No. 61538

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office SEP 1 1 1995

Returned to applicant for correction SEP 2 9 1995

Corrected application filed

Map filed OCT 0 5 1995 under 61529

The applicant Atlandia Design and Furnishings, Inc. for the project known as "Bellagio"

3260 South Industrial Road (Street and No. or P.O. Box No.), of Las Vegas (City or Town),

Nevada 89109 (State and Zip Code No.), hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated July 9, 1979; Incorporated in the State of New Jersey

1. The source of the proposed appropriation is in the shallow aquifer containing the perched underground nuisance water at the (Name of stream, lake, spring, underground or other source) Bellagio project in Clark County, Nevada; Las Vegas Basin (see attached map).

2. The amount of water applied for is **********1.0****** second-feet (One second-foot equals 448.83 gals. per min.)

   (a) If stored in reservoir give number of acre-feet Not Applicable

3. The water to be used for Recreational use (see "No. 12 Remarks") (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated Approximately 10 acres of landscaping

   (b) Stockwater, state number and kinds of animals to be watered Not Applicable

   (c) Other use (describe fully under No. 12. "Remarks" Water Feature(s)

   (d) Power:

      (1) Horsepower developed Not Applicable

      (2) Point of return of water to stream Not Applicable

5. The water is to be diverted from its source at the following point NW¼ SE¼ SECTION 20, TOWNSHIP (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.) 21S, RANGE 61E, M.D.M., CLARK COUNTY, NEVADA BEARING: N 23°15'06" E 2398.44' FROM THE SOUTHWEST CORNER OF THE SE¼ SECTION 20 (POINT OF DIVERSION "WELL #30")

6. Place of use Within Project Area known as Bellagio, see attached map dated September 6, 1995. All within the following "¼-¼" Sections: (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

   NE¼ NE¼ SECTION 20, TOWNSHIP 21 S., RANGE 61 E., M.D.M., CLARK COUNTY, NEVADA
   NW¼ NE¼ SECTION 20, TOWNSHIP 21 S., RANGE 61 E., M.D.M., CLARK COUNTY, NEVADA
   SE¼ NE¼ SECTION 20, TOWNSHIP 21 S., RANGE 61 E., M.D.M., CLARK COUNTY, NEVADA
   SW¼ NE¼ SECTION 20, TOWNSHIP 21 S., RANGE 61 E., M.D.M., CLARK COUNTY, NEVADA
   NE¼ SE¼ SECTION 20, TOWNSHIP 21 S., RANGE 61 E., M.D.M., CLARK COUNTY, NEVADA
   NW¼ SE¼ SECTION 20, TOWNSHIP 21 S., RANGE 61 E., M.D.M., CLARK COUNTY, NEVADA
   SW¼ SE¼ SECTION 20, TOWNSHIP 21 S., RANGE 61 E., M.D.M., CLARK COUNTY, NEVADA

7. Use will begin about January 01 (Month and Day) and end about December 31 (Month and Day), of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled well with pump and motor. (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

9. Estimated cost of works Unknown at this time.

10. Estimated time required to construct works Unknown at this time.
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use "Bellagio" project completion estimated at March 1998.

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

To be used for approximately 10 acres of landscape irrigation and approximately 11 acres of surface area water features within the "Bellagio" project.

PETER T. SMITH, A.I.A.
Executive Vice President
By s/Peter T. Smith
3260 South Industrial Road
Las Vegas, Nevada 89109

Compared cl/nsr cl/cms

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 is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use.

This permit is issued subject to the provisions of NRS 534.025 and 534.050 (2)c and based on the particular hydrologic conditions in the area of the place of use. The water to be diverted under this permit is a result of the rise of groundwater caused by secondary recharge and therefore does not provide or guarantee the long term availability for continuous use of this water from this source.

This well shall be equipped with a two (2) inch opening for measuring depth to water. A dedicated monitoring well can be used in lieu of this two (2) inch opening. The State Engineer shall approve the placement of any monitoring wells.

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 (CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.65 cubic feet per second, but not to exceed 246.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before June 17, 1998

Proof of completion of work shall be filed before July 17, 1998

Application of water to beneficial use shall be filed on or before June 17, 2001

Proof of the application of water to beneficial use shall be filed on or before July 17, 2001

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of June, A.D. 96

R. Michael Turnipseed P.E.
State Engineer

WITHDRAWN BY APPLICANT JUL 28 1999
R. Michael Turnipseed P.E. STATE ENGINEER

(O)-2145 (Rev. 9-89)

(PERMIT TERMS CONTINUED)

to beneficial use. The totalizing meters and any monitoring wells must be installed before any use of water begins, or before the Proof of Completion of Work is filed.

The place of use of this permit is limited to the area described within the place of use which is called the Bellagio Project.

The depth of the well under this permit shall not in any case exceed sixty feet in depth nor shall the well penetrate any confining layer below this shallow aquifer.

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 pumped from each well, the use of the water and the depth to water in this well or any monitoring well.

Water quality samples shall be taken from each well on a quarterly basis, analyzed for total dissolved solids (TDS), pH and sulfates (SO_4), and reported to this office along with the appropriate monthly report.

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.

The total combined duty of water under Permits 61509, 61510, 61511, 61512, 61513, 61514, 61515, 61516, 61517, 61518, 61519, 61520, 61521, 61522, 61523, 61524, 61525, 61526, 61527, 61528, 61529, 61530, 61531, 61532, 61533, 61534, 61535, 61536, 61537, 61538 and 61539 shall not exceed 246.0 acre-feet annually.

The State retains the right to regulate the use of the water herein granted at any and all times.