

AMENDED

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

Date of filing in State Engineer's Office... MAY 13 1988
Returned to applicant for correction... MAY 26 1988
Corrected application filed... JUN 6 1988
Map filed... JUN 6 1988 under 51872

The applicant... WHISKEY PETE'S CASINO

P. O. Box 128, of Jean, Nevada 89019

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 in the State of Nevada on July 27, 1977.

1. The source of the proposed appropriation is... Underground (well #2 - Permit 35617)

2. The amount of water applied for is... 1.0 cfs second-foot

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

3. The water to be used for... quasi-municipal and domestic

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... within the NW 1/4 NE 1/4 Section 9

T. 27S., R. 59E., M.D.B.&M. at a point from which the East one-sixteenth corner... Section 9, T.27S., R.59E., M.D.B.&M. bears North 25°09'24" East a distance of 1025.47 feet.

6. Place of use within a portion of SE 1/4 SW 1/4 Section 8, NE 1/4 NW 1/4 Section 17, and tract 37

T.17N., R.15E., S.B.B.&M. (San Bernardino County, Ca); within a portion of E 1/2 SW 1/4 Section 8, SE 1/4 NW 1/4 Section 8, E 1/2 Section 8, NW 1/4 Section 9, W 1/2 NE 1/4 Section 9, SE 1/4 NW 1/4 Section 9, S 1/2 NW 1/4 Section 10 and SW 1/4 NE 1/4 Section 10, all within T.27S., R.59E., M.D.B.&M.

7. Use will begin about January 1 and end about December 31, 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 and cased well, submersible pump, electric motor and distribution system, including storage reservoir.

9. Estimated cost of works... \$100,000

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

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

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

Water will be utilized for the entire long-range use of Whiskey Pete's Casino. The use will include the casino, a modest amount of outside landscaping, recreational facilities and an 18-hole golf course. A complete analysis of anticipated consumption will be supplied prior to this application being considered ready for action. This right will be utilized in conjunction with other rights owned by the applicant.

By s/Ross E. de Lipkau
Ross E. de Lipkau
P. O. Box 2790
Reno, Nevada 89505

Compared jkk/bk pm/se

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 place 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.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(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 1.0 cubic feet per second, but not to exceed 177.92 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 29, 1991

Proof of completion of work shall be filed on or before April 29, 1991

Application of water to beneficial use shall be made on or before March 29, 1994

Proof of the application of water to beneficial use shall be filed on or before April 29, 1994

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

Completion of work filed APR 26 1991

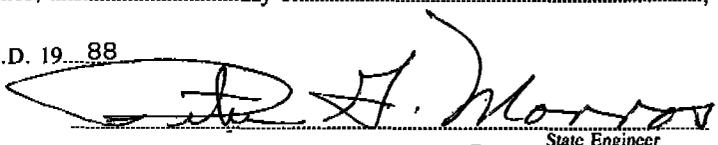
Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, I PETER G. MORROS
State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this 8th day of December

A.D. 19 88


State Engineer

(PERMIT TERMS CONTINUED)

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

The total combined duty of water under Permits 50701, 50808, 51870, 51871, 51872, 51873, 52087 and 52088 shall not exceed 177.92 million gallons annually.

The permittee shall submit a monitoring plan to show any impact resulting from an increase in groundwater pumping. Upon approval by the State Engineer of such a plan, data will be submitted to the State Engineer on a monthly basis.

Upon further groundwater development a report shall be submitted to the State Engineer to identify the amount of water recharged through the proposed rapid infiltration basins into the groundwater system. Upon review of that data by the State Engineer, the amount of water credited by the recharge program will be determined. The maximum amount to be credited will not exceed 90 percent of the amount recharged.

The total annual withdrawal of water under Permits 50701, 50808, 51870, 51871, 51872, 51873, 52087 and 52088 is initially limited to 177.92 million gallons annually. The total annual withdrawal of water under Permits 50701, 50808, 51870, 51871, 51872, 51873, 52087 and 52088 may be raised in stages up to a maximum of 177.92 million gallons annually in addition to the amount credited for recharge, as approved and authorized by the State Engineer, only after the State Engineer has determined the amount to be credited by the recharge program.

The State Engineer does not waive any authority to require the permittee to comply with the provisions of NRS 534.010 and 534.250 through 534.340, inclusive.

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