



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, place and manner of use of the waters of an underground source as heretofore granted under Permit 45594, Certificate 11914, is issued subject to the terms and conditions imposed in said Permit 45594, Certificate 11914, 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.

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 1.60 cubic feet per second or 1130.86 acre-feet annually.**

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

August 29 2014

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

August 29 2015

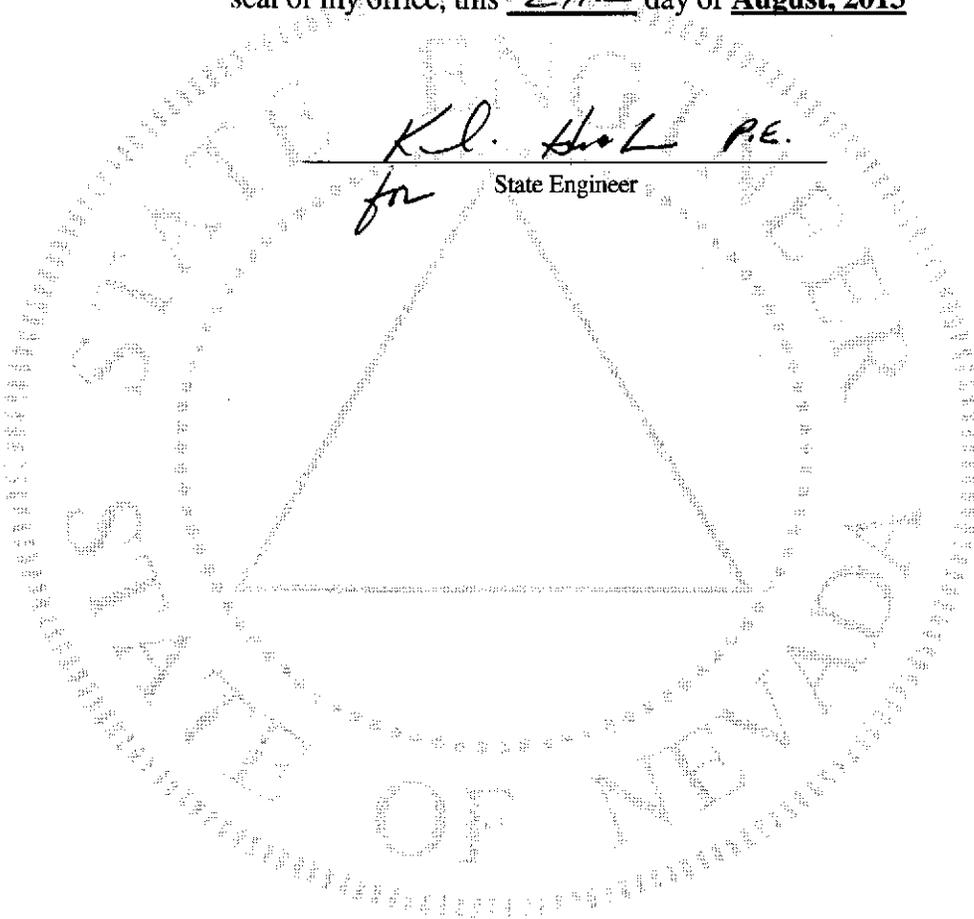
Map in support of proof of beneficial use shall be filed on or before:

August 29 2015

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 August, 2013

K.L. King P.E.
for 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 JUN 16 2011

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAY 25 1989 under 53315

The applicant Break - a - Heart, LLC
 Post Office 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. 45594 (Certificate No. 11914)

1. The source of water is Underground Sources
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 1.6043 cfs - 368.492 mga (1,130.86 acre feet per year)
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 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.)
SE1/4 NE1/4 Section 1 T14N., R24E, 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 under Permit No. 53315)
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)

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 SE 1/4 and SE1/4 SE1/4 of Section 36 T15N, R24E, MDM Lot 4 (NW1/4 NW1/4), Lot 5 (SW1/4 NW1/4), Lot 6 (NW1/4 SW1/4) 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 SE1/4 NW1/4, Lot 2 (SW1/4 NW1/4), 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, N1/2 SE 1/4, SW1/4 SE1/4, SW 1/4 Section 16, N1/2 Section 20, NW1/4, N1/2 SW1/4, Section 21 all in T15N., R 25E., MDM (Refer to map under Permit No. 30867)

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

10. Existing use permitted from January 1st to December 31st 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 well equipped with motor, pump, flow meter and irrigation system under 65211

12. Estimated cost of works None - Existing well under Permit No. 65211

13. Estimated time required to construct works None - Existing well under Permit No. 65211

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 2 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.)

See Exhibit "A" for explanation.

16. Miscellaneous remarks:

See Exhibit "A" for explanation.

RECORDED
2011 JUN 16 PM 3:41
STATE ENGINEER'S OFFICE

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Phone No. Ext.

Michael D. Buschelman
Michael D. Buschelman
Type of 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 89435
City, State, ZIP Code

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Application No. 80918

Exhibit "A"
Applications to Change

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 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 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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