

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

Date of filing in State Engineer's Office _____ **JAN 22 2004** _____

Returned to applicant for correction _____ **FEB 12 2004** _____

Corrected application filed _____ **FEB 20 2004** _____

Map filed _____ **MAR 08 2004** _____

The applicant **Diamond Apex, LLC** hereby makes 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.) **Limited Liability Corporation papers filed November 7, 2003 in the State of Nevada**

1. The source of the proposed appropriation is **underground**
2. The amount of water applied for is **0.05 second feet (with an annual duty of 2.02 acre feet)**.
second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **commercial**
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 **NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Township 19 South, Range 63 East, M.D.M, Clark County, NV, or at point from which the Northeast corner of the Southeast $\frac{1}{4}$ of said Section 9 bears North 78°25'50" East a distance of 3612.15 feet**
6. Place of Use **All of Lots 150 and 151 as shown on the attached map. Lot 150 corresponds to Parcel Number APN 122-09-010-002. Lot 151 corresponds to Parcel Number APN 122-09-010-003...More specifically, Lot 150 is within the SE NE, the SW NE, the NE NE, and the NW NE of Section 9, T.19S., R.63E., M.D.M., and Lot 151 is within the NE SW, and the NW SW quarter quarter sections of said Section 9**
7. Use will begin about **January 1st** and end about **December 31st** of each year.
8. Description of proposed works **One approximately 800-foot deep well with pump and motor**
9. Estimated cost of works **\$25,000**
10. Estimated time required to construct works **One year**
11. Estimated time required to complete the application of water to beneficial use **Three years**

12. Remarks: Water is to be used for commercial offices and an equipment yard. Office usage is further described on the table of fixtures. In addition, water will be used for landscaping, and dust control on a gravel lot. The Point of Diversion and Place of Use are both located in the Las Vegas Valley Hydrographic Basin (Basin 212)

By s/Mark Stock
c/o Global Hydrologic Services Inc.,
561 Keystone, #200
Reno, Nevada 89503

Compared cmf/_____ag/sam_____

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 and is further subject to revocation if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water. 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 water begins, or before the Proof of Completion of Work is filed. It is understood that this right must allow for a reasonable lowering of the static water level. 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. 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.

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.

Permit 70844 is granted to provide Commercial water service to two parcels described by Clark County Assessor's Parcel Numbers (APN) 122-09-010-002 and 122-09-010-003.

This Permit is issued subject to the State Engineer's Amended Order 1054 dated April 15, 1992.

(CONTINUED ON PAGE 3)

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 2.0 acre-feet annually.**

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

November 17, 2006

Proof of completion of work shall be filed on or before:

December 17, 2006

Water must be placed to beneficial use on or before:

November 17, 2009

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

December 17, 2009

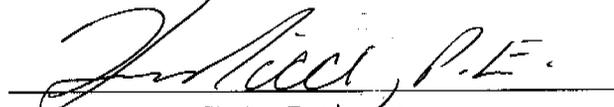
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this **17th** day of **November**, A.D. **2004**


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____ N/A _____

Certificate No. _____ Issued _____