

2<sup>nd</sup> 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 MAY 14 2004Returned to applicant for correction JUN 17 2004Corrected application filed JUN 22 2004Map filed FEB 20 2004 under 70873

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The applicant **HHH Investments, LLC** hereby makes application for permission to change the **Point of Diversion, Place and Manner of Use of a portion** of water heretofore appropriated under **Permit 41167, Certificate 13221**

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1. The source of water is **Underground**
2. The amount of water to be changed **0.2677 c.f.s., 193.76 AFA**
3. The water to be used for **Municipal**
4. The water heretofore permitted for **Irrigation and Domestic**
5. The water is to be diverted at the following point **NE¼ SE¼ Section 16, T.21S., R.54E., MDM, or at a point from which the E¼ corner of said Section 16 bears North 45° East, a distance of 70.00 feet**
6. The existing permitted point of diversion is located within **SW¼ SE¼ Section 3, T.21S., R.54E., MDB&M, or at a point from which the S¼ corner of said Section 3 bears South 79°30' West, a distance of 657.0 feet**
7. Proposed place of use **SW¼, S½ NW¼ Section 16; SE¼, S½ NE¼ Section 17; N½ NE¼ Section 21, all in T.21S., R.54E., MDM, which is the Service Area for Pahrump Utility Company, Inc.**
8. Existing place of use **See attached Relinquishment Table. 39.8544 acres to be removed from irrigation in the NW¼ SW¼ (17.2320 ac.) Section 16 and the NE¼ SE¼ (22.6224 ac.) Section 17, T.21S., R.54E., MDM, as shown on the supporting map on file under Application 70873.**
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 **well, pump, motor, and municipal water distribution system**
12. Estimated cost of works **in excess of \$250,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **20 years**
15. Remarks: **The purpose of this application is to provide water service to 173 residential lots in the proposed Artesia at Hafen Ranch Phase 5 subdivision. Upon approval of this application by the State Engineer, 39.8544 acres will be withdrawn from the supplemental permits.**

April L. Burchett, Resource Concepts, Inc.

By s/April L. Burchett  
340 North Minnesota Street  
Carson City, Nevada 89703

Compared cmf/ lt/  
Protested \_\_\_\_\_

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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, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 41167, Certificate 13221, is issued subject to the terms and conditions imposed in said Permit 41167, Certificate 13221, 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.

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.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

The total combined duty of water under Permits 65105, 65106, 69248, 69249, 69694, 70408, 70873 and 71224 shall not exceed 1000.45 acre-feet annually.

(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 0.268 cubic feet per second, and not to exceed 193.76 acre-feet annually.

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

Proof of completion of work shall be filed on or before:  
N/A

Water must be placed to beneficial use on or before:  
March 19, 2013

Proof of the application of water to beneficial use shall be filed on or before:  
April 19, 2013

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

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,  
State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,  
this 28th day of July, A.D. 2009

Tracy Taylor, P.E.  
State Engineer

Completion of work filed April 15, 2004 under 69694

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

11b

See 2nd Amended

No. 71224

AMENDED

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2. The amount of water to be changed **0.2677 c.f.s., 193.76 AFA**
3. The water to be used for **Municipal**
4. The water heretofore permitted for **Municipal and Domestic**
5. The water is to be diverted at the following point **NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 16, T.21S., R.54E., MDM, or at a point from which the E $\frac{1}{4}$  corner of said Section 16 bears North 45° East, a distance of 70.00 feet**
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 3, T.21S., R.54E., MDB&M, or at a point from which the S $\frac{1}{4}$  corner of said Section 3 bears South 79°30' West, a distance of 657.0 feet**
7. Proposed place of use **SW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 16; SE $\frac{1}{4}$ , S $\frac{1}{2}$  NE $\frac{1}{4}$  Section 17; N $\frac{1}{2}$  NE $\frac{1}{4}$  Section 21, all in T.21S., R.54E., MDM, which is the Service Area for Pahrump Utility Company, Inc.**
8. Existing place of use **See attached Relinquishment Table. 39.8544 acres to be removed from irrigation in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  (17.2320 ac.) Section 16 and the NE $\frac{1}{4}$  SE $\frac{1}{4}$  (22.6224 ac.) Section 17, T.21S., R.54E., MDM, as shown on the supporting map on file under Application 70873.**
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 **well, pump, motor, and municipal water distribution system**
12. Estimated cost of works **in excess of \$250,000**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **20 years**
15. Remarks: **The purpose of this application is to provide water service to 173 residential lots in the proposed Artesia at Hafen Ranch Phase 5 subdivision. Upon approval of this application by the State Engineer, 39.8544 acres will be withdrawn from the supplemental permits.**

#4.  
IRRIGATION  
&  
DOMESTIC

April L. Burchett, Resource Concepts, Inc.  
By s/April L. Burchett  
340 North Minnesota Street  
Carson City, Nevada 89703

Compared cmf/ lt/ gkl  
Protested \_\_\_\_\_

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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, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 41167, Certificate 13221, is issued subject to the terms and conditions imposed in said Permit 41167, Certificate 13221, 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.

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.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

The total combined duty of water under Permits 65105, 65106, 69248, 69249, 69694, 70408, 70873 and 71224 shall not exceed 946.18 acre-feet annually.

The issuance of this permit is for the consumptive use portion only, being 139.49 acre-feet of the 193.76 acre-feet portion of the base right. The remainder, 54.27 acre-feet, remains in the groundwater source. The issuance of this permit abrogates 193.76 acre-feet from Permit 41167.

(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 0.268 cubic feet per second, and not to exceed 139.49 acre-feet annually.

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

N/A

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

N/A

Water must be placed to beneficial use on or before:

March 19, 2013

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

April 19, 2013

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

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 26th day of July, A.D. 2006

Tracy Taylor, PE  
State Engineer

Completion of work filed April 15, 2004 under 69694

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_