

NO. 71784

**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**

Date of filing in State Engineer's Office OCT 19 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed OCT 17 2002 under 60059

The applicant **Happy Creek, Inc.** hereby makes application for permission to change the **point of diversion** of water heretofore appropriated under **Permit 60062**

1. The source of water is **underground**
2. The amount of water to be changed **1.0 CFS**
3. The water to be used for **irrigation**
4. The water heretofore permitted for **irrigation**
5. The water is to be diverted at the following point **within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T.41N., R.32E., M.D.B.&M., or at a point from which the SE corner of said Section 2 bears S 41° 48' 56" E a distance of 1930.37 feet**
6. The existing permitted point of diversion is located within **the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T.41N., R.32E., M.D.B.&M., or at a point from which the SE corner of said Section 2 bears S 44° 14' E, a distance of 1934.00 feet.**
7. Proposed place of use **unchanged**
8. Existing place of use **See Attachment**
9. Use will be from **January 1st to December 31st** of each year.
10. Use was permitted from **January 1st to December 31st** of each year.
11. Description of proposed works **drilled well, pump motor, and irrigation system**
12. Estimated cost of works **\$50,000±**
13. Estimated time required to construct works **Complete: see well log filed under Permit 60062**
14. Estimated time required to complete the application of water to beneficial use **1 year**

15. Remarks: This application is being filed to correct the Point of Diversion; see Proof of Beneficial Use Map filed for Permits 60059 thru 60065 for the proposed point of diversion. See map filed to support Permit 60062 for the existing point of diversion and place of use.

By John H. Milton III
 s/ John H. Milton III
 146 West Second Street
 Winnemucca, NV 89445

Compared aem/gkl lt/ sam

Protested _____

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 of the waters of an underground source as heretofore granted under Permit 60062 is issued subject to the terms and conditions imposed in said Permit 60062 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening 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 total combined duty of water under Permit 60059, Certificate 16214; Permit 60060, Certificate 16215; Permit 60061, Certificate 16216; Permit 60063, Certificate 16217; Permit 60064, Certificate 16218; Permit 60065, Certificate 16219; Permit 60066, Certificate 16220; and Permit 71784 shall not exceed 3063.60 acre-feet per year for the irrigation of 765.90 acres.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, or 476.0 acre-feet per year, and not to exceed an annual 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 be completed on or before:

August 15, 2007

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

September 15, 2007

Water must be placed to beneficial use on or before:

August 15, 2008

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

September 15, 2008

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

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,
State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 15th day of August, A.D. 2006

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____

Attachment for Question 8

S1/2S1/2 of Section 25; W1/2 of Section 36; SE1/4NE1/4 & E1/2SE1/4 of Section 35 in T.42N., R.32E., M.D.B.&M. And NW1/4 & NW1/4SW1/4 of Section 1; E1/2E1/2 & SW1/4SE1/4 of Section 2 in T.41N., R.32E., M.D.B.&M. *765.90 acres