



THE STATE OF NEVADA

PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: MICHAEL B. STEWART, TRUSTEE OF THE
MICHAEL B. STEWART LIVING TRUST DATED 4/2/1991

Source: UNDERGROUND

Basin: WARM SPRINGS VALLEY

Manner of Use: IRRIGATION

Period of Use: January 1st to December 31st

Priority Date: 02/28/1972

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 and place of use of a portion of the waters of an underground source as heretofore granted under Permit 39166, Certificate 10496 is issued subject to the terms and conditions imposed in said Permit 39166, Certificate 10496 and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water 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 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 for the irrigation of 13.75 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)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.3928 cubic feet per second or 55.0 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:

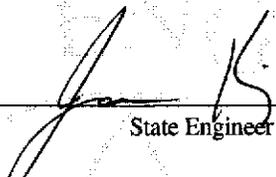
May 19 2012

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

May 19 2012

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of May, A.D. 2010



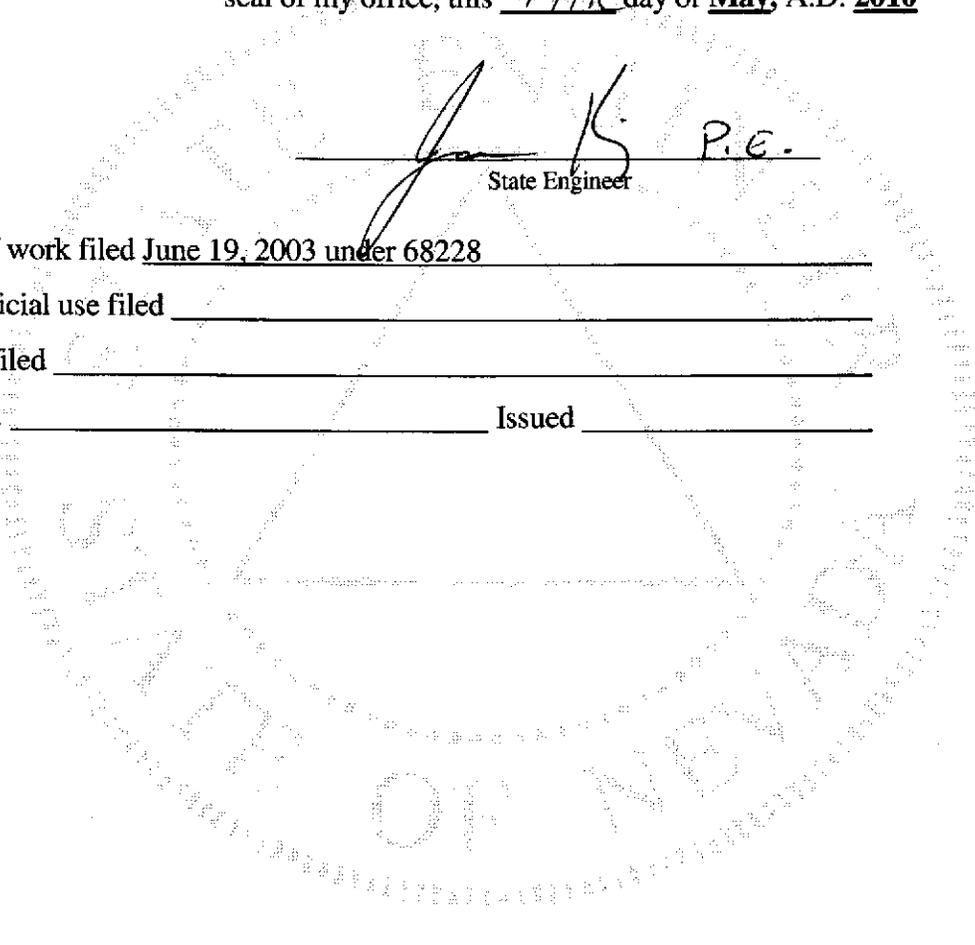
State Engineer P.E.

Completion of work filed June 19, 2003 under 68228

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 JUL 09 2009
Returned to applicant for correction JUL 21 2009
Corrected application filed JUL 30 2009 Map filed MAY 29 2002 under 68844T

The applicant Michael B. Stewart, Trustee of the Michael B. Stewart Living Trust dated April 2, 1991
250 Chism Street of Reno
Street Address or P.O. Box City or Town
Nevada 89503, hereby make(s) application for permission to change the
State and Zip Code

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. ~~39166~~ Certificate 10496

- The source of water is underground
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 0.3928 cfs, 55.00 acre-feet annually
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Irrigation and domestic
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.
- The water heretofore used for Irrigation and domestic
If for stock, state number and kind of animals.
- 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 SW 1/4 of the NE 1/4 of Section 8, T.22N., R.21E., M.D.M., or at a point from which the northwest corner of said Section 8 bears North 64°35'19" West a distance of 3312.50 feet. Refer to map supporting Application Nos. ~~68845, 68847 & 68849. 68844T~~ U.D. 11.6. 3 Aug 2009
- The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

the NE 1/4 of the SW 1/4 of Section 32, T.23N., R.21E., M.D.M., or at a point from which the west 1/4 corner of said Section 32, bears North 60°05'11" West a distance of 2457.43 feet. Refer to map supporting Proof of Beneficial Use under Permit No. 39166.

Handwritten initials/signature

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
13.75 acres within the SW 1/4 NE 1/4 & SE 1/4 NE 1/4 of Section 8, and the NW 1/4 NW 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4, SE 1/4 NW 1/4 & SE 1/4 NE 1/4 of Section 9, all in T.22N., R.21E., M.D.M.. Refer to map supporting Application Nos. 62889 & 62890. 62887T MD.Don 3 Aug 2009

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.)
13.75 acres within the ~~NW 1/4 SW 1/4~~ & NE 1/4 SW 1/4 of Section 32, T.23N., R.21E., M.D.M., per map supporting ~~Proof of Beneficial Use under Permit No. 39466.~~ this application. MD.Don 3 Aug 2009

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

10. Existing use permitted from January 1 to December 31 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.) (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 drilled well, pump, meter and sprinkler irrigation system.

12. Estimated cost of works None.

13. Estimated time required to construct works Completed.

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5 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.)

This water will be used to expand the area of an existing field owned, cultivated and harvested by Fahnestock Enterprises, Inc..

16. Miscellaneous remarks:

A water rights agreement between the Michael B. Stewart Living Trust and Fahnestock Enterprises will be executed and submitted to the DWR during the processing of this application. (Attached.)

(775) 358-9491

Phone No.

GLindesmith@tristateltd.com

E-mail

By George G. Lindesmith, PLS/WRS

Print or type name clearly



Signature, applicant or agent

Tri State Surveying Ltd.

Company Name

1925 E. Prater Way

Street Address or P.O. Box

Sparks, NV 89434

City, State, Zip Code

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION