

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 NOV 21 2001

Returned to applicant for correction _____

Corrected application filed _____

Map filed NOV 21 2001

The applicant **Clear Creek Ranch, LLC** hereby make application for permission to change the **Point of Diversion, Manner and Place of Use** of a portion of water heretofore appropriated under **The portion of the flow of Clear Creek as decreed to Roland Varnum in that certain 1872 decree entitled "Fredrick Dangberg and Henry Schultz, Plaintiffs, vs Henry Ross, et al, Defendants", entered in the 2nd Judicial District Court of the State of Nevada, County of Ormsby.**

1. The source of water is **Clear Creek and Tributaries**
2. The amount of water to be changed **2.5% less the amount necessary to meet domestic and garden use thru a 1" pipe in its present gravity flow.**
3. The water to be used for **construction and dust abatement.**
4. The water heretofore permitted for **as decreed.**
5. The water is to be diverted at the following point **SW¼ NW¼, Section 4, T.14N., R.19E., M.D.B.&M., or at a point from which the NW corner of said Section 4 bears N. 33° 7' W., a distance of 1663 feet.**
6. The existing permitted point of diversion is located within **as decreed.**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **as decreed.**
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 **Diversions Box, Ditches & Pipeline to Place of Use.**
12. Estimated cost of works **\$150,000.00**
13. Estimated time required to construct works **Five (5) years.**
14. Estimated time required to complete the application of water to beneficial use **Ten (10) years.**
15. Remarks: **This application is being filed to provide water for construction and dust control on 91 lots and an 18 hole golf course being developed under the Clear Creek Ranch and Golf Club Development in Douglas County, Nevada.**

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

Compared my/ ds ds/cmf

Protested _____

68212-T

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 temporary permit to change the point of diversion, manner and place of use of a portion of the waters of Clear Creek, as heretofore appropriated in the 1872 Civil Decree, in the District Court of the 2nd Judicial District of the State of Nevada, in and for the County of Ormsby is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on January 17, 2003 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

A measuring device at the point of diversion must be installed prior to any water being used.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month, which shall include the amount of water diverted and the amount of water used.

(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 2.5% of flow less the amount necessary to meet domestic and garden needs through a 1" pipe in its present gravity flow.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

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

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

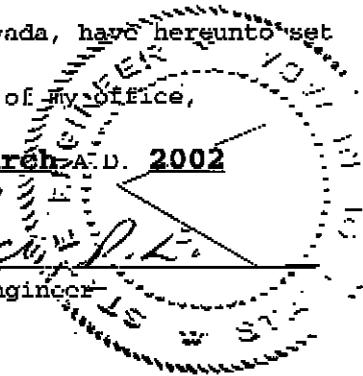
TEMPORARY

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

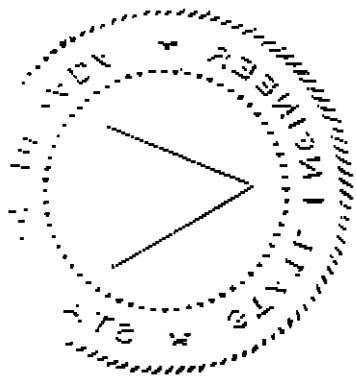
State Engineer of Nevada, have hereunto set
my hand and the seal of my office,
this 14th day of March, A.D. 2002

Hugh Ricci, P.E.

State Engineer



EXPIRED
DATE JAN 17 2003 *ONE*



ATTACHMENT "A"

7. Proposed Place of Use:

Section 3:

Portion NW $\frac{1}{4}$ NW $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Portion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Portion SE $\frac{1}{4}$ SW $\frac{1}{4}$, Portion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ SE $\frac{1}{4}$,

Section 4:

Portion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ SW $\frac{1}{4}$.

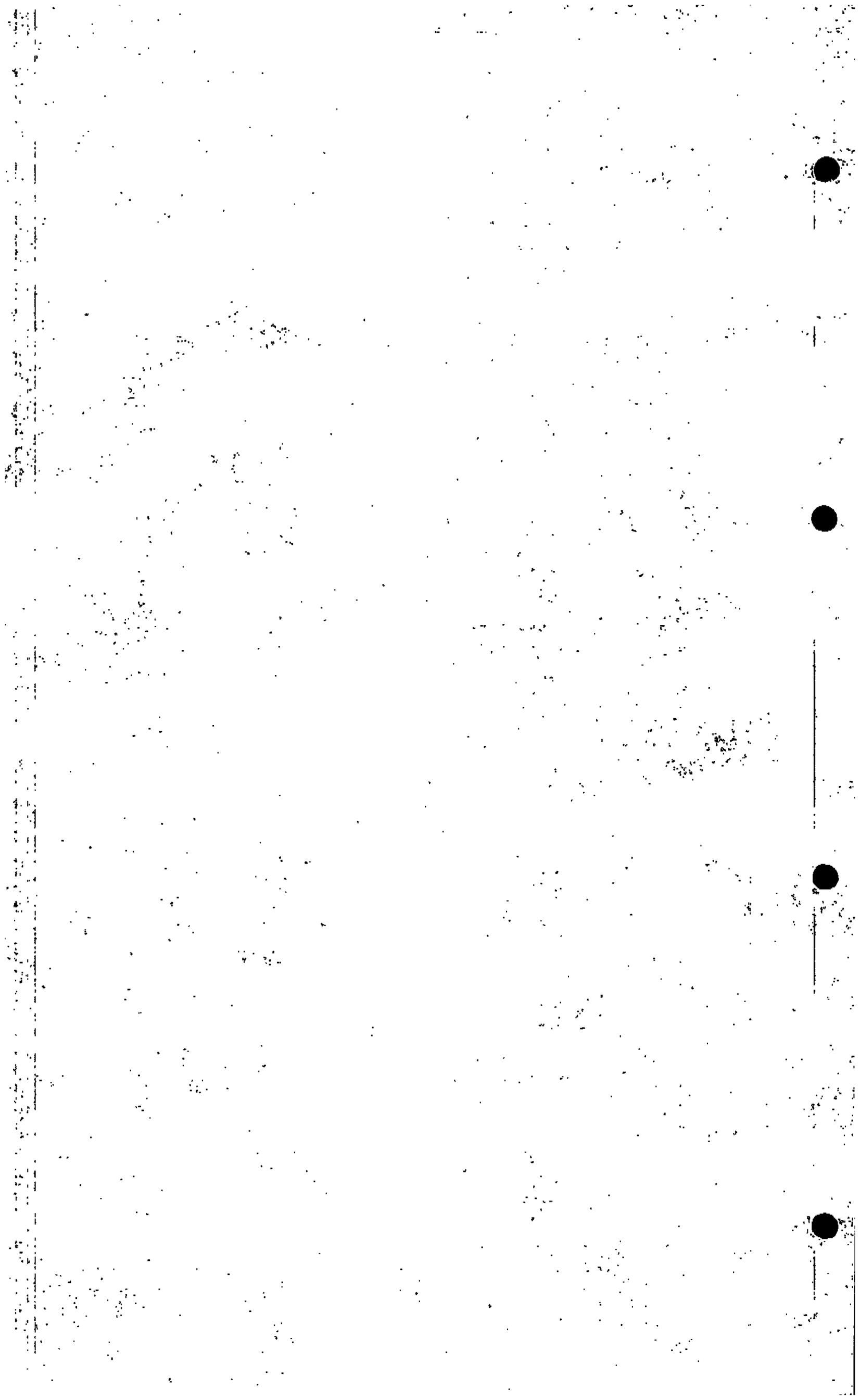
Section 9:

Portion NW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 10:

Portion NW $\frac{1}{4}$ NW $\frac{1}{4}$, All NE $\frac{1}{4}$ NW $\frac{1}{4}$, Portion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Portion NW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion NE $\frac{1}{4}$ SE $\frac{1}{4}$

All within T.14N., R.19E., M.D.B. & M.



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

Compared my/cmE ds/cmE

Protested _____

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APPROVAL OF STATE ENGINEER

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(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 25% of flow less the amount necessary to meet domestic and garden needs through a 1" pipe in its present gravity flow.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

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

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

TEMPORARY

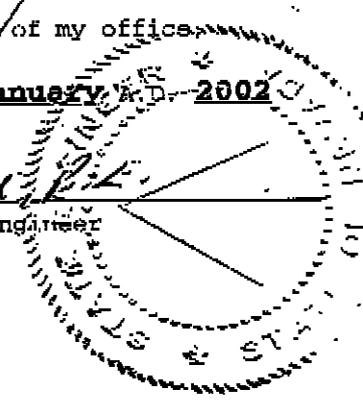
IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

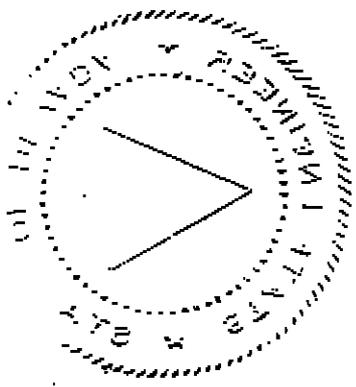
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 18th day of January, A.D. 2002

Hugh Ricci, P.E.
State Engineer





ATTACHMENT "A"

7. Proposed Place of Use:

Section 3:

Portion NW $\frac{1}{4}$ NW $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Portion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Portion SE $\frac{1}{4}$ SW $\frac{1}{4}$, Portion SW $\frac{1}{4}$ SW $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 4:

Portion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 9:

Portion NW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SE $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NE $\frac{1}{4}$

Section 10:

Portion NW $\frac{1}{4}$ NW $\frac{1}{4}$, All NE $\frac{1}{4}$ NW $\frac{1}{4}$, Portion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Portion NW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Portion NE $\frac{1}{4}$ SE $\frac{1}{4}$

All within T.14N., R.19E., M.D.B. & M.

