THIRD AMENDED

NO. 66528

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 under 66526**

****

The applicant **Falcon Capital, LLC, a Wyoming Limited Liability Company** hereby makes application for permission to change the **Manner and Place of Use of a Portion** of water heretofore appropriated under **Amended Proof 02756 of the Winters Creek Decree issued by the Second Judicial District Court of the State of Nevada in and for the County of Washoe on November 22, 1978.**

****

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

2. The amount of water to be changed **10.35 cfs, 1637.72 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 **SE¼ NE¼ Section 27, T.17N., R.19E., M.D.B.&M., or at a point from which the N¼ corner of Section 26, T.17N., R.19E., M.D.B.&M., bears N. 63° 31' E., a distance of 3246 feet.**

6. The existing permitted point of diversion is located within **Unchanged**

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

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

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 Winters 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 of Permit terms.**

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

66528

15. Remarks: **This water will be diverted within the existing Winters 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

Compared **gkl**/CAM

Protested 7/6/01 by West Washoe Association, Inc.; 7/13/01 by Churchill County and Washoe County;

****

WITHDRAWN BY ~~APPLICANT~~ AGENT AUG 1 3 2002

[signature], P.E. STATE ENGINEER

ATTACHMENT "A"
PROPOSED PLACE OF USE

SECTION	SUBDIVISION	TOWNSHIP	RANGE
	WASHOE LAKE		
	LITTLE WASHOE LAKE		
13	SE NE	T.17N.	R.19E.
13	NE SE	T.17N.	R.19E.
13	NW SE	T.17N.	R.19E.
13	SE SW	T.17N.	R.19E.
13	NE SW	T.17N.	R.19E.
24	NW NW	T.17N.	R.19E.
24	NE NW	T.17N.	R.19E.
4	NE NW	T.17N.	R.20E.
4	SE NW	T.17N.	R.20E.
4	SW NW	T.17N.	R.20E.
4	NW SW	T.17N.	R.20E.
5	NE SE	T.17N.	R.20E.
5	SE SE	T.17N.	R.20E.
5	SW SE	T.17N.	R.20E.
7	NE SE	T.17N.	R.20E.
7	SE SE	T.17N.	R.20E.
7	SW SE	T.17N.	R.20E.
8	NW NE	T.17N.	R.20E.
8	NW NW	T.17N.	R.20E.
8	SW NW	T.17N.	R.20E.
8	NE NW	T.17N.	R.20E.
8	NW SW	T.17N.	R.20E.
18	NE NW	T.17N.	R.20E.
18	SW NW	T.17N.	R.20E.
18	NW NW	T.17N.	R.20E.
18	NW NE	T.17N.	R.20E.
3	NW NW	T.18N.	R.20E.
3	NE NW	T.18N.	R.20E.
3	SW NW	T.18N.	R.20E.
3	NW SW	T.18N.	R.20E.
3	SW SW	T.18N.	R.20E.
10	NW NW	T.18N.	R.20E.
10	SW NW	T.18N.	R.20E.
10	NW SW	T.18N.	R.20E.
10	SW SW	T.18N.	R.20E.
15	NW NW	T.18N.	R.20E.
15	SW NW	T.18N.	R.20E.
15	NW SW	T.18N.	R.20E.
16	NE SE	T.18N.	R.20E.
16	SW SE	T.18N.	R.20E.
16	SE SE	T.18N.	R.20E.
21	NW NE	T.18N.	R.20E.
21	SW NE	T.18N.	R.20E.

ATTACHMENT "A"
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.

ATTACHMENT "B"

Amended Proof 02756

LANDS BEING REMOVED FROM IRRIGATION

	Cultural Acreage		Location				
	Harvest	Diversified Pasture	1/4	1/4	Sec.	TWP.	RGE.
	--	1.70	NW	NW	25	17 N.	19 E.
	--	1.80	NE	NW	25	17 N.	19 E.
	--	17.90	SE	NW	25	17 N.	19 E.
	--	37.60	SW	NW	25	17 N.	19 E.
	--	10.70	NW	SW	25	17 N.	19 E.
	--	2.30	NE	SW	25	17 N.	19 E.
	0.90	--	NW	NW	26	17 N.	19 E.
	18.02	--	NE	NW	26	17 N.	19 E.
	37.67	--	SE	NW	26	17 N.	19 E.
	0.82	--	SW	NW	26	17 N.	19 E.
	24.85	--	NW	NE	26	17 N.	19 E.
	7.00	11.70	NE	NE	26	17 N.	19 E.
	0.20	39.80	SE	NE	26	17 N.	19 E.
	33.10	6.90	SW	NE	26	17 N.	19 E.
	13.60	26.40	NW	SE	26	17 N.	19 E.
	--	37.00	NE	SE	26	17 N.	19 E.
	--	5.40	SE	SE	26	17 N.	19 E.
	0.10	23.60	SW	SE	26	17 N.	19 E.
	2.60	--	NW	SW	26	17 N.	19 E.
	39.40	--	NE	SW	26	17 N.	19 E.
	9.60	1.40	SE	SW	26	17 N.	19 E.
	1.70	--	SW	SW	26	17 N.	19 E.
TOTAL ACREAGE	189.56	224.20					

A total of 413.76 acres is being removed from irigation under this application. Refer to table on sheet 4 of the supporting map for further information on lands being removed from irrigaiton.