Permit No. 78270

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:	**JENKINS FARMS, LLC**
Source:	**UNDERGROUND**
Basin:	**RAILROAD VALLEY-NORTHERN PART**
Manner of Use:	**IRRIGATION**
Period of Use:	**January 1st to December 31st**
Priority Date:	**01/21/1963**

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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 of a portion of the waters of an underground source as heretofore granted under Permit 23252, Certificate 7289 is issued subject to the terms and conditions imposed in said Permit 23252, Certificate 7289 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. 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 23252 and 78270, having the same place of use, shall not exceed 5.35 cubic feet per second and 1280 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.

Permit 78270 is issued to provide an additional point of diversion for the irrigation of 320 acres within the described place of use.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

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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 2.7 cubic feet per second, but not to exceed 4.0 acre-feet per acre from any and/or all sources.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **November 12, 2010**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **November 12, 2012**
Map in support of proof of beneficial use shall be filed on or before: **November 12, 2012**

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 12th day of **November**, A.D. **2009**

T. Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Application No. 78270

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 APR 16 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed APR 20 2009 under 78269 T

The applicant William B. Gibson, c/o Nyala Farms, LLC

10421 South Jordan Gateway Suite 630 of South Jordan
Street Address or P.O. Box — City or Town

Utah 84095-3901, hereby make(s) application for permission to change the
State and Zip Code

REC per e-mail

☒ 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 #23252 (c. 7289).

1. The source of water is underground
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 2.7 c.f.s.
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for same as existing
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 and domestic
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 SW¼NW¼ Section 34, T.5N, R.55E., M.D.M. from which the SW corner of said section 34 bears S18°29'W., 4,154 feet distant. KWC 4/21/09

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
the SE¼SW¼ Sec. 34, T.5N., R.55E., M.D.M. from which the S.¼ corner of said Sec. 34 bears S70°32'E., 207.0 feet distant (see PBU map under #23252).

173B-NY

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

same as existing

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.)

320 acres within the W½ of Section 34, T.5N., R55E., M.D.M.

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

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

12. Estimated cost of works estimate $30,000.00

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

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

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

Owner has found it necessary to develop a second well to provide sufficient water for this half-section, as the existing well (#23252) is declining in yield. The ground is prepared, sprinkler system is on site and irrigation is planned to commence immediately following permit.

16. Miscellaneous remarks:
Please send copies of notices and correspondence to the undersigned agent.

RECEIVED
2009 APR 16 AM 10:45
STATE ENGINEER'S OFFICE

(775) 738-2121
Phone No.

wnisbet@chilton-inc.com
E-mail

By William A. Nisbet, Agent
Print or type name clearly

William A. Nisbet
Signature, applicant or agent

Chilton Engineering & Surveying, Ltd.
Company Name

421 Court Street
Street Address or P.O. Box

Elko, NV 89801-3527
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION