

AMENDED
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 OCT 16 2001

Returned to applicant for correction NOV 14 2001

Corrected application filed JAN 08 2002

Map filed NOV 27 2001 under 68101

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 **Permit 31848, Certificate 12504**

1. The source of water is **Underground**
2. The amount of water to be changed **0.0951 cfs, not to exceed 20.27 acre-feet**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, T.17N., R.19E., M.D.B.&M., or at a point from which the W $\frac{1}{4}$ corner of said Section 26 bears S. 85° 30' 45" W., a distance of 1,500.0 feet.**
6. The existing permitted point of diversion is located within **NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, T.16N., R.20E., M.D.B.&M., or at a point from which the NE corner of said Section 8, bears N. 17° 53' 27" E., a distance of 3,858.73 feet.**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **39.3 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.41 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$, 38.25 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 8, T.16N., R.20E., M.D.B.&M.; 43.80 acres total being removed from irrigation within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, T.16N., R.20E., M.D.B.&M. 5.2773 Acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ for this Application.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **March 1 to November 30** of each year.
11. Description of proposed works **Drilled and cased well equipped with a pump, motor, meter and distribution system.**
12. Estimated cost of works **\$75,000.00**
13. Estimated time required to construct works **Three (3) Years**
14. Estimated time required to complete the application of water to beneficial use **Six (6) Years**

68106

15. Remarks: The total combined duty of Applications 68102, 68103, 68104, 68105, and 68106 shall not exceed 96.03 acre-feet

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

Compared cm/cm³ dl/cm³

Protested _____

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, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 31848, Certificate 12504 is issued subject to the terms and conditions imposed in said Permit 31848, Certificate 12504 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 68102, 68103, 68104, 68105, 68106, 68117, 68118, 68119 and 68120 shall not exceed 320.0 acre-feet annually.

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

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0951 cubic feet per second, but not to exceed 20.27 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 be completed on or before:

July 23, 2003

Proof of completion of work shall be filed before:

August 23, 2003

Water must be placed to beneficial use on or before:

July 23, 2004

Proof of the application of water to beneficial use shall be filed on or before:

August 23, 2004

Map in support of proof of beneficial use shall be filed on or before:

August 23, 2004

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 23rd day of July, A.D. 2002

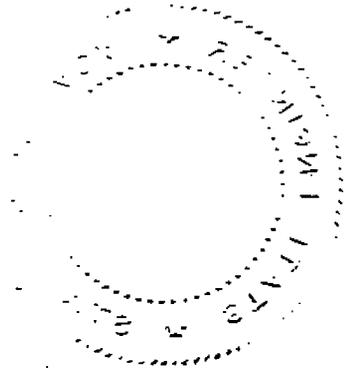

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____



ATTACHMENT "A"

Page 1 of 1

PROPOSED PLACE OF USE

SECTION	SUBDIVISION	TOWNSHIP	RANGE
23	POR. SE SE	T.17N.	R.19E.
24	POR. NW SW	T.17N.	R.19E.
24	POR. NE SW	T.17N.	R.19E.
24	POR. SE SW	T.17N.	R.19E.
24	SW SW	T.17N.	R.19E.
25	NW NW	T.17N.	R.19E.
25	POR. NE NW	T.17N.	R.19E.
25	POR. SE NW	T.17N.	R.19E.
25	SW NW	T.17N.	R.19E.
26	POR. NW NE	T.17N.	R.19E.
26	POR. NE NE	T.17N.	R.19E.
26	SE NE	T.17N.	R.19E.
26	SW NE	T.17N.	R.19E.
26	POR. SW NW	T.17N.	R.19E.
26	POR. SE NW	T.17N.	R.19E.
26	POR. NE NW	T.17N.	R.19E.

