



3rd CORRECTED PERMIT

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant: COLVIN & SON, LLC
Source: UNDERGROUND
Basin: LITTLE FISH LAKE VALLEY
Manner of Use: IRRIGATION
Period of Use: April 15th to October 15th
Priority Date: 09/07/2004

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 existing rights. It is understood that the amount of water 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 beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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

Any application to change this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin, and may be restricted to the consumptive use (2.4 acre-feet per acre).

This permit is issued subject to State Engineers Ruling 5719 and Stipulated Agreement Case No. CV26374, Fifth Judicial District Court of the State of Nevada in and for the County of Nye, dated September 2008.

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 2.7 cubic feet per second or 451.0 (120 days) acre-feet seasonally and not to exceed 3.5 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:

March 3, 2010

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

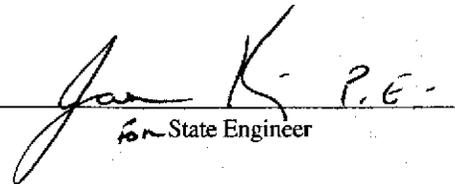
March 3, 2012

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

March 3, 2012

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 2nd day of April, A.D. 2009



for State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb



See 3rd Corrected Permit

Permit No. 71663

2ND CORRECTED PERMIT

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant: COLVIN & SON, LLC
Source: UNDERGROUND
Basin: LITTLE FISH LAKE VALLEY
Manner of Use: IRRIGATION
Period of Use: April 15th to October 15th
Priority Date: 09/07/2004

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 existing rights. It is understood that the amount of water 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 beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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

Any application to change this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin, and may be restricted to the consumptive use (2.4 acre-feet per acre).

This permit is issued subject to State Engineers Ruling 5719 and Stipulated Agreement Case No. CV26374, Fifth Judicial District Court of the State of Nevada in and for the County of Nye, dated September 2008.

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 2.7 cubic feet per second or 471.0 (120 days) acre-feet seasonally and not to exceed 3.5 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:

March 3, 2010

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

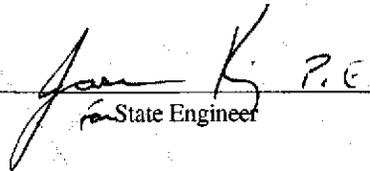
March 3, 2012

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

March 3, 2012

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 3rd day of March, A.D. 2009



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb



See 2nd corrected
CORRECTED PERMIT

Permit No. 71663

**THE STATE OF NEVADA
PERMIT TO APPROPRIATE WATER**

Name of applicant: COLVIN & SON, LLC
Source: UNDERGROUND
Basin: LITTLE FISH LAKE VALLEY
Manner of Use: IRRIGATION
Period of Use: January 1st to December 31st
Priority Date: 09/07/2004

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 existing rights. It is understood that the amount of water 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 beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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

Any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

This permit is issued subject to Ruling 5719.

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 2.7 cubic feet per second or 386.58 acre-feet seasonally and not to exceed 3.0 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:

April 26, 2008

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

April 26, 2010

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

April 26, 2010

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 22nd day of **February**, A.D. 2008

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

See Corrected Permit NO. 71663

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

Date of filing in State Engineer's Office SEP 07 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 15 2004 under 71662

The applicant **Colvin & Son, LLC** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **underground (Lower Fish Lake well)**
2. The amount of water applied for is **2.7 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 **320 acres**
 - (b) Stockwater, state number and kind 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 **SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T.9N., R.49E., M.D.M. from which the NE corner of Section 2, in said township bears N.55°35'E, 12,560 feet distant.**
6. Place of Use **T.9N., R.49E., M.D.M. Section 9: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 15: W $\frac{1}{2}$ NW $\frac{1}{4}$**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **drilled well, casing, line shaft turbine pump, with motor, and distribution lines to existing and new ditch system.**
9. Estimated cost of works **\$40,000.00**
10. Estimated time required to construct works **three year.**
11. Estimated time required to complete the application of water to beneficial use **six years.**
12. Remarks: **A portion of the proposed place of use is the subject of claim #02859.**

By **s/William A. Nisbet Agent**
421 Court Street
Elko, NV 89801

Compared sc/sg lt/akt

Protested 12/14/04 by: Jeff Kerbel; 12/27/04 by: David L. Murphey
Pro. Overruled 2/16/2007 See Ruling #5719

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 existing rights. It is understood that the amount of water 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 beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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

Any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

This permit is issued subject to Ruling 5719.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.70 cubic feet per second, but not to exceed 515.44 acre-feet seasonally, and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

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

April 26 , 2008

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

April 26 , 2010

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

April 26 , 2010

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 26 day of April A.D. 2007

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office SEP 07 2004

Return to applicant for correction _____

Corrected application field _____ Map filed SEP 15 2004 under 71662

The applicant Colvin & Son, LLC

37650 Ritter Road of Ritter
Street and No. or P. O. Box No. City and Town

OR 97856, hereby make s application for permission to
State and Zip Code No.

appropriate the public waters of the state of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) _____

Is applicant a U.S. Citizen: Yes No

Is applicant 21 years of age or older: Yes No

1. The source of the proposed appropriation is underground (Lower Fish Lake well)
Name of stream, lake, underground, spring or other source

2. The amount of water applied for is 2.7 c.f.s second feet.
One second foot equals 448.83 gallons per minute

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

3. The water to be used for Irrigation
Irrigation, power, mining, comercial, etc. If for stock state number and kind of animals. Must limit to one major use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated 128.86
320 acres

(b) Stockwater, state number and kind of animals _____

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

(d) Power:

(1) Horse power developed _____

(2) Point of return of water to stream _____

*Per 6/22
 LTR
 WAR*

ISO-NY

5. The water is to be diverted from its source at the following points SW 1/4 NW 1/4 Sec. 10, T.9N., R.49E., M.D.M.
Describe as being within a 40-acre subdivision of
from which the NE corner of Section 2, in said township bears N.55°35'E, 12,560 feet distant.
public survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

Per 6/22
LHR
WHR

6. Place of use T.9N., R.49E., M.D.M.
Amend Item 6 by adding the following to the end of the described place of use: ^{ited.}
S ...excepting therefrom approximately 118.14 acres irrigated under the
S vested claim bearing serial number V02859 as depicted on page 6 of 6
S upon the maps filed in association with V02859, and also excepting
therefrom approximately an additional 73 acres that are typically inundated
by Little Fish Lake." (see also Exhibit C hereby attached and incorporated
by reference).

7. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

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.) drilled well, casing, line shaft turbine pump,
State manner in which water is to be diverted, i.e. diversion structure,
with motor, and distribution lines to existing and new ditch system.

9. Estimated cost of works \$40,000.00

10. Estimated time required to construct works three year.
If well completed, describe works.

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

12. Remarks: for use other than irrigation or stock watering, state number of type of units to be served or
annual consumptive use: A portion of the proposed place of use is the subject of claim #02859.
Please send copies of notices and correspondence to the undersigned.

TELEPHONE NUMBER
(775) 738-2121

By William A. Fishel Agent
Signature, applicant or agent
421 Court Street
Street and No., or P.O. Box No.

Elko, NV 89801
City, State, Zip Code No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

RECEIVED
10:31 AM 7-15-80

\$250 FILING FEE MUST ACCOMPANY APPLICATION