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:	**HIGH TEST HAY, LLC**
Source:	**UNDERGROUND**
Basin:	**STONE CABIN VALLEY**
Manner of Use:	**IRRIGATION**
Period of Use:	**January 1st to December 31st**
Priority Date:	**01/25/1979**

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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, manner and place of use of a portion of the waters of an underground source as heretofore granted under Permit 65213 is issued subject to the terms and conditions imposed in said 65213 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 water under Permits 77989, 77994, 77996, 77997, 77998, 77999 and 78001 is commingled and the total combined duty shall not exceed 3,415.6 acre-feet annually for the irrigation of a maximum of 853.90 acres within the 960 acre described place of use.

The total combined duty of water under Permits 77989, 77994, 77995, 77996, 77997, 77998, 77999, 78000, 78001 and 78002 shall not exceed 3,520 acre-feet annually for the irrigation of a maximum of 880 total acres.

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

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 2.23 cubic feet per second or 768.0 acre-feet annually, and not to exceed a yearly 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:	**September 1, 2011**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**September 1, 2013**
Map in support of proof of beneficial use shall be filed on or before:	**September 1, 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 1st day of **September**, A.D. **2009**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Application No. 77999

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 FEB 10 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed FEB 09 2009 under 77989

The applicant High Test Hay, LLC

HC76 Box 36006 (Street Address or P.O. Box) of Tonopah (City or Town)

Nevada, 89049 (State and Zip Code), hereby make(s) application for permission to change the

☒ 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.)
Permit 65213

1. The source of water is Underground (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed 768 acre-ft; 2.23 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 AND DOMESTIC (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 SE 1/4 SE 1/4 OF SECTION 8, T. 3 N., R. 48 E., M.D.B.&M. OR AT A POINT FROM WHICH THE W 1/4 CORNER OF SECTION 9, T. 3 N., R. 48 E., M.D.B.&M. BEARS N. 33° 53' 16.8" E., A DISTANCE OF 2,278.8 FEET.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   WITHIN THE NE 1/4 SW 1/4 OF SECTION 16, T. 3 N., R. 48 E., M.D.B.&M., OR AT A POINT FROM WHICH THE W 1/4 CORNER OF SECTION 16, T. 3 N., R. 48 E., M.D.B.&M. BEARS N. 85° 40' 0.0" W., A DISTANCE OF 2,601.8 FEET.

77999

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

See Attachment 1

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.)

E 1/2 OF SE 1/4 SECTION 8; S 1/2 NW 1/4, SW 1/4 AND W 1/2 OF THE SE 1/4 OF SECTION 9; NW 1/4, W 1/2 NE 1/4, W 1/2 SE 1/4, E 1/2 OF SW 1/4 OF SECTION 16; E 1/2 OF NE 1/4 OF SECTION 17,ALL IN T. 3 N., R. 48 E., M.D.B.&M.

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

10. Existing use permitted from January 1st (Month and Day) to December 31st (Month and Day) of each year.

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.)
Proposed drilled well, electrical/generator, center pivot irrigation system, motor, and communal pipelines.

12. Estimated cost of works $20,000.00

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.)

16. Miscellaneous remarks:
See Attachment 2
ALSO, PLACE OF USE AND PROPOSED POINT OF DIVERSION MAPS ~~FILLED~~ filed UNDER CHANGE APPLICATION NUMBER 77989

775-841-2266
Phone No.

michael@stankaconsulting.com
E-mail

By Michael Stanka, P.E. [AGENT]
Print or type name clearly

Signature, applicant or agent

Stanka Consulting, Ltd
Company Name

108 N. Minnesota Street
Street Address or P.O. Box

Carson City, NV 89703
City, State, Zip Code

2009 FEB 10 PM 4:39

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

ATTACHMENT 1:

Proposed Place of Use

SECTION	SUBDIVSION	TOWNSHIP	RANGE	ACRES
8	NE 1/4 SE 1/4	3 NORTH	48 EAST	40
8	SE 1/4 SE 1/4	3 NORTH	48 EAST	40
9	NW 1/4 SW 1/4	3 NORTH	48 EAST	40
9	NE 1/4 SW 1/4	3 NORTH	48 EAST	40
9	NW 1/4 SE 1/4	3 NORTH	48 EAST	40
9	SW 1/4 SW 1/4	3 NORTH	48 EAST	40
9	SE 1/4 SW 1/4	3 NORTH	48 EAST	40
9	SW 1/4 SE 1/4	3 NORTH	48 EAST	40
16	NW 1/4 NW 1/4	3 NORTH	48 EAST	40
16	NE 1/4 NW 1/4	3 NORTH	48 EAST	40
16	NW 1/4 NE 1/4	3 NORTH	48 EAST	40
16	SW 1/4 NW 1/4	3 NORTH	48 EAST	40
16	SE 1/4 NW 1/4	3 NORTH	48 EAST	40
16	SW 1/4 NE 1/4	3 NORTH	48 EAST	40
16	NE 1/4 SW 1/4	3 NORTH	48 EAST	40
16	NW 1/4 SE 1/4	3 NORTH	48 EAST	40
16	SE 1/4 SW 1/4	3 NORTH	48 EAST	40
16	SW 1/4 SE 1/4	3 NORTH	48 EAST	40
17	NE 1/4 NE 1/4	3 NORTH	48 EAST	40
17	SE 1/4 NE 1/4	3 NORTH	48 EAST	40
20	NE 1/4 NE 1/4	3 NORTH	48 EAST	40
21	NW 1/4 NW 1/4	3 NORTH	48 EAST	40
21	SW 1/4 NW 1/4	3 NORTH	48 EAST	40
21	NE 1/4 NW 1/4	3 NORTH	48 EAST	40
			TOTAL	960

Attachment 2: Miscellaneous Remarks

Change Applications to Existing Permit Numbers 22621, 22622, 65213, 65214, 65215, 69334, 69335, 69336, and 69434 are currently being filed with the State of Nevada Division of Water Resources. The duties of each individual permit, including acre-ft and cfs, are shown below:

Application Number	Acre-ft	cfs
22621	260	4.11
22622	240	2.52
65213	768	2.23
65214	768	4.32
65215	1024	4.32
69334	256	1.08
69335	192	1.08
69336	256	1.08
69434	256	2.09
	4020	

The Permit Terms of Permit numbers 65213, 65214, 65215, 69334, 69335, 69336, and 69434 state "The total combined duty of water under Permits 22621, Certificate 7061; 22622, Certificate 7062; 65213, 65214, 65215, 69334, 69335, 69336 and 69434 shall not exceed 3,520 acre-feet annually for the irrigation of 880 acres." This statement is quoted from Application Number 69434, since it is the most recent Change Application. Based on the review of available documents the total combined duty, based on the original rights, is 4020 acre-ft, as outlined above.

Change Application numbers 65213, 65214, and 65215 moved 3,520 acre-ft of water to the 880 acre Proposed Place of Use stated in their respective Change Applications. Within portions of this 880 acre Proposed Place of Use there was an existing 500 acre-ft of rights, outlined in application numbers 22621 and 22622. Under these conditions, the proposed place of use being limited to 880 acres, it reduced the total amount of rights held by the applicant. We are requesting the reinstatement of the water reduced to the total amount of rights held by the applicant prior to issuance of permits number 65213, 65214, 65215, 69334, 69335, 69336, and 69434.

Therefore, one of the purposes of these applications is to regain the rights outlined above, and it is requested that the combined duty, in the terms of any future permits, be corrected to 4,020 acre-ft. In addition to the 960 acres shown in Attachment 1, an additional 320 acres is included in the Proposed Place of Use of other Change Applications in this submittal for a total of 1280 acres.

Also, the water associated with the Proposed Place of Use, as shown in Attachment 1, has a communal piping system so the water is comingled between applications within this place of use described. It is requested this statement be included with any associated Permits.