Day) of each year.

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.)
Existing well equipped with motor, pump, flow meter and irrigation system under 65210

12. Estimated cost of works None - existing

13. Estimated time required to construct works None - existing
If well completed, describe well.

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

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing.)
See Exhibit "A" for explanation.

16. Miscellaneous remarks:
See Exhibit "A" for explanation.

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E-mail

By Michael D. Buschelman
Print or type name clearly

Michael D. Buschelman
Signature, applicant or agent

Michael D. Buschelman Consulting, Inc.
Company Name

Post Office Box 51371
Street Address or P.O. Box

Sparks, Nevada 89435
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Application No. 77097T

Exhibit "A"
Temporary Applications to Change

Temporary Applications to Change Point of Diversion, Place and Manner of Use of Permit No. 45594 (Certificate No. 11914) and a portion of Permit No. 51100.

Applicant: Break-A-Heart, LLC

Item Nos. 15 and 16 –

Desert Hills Dairy, LLC purchased the property described as the proposed place of use from the Bryan Masini Children's Trust. They also purchased a portion of the water rights appurtenant to this same property. This water will be utilized to support the commercial operations and hay production for the dairy.

Bryan Masini Children's Trust retained ownership of numerous water rights and has filed applications to remove the remaining water rights. Upon approval of these applications to change, other water resources will be needed to continue irrigating and producing hay products for the dairy.

Break-A-Heart, LLC and Desert Hills Dairy, LLC have entered into a water lease agreement to temporarily move water for irrigation purposes on lands owned by Desert Hills Dairy, LLC. The proposed points of diversion are existing wells completed under previously approved water rights. The irrigation system was completed many years ago under existing permits and hay crops currently are in production.

Should additional information be needed, please contact Michael D. Buschelman, agent,.