

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

Date of filing in State Engineer's Office DEC 01 1998

Returned to applicant for correction _____

Corrected application filed _____

Map filed DEC 01 1998 under 64648

The applicant **Fish Creek Ranch, LLC**, a Nevada Limited Liability Company, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **Fish Creek Springs**
2. The amount of water applied for is **0.21 cfs - 63 acre feet 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 **21 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 **NW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 8, T.16N., R.53E., M.D.B.&M. at a point from which the Southeast corner of Section 9, T.16N., R.53E., M.D.B.&M. bears S 63° 54' 51" E, 10,481.27 feet.**
6. Place of Use **NW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 8, T.16N., R.53E., M.D.B.&M.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Improved Spring & Ditches**
9. Estimated cost of works **\$5,000**
10. Estimated time required to construct works **3 years**
11. Estimated time required to complete the application of water to beneficial use **5 years**
12. Remarks: **The waters applied for under this application are for additional acreage not shown as irrigated under Permit no. 13723.**

HIGH DESERT Engineering, Agent
By s/Robert E. Morley
640 Idaho Street
Elko, NV 89803

Compared my/cms hf/cm²

Protested 03/12/99 US Fish & Wildlife Services; Pro. overruled in part
6-29-00 See Ruling 4941

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. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. 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.

This permit is also issued subject to the provision that the place of use of the water herein granted is limited to and supplemental to lands having existing water rights.

The total combined duty of water under Permits 2465, Certificate 396; 4889, Certificate 973; 13723, Certificate 3987; 64648, and 64649 shall not exceed 5,669.4 acre-feet annually. The places of use under Permits 64648 and 64649 are limited to 541.4 additional acres within the described place of use under Permit 64648. The additional acreage is for land outside of the 1,458.609 acres that is the existing places of use under Permit 2465, Certificate 396; Permit 4889, Certificate 973, and Permit 13723, Certificate 3987 for a total of 2,000.0 acres.

The diversion rate under this permit is not an additional amount and the total diversions from the source of water is limited to 14.65 cubic feet per second under Permit 2465, Certificate 396; Permit 4889, Certificate 973; Permit 13723, Certificate 3987; Permit 64648, and Permit 64649.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monitoring plan must be filed with the office of the State Engineer within 120 days from the date of approval of this application. The monitoring plan is to insure the proposed pumping of the source of water will not have a deleterious effect on the sensitive species of fish. The State Engineer may at any time further regulate and/or impose additional restrictions upon the appropriation granted herein as he deems necessary.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.21 cubic feet per second, but not to exceed 63.0 acre-feet annually, and not to exceed a yearly duty of 2.83 acre-feet per acre of land irrigated from any and/or all sources.

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

December 19, 2002

Proof of completion of work shall be filed before:

January 19, 2003

Water must be placed to beneficial use on or before:

December 19, 2005

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

January 19, 2006

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

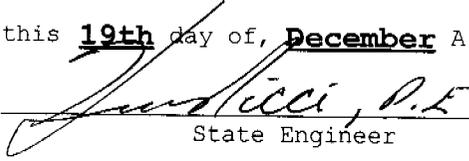
January 19, 2006

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, December A.D. 2000



State Engineer

Completion of work filed DEC 03 2003

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____