TEMPORARY NO. 74613-T

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 AUG 10 2006

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 **Place of use of a portion** of water heretofore appropriated under **Permit 60059 Cert. 16214**

****

1. The source of water is **Underground**

2. The amount of water to be changed **.5318 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 NE¼ SE¼ 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°25'08" E, a distance of 1845.76 feet.**

6. The existing permitted point of diversion is located within **Unchanged**

7. Proposed place of use **215.50 ac. within the SW¼ Section 2 & SE¼ Section 3, T.41N., R.32E., M.D.B &M.**

8. Existing place of use **See Attachment 215.50 acres to be removed as follows: 21.8 ac. NW¼ NW¼, 21.8 ac. NE¼ NW¼, 36.5 ac. SE¼ NW¼, 39.5 ac. SW¼ NW¼, 33.3 ac. NW¼ SW¼, 39.7 ac. NE¼ SW¼ and 22.9 ac. SE¼ SW¼ Section 36, T.42N., R.32E., M.D.B.&M. All lands to be stripped lie north of main ranch road as depicted on PBU Map filed under 60059.**

9. Use will be from **January 1** to **December 31** of each year.

10. Use was permitted from **January 1** to **December 31** of each year.

11. Description of proposed works. **drilled well, buried pipeline & 2 circular sprinklers**

12. Estimated cost of works in excess of **$40,000**

13. Estimated time required to construct works **Complete – see well log filed under Permit 60059**

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

15. Remarks: **See PBU for Permit 60059 for the existing place of use. See map in 74506-T Assessors parcel map for proposed place of use**

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

compared ns/dl lt/ gkl

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 temporary permit to change the place of use of a portion of the waters of an underground source as heretofore granted under Permit 60059, Certificate 16214, is issued subject to the terms and conditions imposed in said Permit 60059, Certificate 16214, 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 temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this temporary 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; Permit 71784, and Temporary Permits 74506T, 74613T, 74614T, 74615T, 74616T, 74617T and 74618T shall not exceed 3063.60 acre-feet per year for the irrigation of 765.90 acres.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **September 6, 2007** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(Continued on Page 3)

74613T

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.5318** cubic feet per second, **or 165.41 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:

N/A TEMPORARY

Proof of completion of work shall be filed before:

N/A TEMPORARY

Water must be placed to beneficial use on or before:

N/A TEMPORARY

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

N/A TEMPORARY

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

N/A TEMPORARY

IN TESTIMONY WHEREOF, I, Tracy Taylor, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this

7th day of **September,** A.D. **2006**

Tracy Taylor, P.E.
State Engineer

74613T

Question "8" Attachment

	SUBDIVISION				TWP	RGE
ACRES	1/4	1/4	LOT	SEC	(N)	(E)
39.1	(NE)	(NW)	3	1	41	32
36.8	(NW)	(NW)	4	1	41	32
39.2	SW	NW		1	41	32
39.6	SE	NW		1	41	32
39.8	NW	SW		1	41	32
37.8	(NE)	(NE)	1	2	41	32
39.2	SE	NE		2	41	32
38.4	NE	SE		2	41	32
39.5	SW	SE		2	41	32
39.8	SE	SE		2	41	32
	SE	SW		25	42	32
39.5	SE	NE		35	42	32
37.0	NE	SE		35	42	32
39.2	SE	SE		35	42	32
21.8	NW	NW		36	42	32
21.8	NE	NW		36	42	32
39.5	SW	NW		36	42	32
36.5	SE	NW		36	42	32
33.3	NW	SW		36	42	32
39.7	NE	SW		36	42	32
29.2	SW	SW		36	42	32
39.2	SE	SW		36	42	32

765.9	<--TOTAL ACRES