Permit No. 78509

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:	**AS DECREED**
Priority Date:	**05/15/2009**

****

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 and place of use of the waters of Happy Creek and Tributaries, as heretofore appropriated under Case Number 1596 (Pacific Live Stock Company v. Ellison Ranching Company, et al.) in the Second Judicial District Court of the State of Nevada, in and for the County of Humboldt is issued subject to the terms, conditions and irrigation period imposed in said decree 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.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

Permit No. 78509

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 1.29 cubic feet per second for irrigation of 90 acres as decreed.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **January 22, 2011**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **January 22, 2011**
Map in support of proof of beneficial use shall be filed on or before: **January 22, 2011**

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 22nd day of **January**, A.D. **2010**

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

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

AMENDED

Application No. 78509

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 MAY 1 5 2009

Returned to applicant for correction MAY 2 7 2009

Corrected application filed JUN 0 5 2009 Map filed JUN 0 5 2009

The applicant Happy Creek, Inc.

5716 South Bemis Street (Street Address or P.O. Box) of Littleton (City or Town)

Colorado, 80120 (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.)
Quinn River Decree No.1596

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 1.29 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 (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.)
various points of diversion within Sections 4,5 &9 of T.40N.,R.32E. M.D.B.&M. See map that supports the original claim. (exhibit 6400)

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

Portions of the SE1/4 of Section 2, T.41N.,R.32E., M.D.B.&M. 90.0 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.)

Portions of the E1/2NW1/4 and S1/2SW1/4 of Section 33, T.41N.,R.32E. M.D.B.&M. and portions of Lot 1 of Section 5, Lots 3&4 and NW1/4SW1/4 of Section 4 and the NE1/4NW1/4 of Section 9, all in T.40N.,R.32E., M.D.B.&M., 90.0 Acres.

9. Proposed use will be from as decreed (Month and Day) to _____ (Month and Day) of each year.

10. Existing use permitted from as decreed (Month and Day) to _____ (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.)

Water is to be delivered by an existing 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.)

The applicant wishes to move the Upper Happy Creek Ranch water via the existing buried pipeline to irrigate a portion of the lower ranch.

16. Miscellaneous remarks:

The proposed place of use will only be irrigated by surface water, none of the existing underground rights will be used on the place of use. This application changes the entire amount of the A.L. DeLong, W.M. DeLong, & Elizabeth Floyd portion of the Quinn River Decree Case #1596

775-623-4414
Phone No.

dms@winnemucca.net
E-mail

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

John H. Milton III
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

2009 JUN -5 PM 2:05
STATE ENGINEER'S OFFICE

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION