



THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant: HAPPY CREEK, INC.
Source: HAPPY CREEK & TRIBUTARIES
Basin: PINE FOREST VALLEY
Manner of Use: IRRIGATION
Period of Use: January 1st to December 31st
Priority Date: 03/20/1991

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 is issued subject to all existing rights on the source. It is understood that the 11.5 cubic feet per second, herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. 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 962.85 acres within the described place of use. Much of the proposed place of use has existing Happy Creek water rights and underground rights. In order to perfect this right for additional land within the proposed place of use, it must be clearly demonstrated to the satisfaction of the State Engineer that it is the sole source of water applied to the new land.

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 11.5 cubic feet per second or 3851.4 acre-feet annually but not to exceed an annual duty of 4.0 acre-feet per acre from any and all sources.**

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

February 10, 2011

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

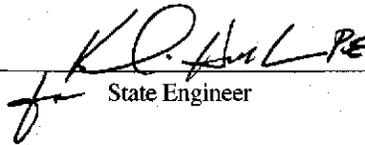
February 10, 2013

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

February 10, 2013

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of **February**, A.D. **2010**



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

MAR 20 1991

Date of filing in State Engineer's Office

Returned to applicant for correction

Corrected application filed

Map filed MAR 20 1991

The applicant Happy Creek Land and Cattle Limited Partnership

P. O. Box 1434, of Elko

Nevada 89801, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

Partners in Happy Creek Land and Cattle Limited Partnership are Dan May, Frank Seckler and Roy Shurtz.

1. The source of the proposed appropriation is Happy Creek and tributaries

2. The amount of water applied for is 21.5 c.f.s. second-feet

(a) If stored in reservoir give number of acre-feet

3. The water to be used for irrigation

4. If use is for:

(a) Irrigation, state number of acres to be irrigated 962.85 acres

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point within the SW 1/4 SE 1/4 of Section 2,

T.41N., R.32E., or at a point from which the Southeast corner of said Section 2 bears N 89° 53' E 1945.2'.

6. Place of use S 1/2 S 1/2 pf Section 25; SE 1/4 NE 1/4, E 1/2 SE 1/4 of Section 35; W 1/2 of Section 36,

all in T.42N., R.32E., M.D.B.& M.; NW 1/4, NW 1/4 SW 1/4 of Section 1; E 1/2 E 1/2, SW 1/4 SE 1/4 of Section 2, T.41N., R.32E., M.D.B.&M.

7. Use will begin about January 1st and end about December 31st, of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) ditches and pipeline to existing irrigation system

9. Estimated cost of works in excess of \$1,000.00

10. Estimated time required to construct works 3 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is for surplus water that is over and above existing adjudicated rights.

By Robert N. Caldwell, PLS, SWRS as agent
/s/ Robert N. Caldwell
146 West Second Street
Winnemucca, NV 89445

Compared vjw/bk

Protested _____

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:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed _____ cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before _____

Proof of completion of work shall be filed on or before _____

Application of water to beneficial use shall be made on or before _____

Proof of the application of water to beneficial use shall be filed on or before _____

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

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I _____
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this _____ day of _____,
A.D. 19 _____

State Engineer