

TEMPORARY**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 MAR 10 2006Returned to applicant for correction MAR 27 2006

Corrected application filed _____

Map filed NOV 16 2001 under 68066

The applicant **Clear Creek Ranch, LLC**, a Nevada limited liability co 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 Schulz, 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 1" pipe in its present gravity flow.**
3. The water to be used for **Construction**
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° 07'W., a distance of 1663 feet. See map filed under Application 68066.**
6. The existing permitted point of diversion is located within **As decreed.**
- 7 Proposed place of use **See attachment "A" and map filed under Permit 70849**
8. Existing place of use **as decreed.**
9. Use will be from **as decreed**
10. Use was permitted from **as decreed**
11. Description of proposed works **Diversion Box, Ditches & Pipeline to Place.**
12. Estimated cost of works **\$150,000.00**
13. Estimated time required to construct works **One (1) year**
14. Estimated time required to complete the application of water to beneficial use **One (1) year**
15. Remarks: **Water will be directed through an existing pipeline and ditches to a pond where it will be used for construction purposes on the Clear Creek Ranch Development, Douglas County, Nevada.**

s/Gregory M Bilyeu
By **Gregory M. Bilyeu**
500 Damonte Ranch Pkwy.
Reno, NV 89521

Compared sc/gkl lt/ gkl

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 temporary permit to change the point of diversion, place of use and manner of use of a portion of the waters of Clear Creek, as heretofore appropriated under Proof 1872 as appears in the 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 April 18, 2007, 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 changed 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 thru a 1" pipe in its present gravity flow.**

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

N/A - Temporary

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

N/A - Temporary

Water must be placed to beneficial use on or before:

N/A - Temporary

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

N/A - Temporary

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

N/A - 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 **19th** day of **April** A.D. **2006**


State Engineer

Attachment "A"

7. Proposed Place of Use

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

Section 2: W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3: ~~Portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$~~ ALL TCB Section 4: ~~Portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, Portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$~~ ALL TCB Section 9: NE $\frac{1}{4}$ Section 10: NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ ~~Section 12: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$~~ TCB Refer to map filed under Permit 70489 TCB

Paper Map filed with application

 TCB T.15N., R.19E., M.D.B. & M.Section 33: SE $\frac{1}{4}$ Section 34: SW $\frac{1}{4}$ Amended on 3-24-2006
by Thomas C. Pyeatt Jr.
of TEC