AMENDED

NO. 63840

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 FEB 13 1998

Returned to applicant for correction MAR 10 1998

Corrected application filed MAY 06 1998

Map filed MAY 06 1998 under 63837

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The applicant Red Creek Ranch, Inc., A Colorado Corporation hereby makes application for permission to change the Point of Diversion, Manner and Place of Use of water heretofore appropriated under Permit 7636, Certificate 2638

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1. The source of water is Underground

2. The amount of water to be changed 0.7836 c.f.s., not to exceed 380.00 acre-feet

3. The water to be used for Irrigation and Domestic

4. The water heretofore permitted for Irrigation and Domestic

5. The water is to be diverted at the following point NE¼NW¼ Section 28, T.12N., R.23E., M.D.B.&M., or at a point from which the SW corner of said Section 28 bears S.19° 45' 00" W., a distance of 4,475.0 feet.

6. The existing permitted point of diversion is located within See Exhibit "A" attached

7. Proposed place of use See Exhibit "A", attached

8. Existing place of use 21.28 acres SE¼SE¼ Section 27, T.13N., R.23E., M.D.B.&M., 38.03 acres NE¼NE¼ & 19.05 acres SE¼NE¼, both in Section 34, T.13N., R.23E., M.D.B.&M.

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

10. Use was permitted from March 1st to November 1st of each year.

11. Description of proposed works A drilled and cased well equipped with a pump, motor and distribution system.

12. Estimated cost of works $60,000

13. Estimated time required to construct works Two (2) years

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

15. Remarks: See Exhibit "B" attached

By Gregory M. Bilyeu - Agent
s/ Gregory M. Bilyeu
P.O. Box 70458
Reno, Nevada 89570-0458

Compared gkl/cms

Protested SEE FILE

WITHDRAWN BY APPLICANT agent JAN 06 1999

[signature] P.E. STATE ENGINEER

63840

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_____ 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:

EXHIBIT "A"

Question 6 - Existing Point(s) of Diversion:

In the SE ¼ SE ¼ of Section 27, T.13N., R.23E., M.D.B. & M., or at points that bear N. 45° 35' W.; N. 39° W.; N. 26° 37' W.; & N. 13° 18' W., 1810'; 1562'; 1305' & 1210' respectively from the SE Corner of said Section 27.

Question 7 - Proposed Place of Use:

581.87 acres within the following subdivisions.

E ½, Section 21, T.12N., R.23E., M.D.B. & M.
SE ¼ SW ¼, Section 21, T.12N., R.23E., M.D.B. & M.
N ½ SW ¼ SW ¼, Section 21, T.12N., R.23E., M.D.B. & M.

SW ¼ SW ¼, Section 22, T.12N., R.23E., M.D.B. & M.

E ½ NW ¼, Section 28, T.12N., R.23E., M.D.B. & M.
N ½ NE ¼, Section 28, T.12 N., R.23E., M.D.B. & M.
Portion of the NE ¼ SW ¼, Section 28, T.12N., R.23E., M.D.B. & M.
Portion of the SE ¼ SW ¼, Section 28, T.12N., R.23E., M.D.B. & M.

The above described place of use is +/- 620 acres. The place of use is limited to 581.57 acres within said place of use.

EXHIBIT "B"

This application is being filed along with ten other applications to change the point of diversion and place of use of all or portions of Permits 6400, 6401, 6415, 7636, 7899, 11025, 37028, 37029, 37031 & 37032 (underground water rights) in Smith Valley, Nevada by Red Creek Ranch, Inc., a Colorado Corporation.

Said rights were previously owned by Trinox Company but were conveyed to Pruett Ranches, Inc. Documentation updating the chain of title to the applicant has been submitted to the State Engineer's office.

The water rights being transferred by these applications are not intended to be supplemental to any surface water rights from the West Walker River which may be appurtenant to the proposed place of use.

The total combined duty of Applications 63837 through 63847, filed to change all or portions of Permits 6400, 6401, 6415, 7636, 7899, 11025, 37028, 37029, 37031 & 37032, shall not exceed 2,326.28 acre-feet annually.