AMENDED

No. 58653

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

Date of filing in State Engineer's Office MAR 22 1993

Returned to applicant for correction APR 7 - 1993

Corrected application filed APR 21 1993

Map filed APR 21 1993

The applicant Fitzgerald Estate

5759 Alfred Drive (Street and No. or P.O. Box No.), of Las Vegas (City or Town),

Nevada 89108 (State and Zip Code No.), 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.) Harold J. Fitzgerald, Marilyn E. Johnson, Eileen Carson, Kathleen Schoeffler, Nancy Fiametta, Vicki Fitzgerald Charlie Fitzgerald, Marlene Sibley, Dale Askew, Susie Askew, Mary Jane Ensor

1. The source of the proposed appropriation is underground Las Vegas Valley water basin (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 0.4456 (20 gpm) second-feet (One second-foot equals 448.83 gals. per min.)

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

3. The water to be used for groundwater remediation (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

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" Remediation of hydrocarbon contaminated groundwater.

   (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 See attached sheet (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.)

6. Place of use SE¼ of NE¼, Section 34, Township 20 South, Range 61 East, M.D.M., Clark County, Nevada (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), 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.) Seven (7) drilled 2-inch wells and pneumatic 2-inch pumps. (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

9. Estimated cost of works $100,000.00

10. Estimated time required to construct works 10 days

If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 3 years

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

Groundwater will be withdrawn to remove hydrocarbon contaminants which have leaked into the shallow aquifer from an underground fuel storage tank. The groundwater will be treated and then released via the City of Las Vegas storm drain system with appropriate permits.

By s/ Fitzgerald Property
Eileen Carson
5759 Alfred Drive
Las Vegas, NV 89108

Compared ab/ se ab/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. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion. 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. The State retains the right to regulate the use of water granted herein at any and all times.

* The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection.

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 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.04456 cubic feet per second, but not to exceed 10.512 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be filed on or before

Proof of the application of water to beneficial use shall be filed on or before

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

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of July, A.D. 1993

State Engineer

ANSWERS TO QUESTION #5

SOUTHEAST QUARTER (SE 1/4) NORTHEAST QUARTER (NE 1/4) SECTION 34, T. 20 SOUTH, R. 61 EAST, M.D.M., CLARK COUNTY, NEVADA BEARING: SOUTH 33°10'57" WEST, 4582.37 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 34. POINT OF DIVERSION "A".

SOUTHEAST QUARTER (SE 1/4) NORTHEAST QUARTER (NE 1/4) SECTION 34, T. 20 SOUTH, R. 61 EAST, M.D.M., CLARK COUNTY, NEVADA BEARING: SOUTH 34°06'25" WEST, 4613.12 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 34. POINT OF DIVERSION "B".

Pod under this appl.

SOUTHWEST QUARTER (SW 1/4) NORTHWEST QUARTER (NW 1/4) SECTION 35, T. 20 SOUTH, R. 61 EAST, M.D.M., CLARK COUNTY, NEVADA BEARING: SOUTH 35°32'12" WEST, 4702.22 FEET TO THE SOUTH QUARTER CORNER OF SECTION 34, T.20 SOUTH, R.61 EAST, M.D.M., CLARK COUNTY, NEVADA. POINT OF DIVERSION "C".

SOUTHWEST QUARTER (SW 1/4) NORTHWEST QUARTER (NW 1/4) SECTION 35, T. 20 SOUTH, R. 61 EAST, M.D.M., CLARK COUNTY, NEVADA BEARING: SOUTH 36°18'04" WEST, 4890.85 FEET TO THE SOUTH QUARTER CORNER OF SECTION 34, T.20 SOUTH, R.61 EAST, M.D.M., CLARK COUNTY, NEVADA. POINT OF DIVERSION "D".

SOUTHWEST QUARTER (SW 1/4) NORTHWEST QUARTER (NW 1/4) SECTION 35, T. 20 SOUTH, R. 61 EAST, M.D.M., CLARK COUNTY, NEVADA BEARING: SOUTH 36°30'41" WEST, 4778.17 FEET TO THE SOUTH QUARTER CORNER OF SECTION 34, T.20 SOUTH, R.61 EAST, M.D.M., CLARK COUNTY, NEVADA. POINT OF DIVERSION "E".

SOUTHWEST QUARTER (SW 1/4) NORTHWEST QUARTER (NW 1/4) SECTION 35, T. 20 SOUTH, R. 61 EAST, M.D.M., CLARK COUNTY, NEVADA BEARING: SOUTH 37°31'13" WEST, 4727.20 FEET TO THE SOUTH QUARTER CORNER OF SECTION 34, T.20 SOUTH, R.61 EAST, M.D.M., CLARK COUNTY, NEVADA. POINT OF DIVERSION "F".

SOUTHWEST QUARTER (SW 1/4) NORTHWEST QUARTER (NW 1/4) SECTION 35, T. 20 SOUTH, R. 61 EAST, M.D.M., CLARK COUNTY, NEVADA BEARING: SOUTH 38°45'22" WEST, 4891.86 FEET TO THE SOUTH QUARTER CORNER OF SECTION 34, T.20 SOUTH, R.61 EAST, M.D.M., CLARK COUNTY, NEVADA. POINT OF DIVERSION "G".

(PERMIT TERMS CONTINUED)

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

This permit is issued pursuant to the provisions of NRS 533.4375. Well drillers reports for any well(s) drilled under this permit shall be filed within 30 days from the completion of the well.

Within 30 days after the completion of the project, the permittee shall notify the State Engineer of such completion and all wells shall be plugged and abandoned in accordance with Chapter 534 of the Nevada Administrative Code.