

THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: HAPPY CREEK, INC.
Source: UNDERGROUND
Basin: PINE FOREST VALLEY
Manner of Use: IRRIGATION
Period of Use: January 1st to December 31st
Priority Date: 03/03/1969

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 place of use of the waters of an underground source as heretofore granted under Permit 60060, Certificate 16215, is issued subject to the terms and conditions imposed in said Permit 60060, Certificate 16215 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 total combined duty of water under Permits 76237, 76238, 76239, 76240, 76241, 76242, 76243, and 76244 shall not exceed 3,063.60 acre-feet annually for the irrigation of 765.90 acres within the described place of use.

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

(Continued on Page 2)

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 4.0 cubic feet per second or 913.60 acre-feet annually and not to exceed an annual duty of 4.0 acre-feet per acre of land irrigated 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 29, 2010

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

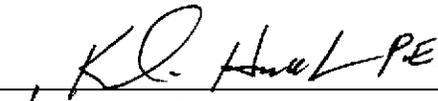
April 29, 2012

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

April 29, 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 29th 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

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

THIS SPACE FOR OFFICE USE ONLY
Date of filing in State Engineer's Office... SEP 07 2007
Returned to applicant for correction... SEP 14 2007
Corrected application filed... Map filed... SEP 24 2007 under 76237

The applicant Happy Creek, Inc.

5716 S. Bemis St. of Littleton
Street and No. Or P.O. Box No. City or Town

Colorado 80120, hereby make application for permission to change the
State and Zip Code No.

Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under Permit 60060 Cert. 16215
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of

Decree
and identify right in Decree

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 4.0 CFS
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

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

4. The water heretofore used for Irrigation
If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the NE 1/4 SE 1/4 Section 35, T.42N., R.32E., M.D.B.&M. or at a point from which the SE corner of said Section 35
Describe as being within a 40-acre subdivision of public survey and by course

bears S 39°27'33" E, a distance of 2073.15 feet.

6. The existing point of diversion is located within Unchanged
If point of diversion is not changed, do not answer.

29-HL

7. Proposed place of use. ^{NW 1/4} Portions of the SE 1/4 NE 1/4 & E 1/4 SE 1/4 Section 35; and portions of the S 1/4 NE 1/4 & SW 1/4 of Section 36, all in T.42N., R.32E., M.D.B.&M.; portions of the NW 1/4 & ^{NW} SW 1/4 of Section 1; portions of the E 1/4 E 1/4, SW 1/4 SE 1/4 & SW 1/4 of Section 2 & a portion of the SE 1/4 of Section 3, all in T.41N., R.32E., M.D.B.&M. 765.9 acres

REL

MLE
9/28/07

8. Existing place of use. See Attachment
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner
of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drilled well, buried pipeline & 2 circular sprinklers
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works. In excess of \$40,000

13. Estimated time required to construct works. Complete - see well log filed under Permit 60060
If well completed, describe well.

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

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

Permittee wishes change the place of use of Permits 60059, 60060, 60061, 60063, 60064, 60065, 60066 & 71784, installing 5 circular sprinklers and using a portion of the current irrigation system, 3 of the circular sprinklers have not been installed, so an exact place of use cannot be determined.

(775) 623-4414
Phone No.

Desert Mountain Surveying
John H. Milton III, Agent
By: *J.H. Milton III*
Print or type name clearly
146 West Second Street
Signature, applicant or agent
Winnemucca, NV 89445
Street and No., or P.O. Box No
City, State, Zip Code

STATE ENGINEER OF NEVADA
7700 W. WILSON BLVD
SPRINGFIELD, NV 89517

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

\$150 FILING FEE MUST ACCOMPANY APPLICATION

Question "8" Attachment

ACRES	SUBDIVISION			SEC	TWP	RGE
	1/4	1/4	LOT		(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
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	--
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