

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 20 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed DEC 17 1990 under 55536

The applicant **Ruffin Gaming LLC** hereby makes application for permission to change the Point of Diversion of a portion of water heretofore appropriated under Permit 42782

1. The source of water is **underground**
2. The amount of water to be changed **0.12 cfs, 86.712 afa (28.263 mga)**
3. The water to be used for **Quasi-Municipal (Hotel) and Domestic**
4. The water heretofore permitted for **Quasi-Municipal (Hotel) and Domestic**
5. The water is to be diverted at the following point **within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 21S, Range 61E, MDB&M at a point from which the SW corner of said Section 9 bears South 64 $^{\circ}$ 30'0" West A distance of 110.0 feet**
6. The existing permitted point of diversion is located within **the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, Township 21S, Range 61E, MDB&M, at a point from which the SW corner of said Section 9 bears South 82 $^{\circ}$ 29'59" West a distance of 594.5 feet**
7. Proposed place of use is **a portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T21S, R61E, MDB&M**
8. Existing place of use is **a portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 T21S, R61E, MDB&M**
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 **Cased well, submersible pump, chlorination unit. Storage tank, pipelines, pumps and control devises which will serve the existing hotel, and outdoor landscaping.**
12. Estimated cost of works **Works of diversion complete – prior expenses approx. \$400,000.**
13. Estimated time required to construct works **Works of diversion and all facilities necessary to prove Beneficial use are complete**
14. Estimated time required to complete the application of water to beneficial use **one (1) year after permit granted.**
15. Remarks: **The purpose of this application to change point of diversion lies in the fact that an error was made by the applicant. See letter from Scott Clark dated May 11, 2004, on file in Permit 42782. Use map on file under Permit 55536 to support this application to change.**

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

Compared cmf/sam lt/gkl

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 to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 42782 is issued subject to the terms and conditions imposed in said Permit 42782 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.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.12 cubic feet per second, but not to exceed 86.712 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:
June 9, 2006

Proof of completion of work shall be filed on or before:
July 9, 2006

Water must be placed to beneficial use on or before:
June 9, 2007

Proof of the application of water to beneficial use shall be filed on or before:
July 9, 2007

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

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 9th day of June A.D. 2005



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A _____

Certificate No. _____ Issued _____