

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Don Harmer, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source, through a drilled well, pump and distribution system for commercial (nursery) purposes. The point of diversion of water from the source is as follows:

SE¼ NE¼ Section 23, T.17N., R.19E., M.D.B.&M., or at a point from which the NE corner of said Section 23, bears N. 13°20'50" E., a distance of 1,768.66 feet situated in Washoe County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

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| Name of appropriator: | Julian C. Smith, Jr., and Joanna Smith |
| Source: | Underground |
| Manner of Use: | Commercial (Nursery) |
| Amount of appropriation: | 0.0149 c.f.s., but not to exceed 0.821 million gallons annually |
| Period of use: | January 1st to December 31st of each year |
| Date of priority of appropriation: | *April 8, 1977 |

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well of unknown depth, 8 inch diameter casing, equipped with a 1½ H.P. submersible pump, via piping to pressure and/or holding tanks, thence through a distribution system for sprinkler and drip irrigation of various trees and shrubs for commercial (nursery) purposes within the SE¼ NE¼ of Section 23, T.17N., R.19E., M.D.B.&M., being a portion within Assessors Parcel Number 046-080-04, Washoe County, Nevada.

* This certificate changes the point of diversion, place of use and manner of use of a portion of Permit 50138, Certificate 14176, which changed the point of diversion of Permit 31304, therefore, the date of priority remains the same as Permit 31304.

This Permit is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of August, A.D., 2003.

cmf/snc/jal

Hugh Ricci, P.E.

State Engineer