SECOND

AMENDED NO.63503

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 14 1997

Returned to applicant for correction DEC 11 1997

Corrected application filed FEB 10 1998

Map filed FEB 10 1998

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The applicant **Hi-Desert Springs, LLC**, hereby makes application for permission to change the **point of diversion, manner and place of use of a portion** of water heretofore appropriated under **Proof 01793 of the Pahranagat Lake and Tributories Decree**

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1. The source of water is **Ash Springs**

2. The amount of water to be changed **0.11342 CFS, not to exceed 22.6973 acre-feet/annuallly**

3. The water to be used for **Quasi-Municipal purposes**

4. The water heretofore permitted for **As decreed**

5. The water is to be diverted at the following point **within the NE1/4 NE1/4 of Section 1, T.6S., R. 60E., M.D.B.& M.; or at a point from which the NE corner of said Section 1 bears N.11°0'E., a distance of 910 feet.**

6. The existing permitted point of diversion is located within **As decreed**

7. Proposed place of use **portions of the NE1/4 NE1/4, SE1/4 NE1/4 Section 1, T.6S., R.60E., M.D.B.& M.; and portions of the NW1/4 SW1/4, portions of SW1/4 SW1/4, Section 5; SW1/4 NW1/4 NW1/4, SW1/4 NW1/4, S1/2, Section 6; NW1/4 NE1/4 NW1/4, E1/2 NE1/4 NW1/4, N1/2 NE1/4, Section 7; portions of the NW1/4 NW1/4, Section 8; T.6S., R.61E., M.D.B.& M.; as shown on supporting map, under application 63359.**

8. Existing place of use **See Attachment "A"**

9. Use will be from **January 1** to **December 31** of each year.

10. Use was permitted from **As decreed** to of each year.

11. Description of proposed works **A submersible pump in Ash Springs Pool, thence through a pipeline distribution system.**

12. Estimated cost of works **$50,000**

13. Estimated time required to construct works **Three (3) years**

14. Estimated time required to complete the application of water to beneficial use **Five (5) years**

15. Remarks: **Water under this application is being co-mingled with other rights owned by the applicant for the proposed Ash Springs Resort development which will include a casino, motel, spa, RV park, golf course, airport, museum, nature exhibits, outdoor ampitheater and other amenities. Applicant has entered into an agreement with the BLM for the purchase of public lands which make up a portion of the proposed place of use. Use map under application 63359 for proposed place of use.**

By Gregory M. Bilyeu- Agent
s/Gregory M. Bilyeu
P.O. Box 70458
Reno, NV 89570-0458

Compared lw/jr

Protested

63503

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_____ **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:

AMENDED
ATTACHMENT "A"

8. Existing place of use: Portions of the NE ¼ NE ¼ and SE ¼ NE ¼ of Section 1, T.6S., R.60E., M.D.B. & M. as delineated under Proof #01793 of the Pahranagat Lake Decree. Said portion of the place of use is more particularly described as the following APN's: 11-120-07, 11-120-11, 11-120-12, 11-120-13, 11-120-14.

Per the descriptions of acreage under Claims 01793 and 01794, there is a total of 38.3 acres irrigated in the NE ¼ NE ¼ of Section 1. This leaves 1.7 acres in the NE ¼ NE ¼ as "dry". Based on a review of the topography and the cultural map filed for these proofs, this "dry" area is along the easternmost boundary of said subdivision. The acreage being stripped from APN's 11-120-11, 11-120-12 and that portion of 11-120-13 that is within this subdivision has been adjusted to reflect a portion of the lands as being dry.

Per the descriptions of acreage under Claims 01793 and 01794, there is a total of 28.30 acres irrigated in the SE ¼ NE ¼ of Section 1. Again, based on a review of the cultural map and topography, this "dry" area is determined to be along the eastern portion of the subdivision. The acreage stripped from that portion of APN 11-120-13 has been adjusted to reflect a portion of the lands as being dry.

Area being removed from irrigation was designated under the decree as diversified pasture with a duty of 2.0 acre-feet per acre and a diversion rate of 0.01 cfs per acre.

The duties appurtenant to each parcel are as follows:

APN	IRRIGATED ACRES	DIV. RATE	DUTY (AC. FT.)	REMARKS
11-120-07	0.3887	0.00252	0.5173	Per State Engineer's Records
11-120-11	5.56	0.0556	11.12	
11-120-12	1.04	0.0104	2.08	
11-120-13	0.49	0.0049	0.98	
11-120-14	4.0000	0.04000	8.0000	1.5 ac. stripped by Permit 45254
TOTAL	11.4787	0.11342	22.6973	

Per the decree, the diversion rate assigned to each acre was 0.01 cfs for each acre of irrigated land. Therefore, the diversion rates associated with the land being removed from irrigation, with the exception of APN 11-120-07, reflects this fact.

All the irrigated acreage appurtenant to each APN listed above is being removed from irrigation under this application. By subdivision, the acreage being removed from irrigation within each APN is as follows:

APN	NE ¼ NE ¼	SE ¼ NE ¼	TOTAL
11-120-07	0.3887	0.00	0.3887
11-120-11	5.56	0.00	5.56
11-120-12	1.03	0.01	1.04
11-120-13	0.005	0.485	0.49
11-120-14	2.00	2.00	4.00
TOTAL	8.9837	2.495	11.4787

Please utilize the map on file under Permit 45254 for the proposed point of diversion tie.