

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 2001Returned to applicant for correction NOV 14 2001Corrected application filed NOV 27 2001Map 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 21413, Certificate 6087**

1. The source of water is **Underground**
2. The amount of water to be changed **0.0605 cfs, not to exceed 43.8 acre-feet.**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation and Domestic**
5. The water is to be diverted at the following point **NE¼ NW¼ Section 3, T.16N., R.19E., M.D.B.&M., or at a point from which the NE corner of said Section 3 bears N. 81° 05' 15" E., a distance of 3,150.0 feet.**
6. The existing permitted point of diversion is located within **SW¼ SE¼, Section 22, T.16N., R.19E., M.D.B.&M., or at a point from which the SE corner of said Section 22 bears S. 68° 10' 00" E. a distance of 2,255.0 feet.**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **20 acres SW¼ SE¼, 38 acres SE¼ SE¼, Section 22; 40 acres SW¼ SW¼ Section 23; all in T.16N., R.19E., M.D.B.&M.; 11.86 acres being removed from irrigation in the SW¼ SW¼, Section 23, T.16N., R.19E., M.D.B.&M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** 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.**
15. Remarks:

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

Compared cm/ cmf lb/ samProtested 4/3/02 by Washoe County:

WDN 5/30/03

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 an underground source as heretofore granted under Permit 21413, Certificate 6087 is issued subject to the terms and conditions imposed in said Permit 21413, Certificate 6087 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.

The total combined duty of water under Permits 68111, 68112, 68113, 68114, 68115 and 68116 and any water from Ophir Creek, Davis Creek and Winters Creek, shall not exceed 4.0 acre-feet per acre for the irrigation of 148.83 acres within the described place of use. The surface waters must be used in their entirety before any groundwater can be pumped from the wells to complete the allocated duty of acre-feet per acre.

The total combined duty of water under Permits 68111, 68112, 68113, 68114, 68115 and 68116 shall not exceed 595.32 acre-feet annually.

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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

Measuring devices must be installed, maintained and measured of all water diversions from Ophir, Davis and Winter Creeks and reported to the State Engineer within 15 days after the end of each calendar quarter.

(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 0.0605 cubic feet per second, or 43.8 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:

November 4, 2005

Proof of completion of work shall be filed on or before:

December 4, 2005

Water must be placed to beneficial use on or before:

November 4, 2008

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

December 4, 2008

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

December 4, 2008

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

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 4th day of November, A.D. 2003


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

**ATTACHMENT "A"
PROPOSED PLACE OF USE**

<u>SECTION</u>	<u>SUBDIVISION</u>	<u>TOWNSHIP</u>	<u>RANGE</u>
2	POR. NW NW	T.16N.	R.19E.
2	POR. SW NW	T.16N.	R.19E.
3	NE NE	T.16N.	R.19E.
3	POR. SE NE	T.16N.	R.19E.
3	POR. SW NE	T.16N.	R.19E.
3	NW NE	T.16N.	R.19E.
3	POR. NE NW	T.16N.	R.19E.
3	POR. SE NW	T.16N.	R.19E.
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.
25	POR. NW SW	T.17N.	R.19E.
25	POR. NE SW	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.
26	NW SE	T.17N.	R.19E.
26	POR. NE SE	T.17N.	R.19E.
26	POR. SE SE	T.17N.	R.19E.
26	POR. SW SE	T.17N.	R.19E.
26	NE SW	T.17N.	R.19E.
26	SE SW	T.17N.	R.19E.
26	POR. SW SW	T.17N.	R.19E.
26	POR. NW SW	T.17N.	R.19E.
27	POR. SE SE	T.17N.	R.19E.
34	POR. NE NE	T.17N.	R.19E.
34	POR. SE NE	T.17N.	R.19E.
34	POR. SE SE	T.17N.	R.19E.
34	POR. SW SE	T.17N.	R.19E.
35	POR. NW NW	T.17N.	R.19E.
35	NE NW	T.17N.	R.19E.
35	SE NW	T.17N.	R.19E.
35	POR. SW NW	T.17N.	R.19E.
35	POR. NW SW	T.17N.	R.19E.
35	NE SW	T.17N.	R.19E.
35	SE SW	T.17N.	R.19E.
35	POR. SW SW	T.17N.	R.19E.
35	POR. NW NE	T.17N.	R.19E.
35	POR. SW NE	T.17N.	R.19E.
35	POR. NW SE	T.17N.	R.19E.
35	POR. SW SE	T.17N.	R.19E.

ENCLOSURE (1)

ATTACHMENT "A"

Amended Proposed Place of Use - Applications 68111-68116

Portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T.17N., R.19E., M.D.B. & M.
 Portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T.17N., R.19E., M.D.B. & M.

Portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ East of U.S. 395, Section 26, T.17N., R.19E., M.D.B. & M.
 Portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, East of U.S. 395, Section 26, T.17N., R.19E., M.D.B. & M.
 All of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T.17N., R.19E., M.D.B. & M.
 All of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, T.17N., R.19E., M.D.B. & M.

Portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.17N., R.19E., M.D.B. & M.
 All of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.17N., R.19E., M.D.B. & M.
 Portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.17N., R.19E., M.D.B. & M.
 Portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26, T.17N., R.19E., M.D.B. & M.

Portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, T.17N., R.19E., M.D.B. & M.

Portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.
 Portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ East of U.S. 395, Section 35, T.17N., R.19E., M.D.B. & M.
 All of NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.
 All of SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.

Portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ East of U.S. 395, Section 35, T.17N., R.19E., M.D.B. & M.
 Portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ East of U.S. 395, Section 35, T.17N., R.19E., M.D.B. & M.
 All of NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.
 All of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.

Portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.
 Portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.

Portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.
 Portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35, T.17N., R.19E., M.D.B. & M.

Place of use is limited to those lands irrigated by portions of Proofs 02441 (Ophir Creek), 02754 (Davis Creek) and 02756 (Winters Creek).

ENCLOSURE (2)