



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: **HAPPY CREEK & TRIBUTARIES**
Basin: **PINE FOREST VALLEY**
Manner of Use: **IRRIGATION**
Period of Use: **January 1st to December 31st**
Priority Date: **03/20/1991**

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 Happy Creek and Tributaries as heretofore granted under Permit 56008 is issued subject to the terms and conditions imposed in said Permit 56008, and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change 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.

This permit is issued for the irrigation of 962.85 acres within the described place of use. Much of the proposed place of use has existing Happy Creek water rights and underground rights. In order to perfect this right for additional land within the proposed place of use, it must be clearly demonstrated to the satisfaction of the State Engineer that it is the sole source of water applied to the new land.

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 11.5 cubic feet per second or 3851.4 acre-feet annually but 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:

February 10, 2011

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

February 10, 2013

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

February 10, 2013

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of **February**, A.D. **2010**

K.L. Hand P.E.
for State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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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 OCT 14 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed OCT 14 2008

The applicant Happy Creek, Inc.

5716 South Bemis Street of Littleton

Street Address or P.O. Box City or Town

Colorado, 80120, hereby make(s) application for permission to change the

State and Zip Code

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

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
Application 56008

1. The source of water is Happy creek and Tributaries
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 11.5 cfs (see remarks)
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 (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
within the SW1/4SW1/4 of Section 22, T.41N., R.32E., M.D.B.&M., or at a point from which the SW corner of Section 33, T.41N., R.32E., M.D.B.&M., bears S29 21'50"W 12736.84 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
the SW1/4 SE1/4 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 N89 53'E 1945.20 feet.

29-44

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

S1/2S1/2 of Section 25, SE1/4NE1/4 & E1/2SE1/4 of Section 35, and the W1/2 of Section 36 all in T.42N., R.32E., M.D.B.&M.; NW1/4, NW1/4SW1/4 of Section 1, E1/2E1/2 & SW1/4SE1/4 of Section 2, T.41N., R.32E., M.D.B.&M. 962.85 acres

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

Unchanged

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

10. Existing use permitted from January 1st to December 31st 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.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)
Water is be delivered by a buried pipeline to the Place of Use.

12. Estimated cost of works in excess of \$100,000.00

13. Estimated time required to construct works 2 Years
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

Applicant intends to use all the surplus water of Happy Creek over and above the Adjudicated rights. They will utilize the existing water distribution system.

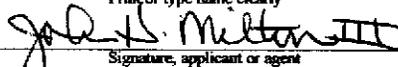
16. Miscellaneous remarks:

This application is being filed to correct the point of diversion of Application 56008. Also the original Application had a typographical error on question 2, that amount should read 11.5 cfs.

775-623-4414
Phone No.

dms@winnemucca.net
E-mail

By John H. Milton III (agent)
Print or type name clearly


Signature, applicant or agent

Desert Mountain Surveying
Company Name

146 West Second Street
Street Address or P.O. Box

Winnemucca, Nevada 89445
City, State, Zip Code

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION