



THE STATE OF NEVADA

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

Name of Permittee: BREAK-A-HEART, LLC
Source: UNDERGROUND
Basin: MASON VALLEY
Manner of Use: IRRIGATION
Period of Use: JANUARY 1ST THROUGH DECEMBER 31ST
Priority Date: 05/14/1974

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 the waters of an underground source as heretofore granted under Permit 80918, is issued subject to the terms and conditions imposed in said Permit 80918 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. 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.

The total combined duty of water under Permits 65210, 80919, 85662, 85663, and 85664 shall not exceed 1,399.421 acre-feet annually.

If any water under this permit is cancelled or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

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.

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 1.6043 cubic feet per second or 1,130.86 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

April 29 2017

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

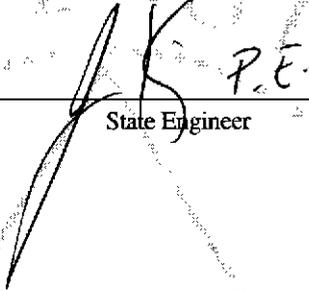
April 29 2019

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

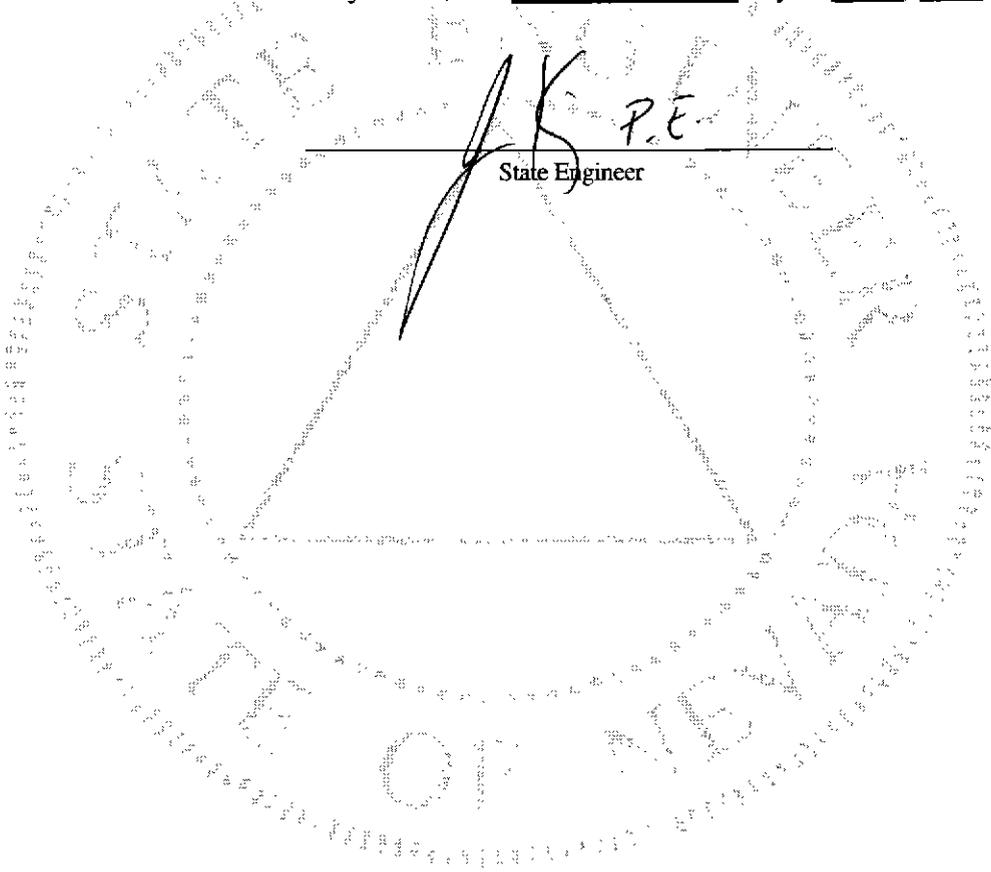
April 29 2019

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 29th day of April, 2016



State Engineer



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 NOV 16 2015

Returned to applicant for correction _____

Corrected application filed _____ Map filed NOV 16 2015 Under 85655

The applicant Break-a-Heart LLC
P.O. Box 234 of Carson City
Street Address or PO Box City or Town
Nevada 89702 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 rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit No. 80918

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 STATE ENGINEERS OFFICE

1. The source of water is an underground source
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 1.6043 cubic feet per second and 1,130.86 acre-feet annually
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Irrigation 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 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 SW1/4 NE1/4 Section 1, T.14N., R.24E., MDM., or at a point from which the N1/4 corner of said Section 1 bears North 26°08'02" West, a distance of 2,762.18 feet (North Well). Refer to map filed in support of this application No. 85655
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
SE1/4 NE1/4 Section 1, T.14N., R.24E., MDM., or at a point from which the N1/4 corner of said Section 1 bears N, 57 degrees 53' W, a distance of 2870.00 feet. Refer to map filed in support of Permit No. 53315.

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7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
within the E1/2 Section 36, T.15N., R.24E., MDM; W1/2 Section 31, T.15N., R.25E., MDM; NE1/4, E1/2 SE1/4 Section 1, NE1/4 NE1/4 Section 12, T.14N., R.24E., MDM; W1/2 W1/2 Section 6, N1/2 NW1/4 Section 7, T.14N., R.25E., MDM.
The exact location to be determined upon proof of beneficial use filing. Refer to map filed in support of this application No. 95655

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.)
Refer to Exhibit "A". Refer to map filed in support of Permit No. 17643.

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 and cased well equipped with pump, motor, totalizing meter and pipeline to existing irrigation distribution system.

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 Five (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.)

Refer to Exhibit "A"

16. Miscellaneous remarks:

Refer to Exhibit "A". The well described in the proposed point of diversion was drilled in 1989. Refer to Well Log No. 32012.

mike@mbuschleman.com
E-mail Address
(775) 355-9628
Phone No. Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

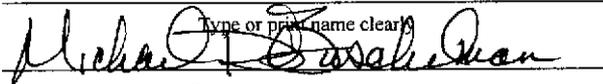
Michael D. Buschelman
Type or print name clearly

Signature, applicant or agent
Michael D. Buschelman Consulting, Inc.
Company Name
Post Office Box 51371
Street Address or PO Box
Sparks, Nevada 85435
City, State, ZIP Code

Exhibit "A"

Applicant: Break-A-Heart, LLC

Item No. 8 -

Lot 1 (NE1/4 of the NE1/4), SE1/4 of the NE1/4 of Section 1, T14N, R24E, MDM, SE1/4 of the NE1/4, NE1/4 of the SE1/4, SE1/4 of the SE1/4 of Section 36, T15N, R24E, MDM, Lot 4 (NW1/4 of the NW1/4), Lot 5 (SW1/4 of the NW1/4), Lot 6 (NW1/4 of the SW1/4), Lot 7 (SW1/4 of the SW1/4) of Section 6, T14N, R25E, MDM, Lot 1: (NW1/4 of the NW1/4), NE1/4 of the NW1/4 of Section 7, T14N, R25E, MDM, SE1/4 of the NW1/4, Lot 2 (SW1/4 of the NW1/4), Lot 3 (NW1/4 of the SW1/4), NE1/4 of the SW1/4, SE1/4 of the SW1/4, Lot 4 (SW1/4 of the SW1/4), of Section 31, T15N, R25E, MDM.

Refer to map filed in support of Permit No. 17643.

Item Nos. 15 and 16 -

Break-A-Heart, LLC and Desert Hills Dairy, LLC have entered into a long term water lease agreement. The proposed points of diversion are existing wells completed under previously approved base permits. The irrigation system was completed under previously approved base permits and alfalfa crops are currently in production within the proposed place of use.

Permit Nos. 80818 and 80819 were approved to change ground water resources allocated under Permit Nos. 45594 (Certificate No. 11914) and a portion of Permit No. 51100, respectfully. The base water rights were approved for industrial purposes as total consumptive use water rights. The changes approved under Permit Nos. 80818 and 80819 have also been utilized in a total consumptive use manner for irrigation purposes. The criteria for beneficial use of water under this application will be the same as allowed for commercial and industrial water rights which are based on totalizing meter readings and not a prescribed duty per acre. There will be no consumptive use reduction applied should the manner of use be changed from consumptive irrigation uses back to industrial uses.

Should additional information be needed, please contact Michael D. Buschelman and George Benesch, attorney for Break a Heart, LLC. Please send copies of all notices and correspondence to George Benesch at the address below.

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