Permit No. 78361T

TEMPORARY

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:	**E-T-T ENTERPRISES, LLC**
Source:	**UNDERGROUND**
Basin:	**PAHRUMP VALLEY**
Manner of Use:	**COMMERCIAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**02/06/1961**

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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 temporary permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 65732 is issued subject to the terms and conditions imposed in said Permit 65732 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.

The permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

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

The total combined duty of water under Temporary Permits 78360T, 78361T, and 78362T, being fully supplemental, shall not exceed 31.0 acre-feet annually.

The total combined duty of water under Temporary Permits 78361T and 78363T, having the same point of diversion - south Well, shall not exceed 56.0 acre-feet annually.

The total combined duty of water under Temporary Permits 78359T, 78360T, 78361T, 78362T, and 78363T, having the same place of use, shall not exceed 131.0 acre-feet annually.

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

(Continued on Page 2)

If any water under this temporary 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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

This temporary permit is issued for commercial purposes on the parcel identified by the Nye County Assessor as APN 44-531-05.

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 0.079 cubic feet per second or 31.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**N/A**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**N/A**
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 24th day of **August,** A.D. **2009**

for K.D. Hall P.E.

State Engineer

llb

TEMPORARY Application No. 78361 T

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 APR 2 2 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed APR 2 2 2009

The applicant E-T-T Enterprises, L.L.C.

5195 Las Vegas Boulevard South (Street Address or P.O. Box) of Las Vegas (City or Town)

Nevada 89119 (State and Zip Code), hereby make(s) application for permission to change the

☒ 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. 65732

1. The source of water is underground (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed 0.079 cfs and 31 afa (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for commercial and domestic (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 commercial and domestic (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.)

   SE 1/4, SE 1/4, Section 12, Township 21 South, Range 53 East, MDM, Nye County, Nevada, from which the Southeast corner of said Section 12 bears South 02° 30' East, a distance of 1,169 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

   SE 1/4, SE 1/4, Section 12, Township 21 South, Range 53 East, MDM, Nye County, Nevada, from which the Southeast corner of said Section 12 bears South 29° 20' 58" East, a distance of 550.28 feet.

162-NY

78361T

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
Same as permit 65732

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
Permit 65732

9. Proposed use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.

10. Existing use permitted from January 1 (Month and Day) to December 31 (Month and Day) 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.)
Diversion from an existing 5 inch well (log 76954) with operating pump and distribution system

12. Estimated cost of works $1,000

13. Estimated time required to construct works ready for immediate start up; see logs 48644 & 76954 (If well completed, describe well.)

14. Estimated time required to complete the application of water to beneficial use n/a

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing.)
see attached sheet

16. Miscellaneous remarks:

RECEIVED
2009 APR 22 PM 2:56
STATE ENGINEER'S OFFICE

702-293-5273
Phone No.

rjjonson@aol.com
E-mail

By R. J. Johnson
Print or type name clearly

R. J. Johnson
Signature, applicant or agent

Company Name

948 Keys Drive
Street Address or P.O. Box

Boulder City, Nevada 89005
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

15. Continued

This temporary change application under permit number 65732 is submitted for E-T-T Enterprises, L.L.C., (ETT), owner of the Lakeside Casino and RV Park, to immediately come into compliance with NDWR regulations. This temporary application is only for changing the point of diversion as the place of use and manner of use would remain unchanged.

ETT owns the South well and the property that surrounds the South well (APN# 44-531-05); the subject of this temporary change application. This well currently supplies water to the Lakeside Casino and RV Park. Moreover, a temporary change application under permit number 73518 is also being submitted for use of the South well.

In addition to the South well, ETT owns two nearby wells (North well and Middle well) and the property that surrounds these two wells. These two wells currently supply water to the Lakeside Casino and RV Park and are subject of temporary change applications under permit numbers 65086, 65731, and 65733.

An application for permission to change the point of diversion is in preparation and shall follow this temporary change application to permanently change the point of diversion under permit number 65732 to the South well.

Please note that this temporary change application is associated with one of five permits: 65086, 65731, 65732, 65733, and 73518; these permits have a total combined duty of 131.0 afa.