THIRD AMENDED **No. 66526**

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 **JUN 29 2000**

Returned to applicant for correction **AUG 02 2000**

Corrected application filed **MAY 08 2001**

Map filed **MAY 08 2001**

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The applicant **Falcon Capital, LLC, a Wyoming Limited Liability Company**, hereby makes application for permission to change the **Point of Diversion, Manner, and Place of Use of a Portion** of water heretofore appropriated under **Second Amended Proof 02441 of the Ophir Creek Decree issued by the Second Judicial District Court of the State of Nevada in and for the County of Washoe on February 13, 1984**

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1. The source of water is **Ophir Creek and Tributaries**

2. The amount of water to be changed **21.93 cfs, 3813.97 Acre-feet**

3. The water to be used for **Instream Flow**

4. The water heretofore permitted for **As Decreed**

5. The water is to be diverted at the following point **NE¼ SW¼ Section 34, T.17N., R.19E., M.D.B.&M., or at a point from which the S¼ corner of said Section 34 bears S 6° 55' E., a distance of 2070 feet. (diversion point #2 as listed on second amended Proof 02441.)**

6. The existing permitted point of diversion is located within **See Attachment "A"**

7. Proposed place of use **See Attachment "B"**

8. Existing place of use **See Attachment "C"**

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

10. Use was permitted from **As Decreed**

11. Description of proposed works **Existing diversion works from Ophir Creek, then by existing stream channel, existing and proposed ditches to the Place of Use**

12. Estimated cost of works **Dependent on Permit terms.**

13. Estimated time required to construct works **Dependent on Permit terms.**

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

15. Remarks: **This water will be diverted within the existing Ophir Creek to provide instream flows within the proposed Place of Use. Upon passing the Vista Gauge the water will be considered return flow and become available for downstream water right users. Total combined duty of Application 66526 through 66529 is not to exceed 4710.10 Acre-feet Annually.**

By **Gregory M. Bilyeu**
s/Gregory M. Bilyeu
500 Damonte Ranch Parkway, Suite 1056
Reno, NV 89511

AGENT AUG 13 2002

STATE ENGINEER

Compared **my/**

Protested 6/12/01 by Roger and Karen Gash; 6/13/01 by Wayne Barlow; 7/6/01 by West Washoe Association, Inc.; 7/13/01 by Churchill County and Washoe County;

66526

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ATTACHMENT "A"
Proof 02441
EXISTING POINTS OF DIVERSION

1. SE ¼ SE ¼, Section 34, T.17N., R.19E., M.D.B. & M., or at a point from which the S ¼ Corner of said Section 34 bears S. 56° 07' W, a distance of 1,786 feet.

2. NE ¼ SW ¼, Section 34, T.17N., R.19E., M.D.B. & M., or at a point from which the S ¼ Corner of said Section 34 bears S. 6° 55' E., a distance of 2,070 feet.

3. SW ¼ SW ¼, Section 35, T.17N., R.19E., M.D.B. & M., or at a point from which the SW Corner of said Section 35 bears S. 15° 50' W., a distance of 665 feet.

4. SW ¼ SW ¼, Section 35, T.17N., R.19E., M.D.B. & M., or at a point from which the SW Corner of said Section 35 bears S. 31° 48' W., a distance of 670 feet.

Note these are the points of diversion as listed on 2nd Amended Proof 02441 and further described in the Ophir Creek Decree

ATTACHMENT "B"
PROPOSED PLACE OF USE

SECTION	SUBDIVISION	TOWNSHIP	RANGE
21	NW SE	T.18N.	R.20E.
21	SW SE	T.18N.	R.20E.
28	NE NW	T.18N.	R.20E.
28	NW NE	T.18N.	R.20E.
28	SW NE	T.18N.	R.20E.
28	NW SE	T.18N.	R.20E.
28	SW SE	T.18N.	R.20E.
33	NW NE	T.18N.	R.20E.
33	SW NE	T.18N.	R.20E.
33	NW SE	T.18N.	R.20E.
33	SW SE	T.18N.	R.20E.
33	SE SW	T.18N.	R.20E.
11	SW SE	T.19N.	R.20E.
11	SE SE	T.19N.	R.20E.
12	SW SW	T.19N.	R.20E.
12	SE SW	T.19N.	R.20E.
13	NW NW	T.19N.	R.20E.
13	NE NW	T.19N.	R.20E.
13	NW NE	T.19N.	R.20E.
14	NW SW	T.19N.	R.20E.
14	SW SW	T.19N.	R.20E.
14	SW NW	T.19N.	R.20E.
14	NE NW	T.19N.	R.20E.
14	SE NW	T.19N.	R.20E.
14	NW NE	T.19N.	R.20E.
14	NE NE	T.19N.	R.20E.
15	SE SE	T.19N.	R.20E.
22	NE SW	T.19N.	R.20E.
22	SW SW	T.19N.	R.20E.
22	SE SW	T.19N.	R.20E.
22	NW SE	T.19N.	R.20E.
22	SE NW	T.19N.	R.20E.
22	SW NE	T.19N.	R.20E.
22	NW NE	T.19N.	R.20E.
22	NE NE	T.19N.	R.20E.
23	NW NW	T.19N.	R.20E.
27	NW NW	T.19N.	R.20E.
28	SE SE	T.19N.	R.20E.
28	NE SE	T.19N.	R.20E.
28	SE NE	T.19N.	R.20E.
28	NE NE	T.19N.	R.20E.
33	NE NE	T.19N.	R.20E.
34	SE SW	T.19N.	R.20E.
34	NW SW	T.19N.	R.20E.
34	SW SW	T.19N.	R.20E.
34	SW NW	T.19N.	R.20E.
34	NW NW	T.19N.	R.20E.