

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Dwight L. Smith, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source, through a drilled well, pump and distribution system for recreation and domestic purposes. The point of diversion of water from the source is as follows:

SW¼ NE¼ Section 20, T.21S., R.61E., M.D.B.&M., or at a point from which the E¼ corner of said Section 20 bears S. 88°20'56" E., a distance of 2,017.75 feet, situated in Clark County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator: Bellagio, LLC
Source: Underground
Manner of Use: Recreation and Domestic
Amount of appropriation: 0.45 c.f.s., but not to exceed 99.63 acre-feet annually
Period of use: January 1st to December 31st of each year
Date of priority of appropriation: *February 5, 1949

Description of land to which the water is appurtenant:

Water is developed by means of a drilled well 1070 feet deep, 16 inch diameter casing, with a 125 H.P. Grundfos three-phase submersible pump thence into a 10-inch diameter main loop pipeline supplying landscape irrigation and man-made lake make-up water within the NE¼ NE¼, NW¼ NE¼, SW¼ NE¼, SE¼ NE¼, NE¼ SE¼, NW¼ SE¼, and SW¼ SE¼ all in Section 20, T.21S., R.61E., M.D.B.&M.

*This certificate changes the point of diversion and place of use of Permit 60734, which changed the point of diversion and place of use of Permit 58763, Certificate 13979, which changed the point of diversion of Permit 27533, Certificate 8777, which changed the point of diversion, manner and place of use of a portion of Permit 12809, Certificate 5144. Therefore, the date of priority remains the same as Permit 12809, Certificate 5144.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 23rd day of April, A.D., 2003.

cmf/sb/jal

[Signature]
State Engineer