



THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: GOLD CREEK DEVELOPMENT
Source: UNDERGROUND
Basin: DAYTON VALLEY
Manner of Use: COMMERCIAL
Period of Use: January 1st to December 31st
Priority Date: 02/09/1967

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 and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 23685, Certificate 8451 is issued subject to the terms and conditions imposed in said Permit 23685, Certificate 8451 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

(Continued on Page 2)

The total combined duty of water under Permits 49483, 49486, Certificate 14718; Permits 50361, 56593, Certificate 14706; Permit 58931, Certificate 14719; Permits 58932, 58933, Certificate 14720; Permits 58934, 62937, 62938, Certificate 15662; Permits 62939, 62940, 63626, 63628, 63630, 63632, 63633, 64128, 64957, 66427, 68155, 68156, 68196, 68197, 68198, 68708, 68737, 69243, 69244, 69245, 70040, 70041, 70042, 70693, 70846, 71379, 71476, 71477, 71536, 71537, 71688, 71856, 71857, 71872, 71873, 72603, 72773, 72774, 72775, 72914, 72931, 72932, 72933, 73157, 73158, 73183, 73393, 73394, 73473, 73474, 73490, 73491, 73992, 74283, 74284, 74285, 74286, 74369, 74370, 74427, 74434, 74562, 74569, 74612, 74922, 75101, 75102, 75103, 75104, 75157, 75159, 75160, 75277, 75366, 75367, 76525 and 77288 shall not exceed 9,060.80 acre-feet annually.

The total combined duty of water under Permits 76525 and 77288 shall not exceed 3.19 acre-feet annually.

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

This permit is approved for the entire 2.0 acre-feet annually as requested. However, pursuant to NRS 533.3703, initially only the net consumptive use amount of the base right, 1.6 acre-feet, can be diverted annually. Additional diversion up to the total 2.0 acre-feet may be granted if it can be shown that the additional diversion will not cause the consumptive use of 1.6 acre-feet to be exceeded.

No water under this permit may be pumped until the well construction is approved by the State Engineer.

This permit is issued to provide commercial water service to Lyon County Assessor's Parcel Number 16-031-02 only, and a separate totalizing meter must be installed and accurate measurements of water must be kept of water placed to beneficial use on this parcel only.

The point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0085 cubic feet per second or 2.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

August 10, 2009

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

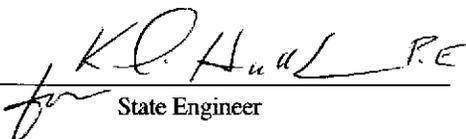
August 10, 2013

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 22nd day of January, A.D. 2009


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office AUG 1 1 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAR 27 1973 under 27 200

The applicant Gold Creek Development
10446 North 38th Street of Phoenix
Street Address or P.O. Box City or Town
Arizona 85028, hereby make(s) application for permission to change the
State and Zip Code

- Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit No. 23685 Certificate No. 8451

1. The source of water is Underground
Name of stream, lake, underground, spring or other source.
2. The amount of water to be changed 2.0 acre-feet 0.0085 cfs SNC
Second foot, acre-foot. One second foot equals 448.83 gallons per minute.
3. The water to be used for Commercial
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.
4. The water heretofore used for Irrigation
If for stock, state number and kind of animals.
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
SW1/4 NE1/4 Section 14, T.16N., R.21E., M.D.B.&M., or at a point from which the N1/4 corner of said Section 14 bears N 24° 16'42" E, a distance of 2952.65 feet. (Rose Peak Well No. 2) SNC
W.
6. The existing point of diversion is located within (if point of diversion is not changed, do not answer.)
SW1/4 NE1/4 Section 12, T.16N., R.21E., M.D.B.&M., or at a point from which the E1/4 corner of Section 1, T.16N., R.21E., M.D.B.&M., bears N 18° 44'30" E, a distance of 5328.50 feet.

103-L7

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Please refer to Exhibit "A"

Lyon County Utilities Service Area, as shown on the map supporting Application No. 74922

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe source to be removed from irrigation.)

SE1/4 NE1/4 Section 12, T.16N., R.21E., M.D.B.&M., 0.50 acres to be removed from irrigation as shown on the map supporting Permit No. 73394

9. Proposed use will be from January 1 to December 31 of each year.

10. Existing use permitted from March 1 to October 1 of each year.

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Existing drilled and cased well, pump, and distribution system

12. Estimated cost of works \$20,000.00

13. Estimated time required to construct works Existing cased 18" well, depth 500', under Permit 19978

If well completed, describe well.

WELL LOG # 15755

14. Estimated time required to complete the application of water to beneficial use ten (10) years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

16. Miscellaneous remarks:

(775) 884-3200

Phone No.

lfacque@westernengineering.us

E-mail

By Linda K. Rhodes Fagque

Print or type name clearly

Linda K. Rhodes Fagque

Signature, applicant or agent

Western Engineering & Surveying Services

Company Name

3032 Silver Sage Drive

Street Address or P.O. Box

Carson City, NV 89701

City, State, Zip Code

2008 AUG 11 PM 4:03
WESTERN ENGINEERING OFFICE

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

EXHIBIT "A"**Question #7 – Proposed Place of Use:**

T.16 N., R.20 E., M.D.B.& M.

All of Section 24; E ½, those portions of NW ¼ and SW ¼ Section 25 lying within Lyon County, the portion of the NE ¼ Section 36 lying within Lyon County.

T. 16 N., R. 21 E., M.D.B.& M.

All of Section 1; SE ¼ SE ¼ Section 2; All of Section 11; All of Section 12; All of Section 13; All of Section 14; All of Section 19; All of Section 20; All of Section 23; All of Section 24; All of Section 26; All of Section 27; All of Section 28; All of Section 29; All of Section 30; N ½, the portion of the S ½ Section 31 lying within Lyon County; N ½ Section 32; N ½ Section 33; N ½ Section 34; N ½ Section 35.

T. 16 N., R. 22 E., M.D.B.& M.

All of Section 3; All of Section 4; All of Section 5; All of Section 6; All of Section 7; All of Section 8; All of Section 9; N ½ Section 16; All of Section 17; All of Section 18; All of Section 19; All of Section 20.

T. 17 N., R. 21 E., M.D.B.& M.

SE ¼, those portions of the SW ¼, NW ¼ and NE ¼ Section 36 lying within Lyon County.

T. 17 N., R. 22 E., M.D.B.& M.

The portion of the S ½ Section 21 lying within Lyon County, S ½, the portion of the N ½ Section 22 lying within Lyon County; All of Section 27; All of Section 28 lying within Lyon County; SE ¼, those portions of the SW ¼, NW ¼, NE ¼ Section 29 lying within Lyon County; the portion of the S ½ Section 30 lying within Lyon County; S ½, NE ¼, the portion of the NW ¼ Section 31 lying within Lyon County; All of Section 32; All of Section 33; All of Section 34; All of Section 35.

In addition to the above described Place of Use, it is the intent of these applications to provide water service to the entire Lyon County/Dayton Utilities service area as determined by the Lyon County Public Works Director. If in the future, some other entity is determined to have authority, the Place of Use of this permit shall be pursuant to that authority's determination of the service area.

EXHIBIT "B"**Question #15:**

The proposed project consists of a 6000 sq. ft. restaurant to be constructed on APN 16-031-02. This water right, 2.0 AFA, will be served and metered by Lyon County Utilities for use on APN 16-031-02 only.

Previously, Permit No. 72217 was approved to provide a portion of the water rights needed for this project at a time when APN 16-031-02 was not within the Lyon County Utilities service area. When the service area was expanded, APN 16-031-02 was included, and Application to Change No. 76525, to change the POU and POD of Permit No. 72217, was filed to move the water rights into the Lyon County System. Lyon County Utilities has agreed to serve this parcel. This water right is intended to provide additional water rights needed for this project.

Question #16:

For the existing Point of Diversion, please refer to the map filed in support of Permit No. 23685.

For the existing Place of Use, please refer to the map filed in support of Permit No. 73394.

For the Proposed Point of Diversion, please refer to the map filed in support of Permit No. 27200.

For the Proposed Place of Use, please refer to the map filed in support of Application No. 74922.