

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

Date of filing in State Engineer's Office... MAY 21 1990

Returned to applicant for correction.....

Corrected application filed.....

Map filed... JUN 6 1990

The applicant... National Convenience Stores, Inc.

100 Waugh Drive, of Houston, Texas 77007

hereby make 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.) in the State of Delaware

1. The source of the proposed appropriation is near surface groundwater at intersection of Tropicana Avenue and Mountain Vista Street, Las Vegas

2. The amount of water applied for is 0.05 second-feet

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

3. The water to be used for ground water remediation

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 NW 1/4 NE 1/4 Section 29 from which the N 1/4 corner of Section 29, T 21 S, R 62 E, MDB&M bears N 72° 12' 33" W a distance of 202.34 feet. Water is also diverted at a second point from which the N 1/4 corner of said section bears N 66° 50' 45" W, a distance of 157.34 feet.

6. Place of use... A portion of the NW 1/4, NE 1/4, Sec 29, T 21 S, R 62 E, MDB&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.) two drilled wells and infiltration trench

9. Estimated cost of works... \$20,000

10. Estimated time required to construct works 6 months
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use. No beneficial use of water recovered

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

Use of two extraction wells is part of a groundwater remediation program to recover spilled fuel. System will include oil-water separator and an air stripper and water will be discharged to storm water sewer.

s/Robert F. Kaufmann
By Robert F. Kaufmann agent The MARK Group
2300 Paseo Del Prado, Suite D-108
Las Vegas, NV 89102

Compared pm/ bp am/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 on the source. It is understood that the amount of water herein granted is only a temporary allowance for pollution control as mandated by orders issued by the Nevada Division of Environmental Protection and subsequent correspondence with said agency. The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and records of this measurement shall be submitted on an annual basis. It is also understood that this right must allow for a reasonable lowering of the static water level of permittee's well due to other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water granted herein 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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.05 cubic feet per second, but not to exceed 11.795 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before November 18, 1993

Proof of completion of work shall be filed on or before December 18, 1993

Application of water to beneficial use shall be made on or before November 18, 1996

Proof of the application of water to beneficial use shall be filed on or before December 18, 1996

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

Completion of work filed..... IN TESTIMONY WHEREOF, I. R. MICHAEL TURNIPSEED, P. E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

Proof of beneficial use filed..... office, this 18th day of November

Cultural map filed..... A.D. 19 91

Certificate No. Issued..... I. R. Michael Turnipseed, P.E.
State Engineer

CANCELLED JAN 31 1996 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT (09)5314 (Rev) STATE ENGINEER