ASSIGNED

AMENDED

№ 48040

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

Date of filing in State Engineer's Office MAY 14 1984

Returned to applicant for correction

Corrected application filed AUG 15 1984

Map filed AUG 15 1984

The applicant TOPAZ LODGE ENTERPRISES

777 W. Second Street, Suite 220 (Street and No. or P.O. Box No.), of Reno (City or Town),

Nevada, 89505 (State and Zip Code No.), hereby make.... 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.)

ROGER H. ELTON, JAMES J. PAGE, JR.

1. The source of the proposed appropriation is UNDERGROUND (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 0.5 second-feet (One second-foot equals 448.83 gals. per min.)

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for COMMERCIAL (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

   (b) Stockwater, state number and kinds of animals to be watered

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

   (d) Power:

      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point SW1/4 SW1/4 Section 29, T.10N., R.22E., M.D.B.&M. or at a point from which the SW corner of said Section 29 bears S.43°37'W. a distance of 1452' (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.)

6. Place of use Portions of the NW1/4 Section 32, T.10N., R.22E., M.D.B.&M. and portions of the SW1/4 Section 29, T.10N., R.22E., M.D.B.&M. (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

7. Use will begin about JANUARY 1 (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.) WELL, PUMP, & MOTOR TO A DISTRIBUTION SYSTEM (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 $5,000.00

10. Estimated time required to construct works 2 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 3 years

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

(See attached Exhibit A)

C.E.S., INC.
By s/George M. Thiel
P.O. Box 1989
Minden, Nevada 89423

Compared bl/bc ll/bc

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. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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.

(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 0.50 cubic feet per second, but not to exceed 11.094 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 5, 1986

Proof of completion of work shall be filed before April 5, 1986

Application of water to beneficial use shall be made on or before March 5, 1988

Proof of the application of water to beneficial use shall be filed on or before April 5, 1988

Map in support of proof of beneficial use shall be filed on or before April 5, 1988

Completion of work filed MAY 05 1986

Proof of beneficial use filed APR 15 1998

Cultural map filed

Certificate No. 14943 Issued JUN 19 1998

IN TESTIMONY WHEREOF, I PETER G. MORROS State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 5TH day of MARCH, A.D. 19 85

Peter G. Morros
State Engineer

218 (Rev.)

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permits 48040, 48041, 48299 and 48300 shall not exceed 12.77 million gallons annually.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

The place of use is limited to portions of land within the NW¼ SW¼, SW¼ SW¼, SE¼ SW¼, Section 29, T.10N., R.22E, M.D.B. & M.

EXHIBIT A

PROJECTED WATER DEMAND - TOPAZ LODGE

- 50 gpd/unit (RV Park) x 150 units= 7500 gpd

  2.738 mga

- 100 gpd/unit (Motel) x 100 units = 10,000 gpd

  3.65 mga

- Store 200 gpd x 365 = 73,000 gpa = 0.073 mga
- Gas Station 1500 gpd x 365 = 0.548 mga
- Casino expansion (check existing consumptive totals) 10,000 gpd

  2.15 mga

- Restaurant 1,000 gpd x 365 = 0.365 mga
- Landscaping = 2,000 gpd

  0.730 mga

TOTAL 10.181 mga

+ existing (33664) 2.52 (Combined)

+ existing (33663)

TOTAL COMBINED = 12.701 MGA