

AMENDED

NO. 71755

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

Date of filing in State Engineer's Office OCT 12 2004

Returned to applicant for correction NOV 08 2004

Corrected application filed DEC 27 2004

Map filed DEC 27 2004 under 71753

The applicant **Frehner Construction Company, Inc.**, 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 see attached exhibit "A" as amended.

1. The source of water is **underground**
2. The amount of water to be changed **75.08 acre feet, 10.37 acres**
3. The water to be used for **mining & milling**
4. The water heretofore permitted for **irrigation**
5. The water is to be diverted at the following point **within the SE¼ SE¼ of section 13, T23S R60E MDM or a point from which the SE corner of said section 13 bears North 3° 16' 35" West a distance of 933.29 feet. Map previously filed.**
6. The existing permitted point of diversion is located within a **portion of the NW¼ NW¼ of Section 3, T21S R62E, MDB&M or a point from which the NW corner of said section 3 bears North 62° 54' 29" West a distance of 171.24 feet. Map previously filed, drawn from record data.**
7. Proposed place of use **see attached exhibit "B" previously submitted.**
8. Existing place of use **a portion of the NW¼ of section 3, T21S R62E MDB&M. The acreage to be removed from irrigation is 10.37. Amended map enclosed.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled & cased well w/12¾" casing shaft driven turbine pump w/top mounted 125 hp motor, misc. piping & Neptune meter**
12. Estimated cost of works **\$160,000.00**
13. Estimated time required to construct works **6 months**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **This application is being submitted to supplement existing water rights owned in part by Frehner Const. at the POD described in item #5. The combined duty under this application and application filed to change the supplemental right 12811 shall not exceed 75.044 acre feet.**

By **Philip Nelson**
s/ **Philip Nelson**
3920 West Hacienda
Las Vegas, NV 89118

71755

Compared aem/sam dl/gkl

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 to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Proof V07656 is issued subject to the terms and conditions imposed in said Proof V07656 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.

This 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 Permits 67692, 68459, 68624, 69303, 70404, 70626, 71014, 71709-T, 71753, 71754, 71755, 72088, 72089 and 72090 shall not exceed 741.85 acre-feet annually.

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

Monthly records shall be kept of the amount of water pumped from this well and other wells within the place of use of this permit. Records shall be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. Separate reports shall be made for water pumped under permits and vested rights, and for water pumped under other authorization such as waivers. The monthly record shall identify water right permits and waivers from each well, and include the size, make, serial number, and meter location associated with a well.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.1037 cubic feet per second, **and not to exceed 75.08 acre-feet annually.**

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

April 18, 2006

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

May 18, 2006

Water must be placed to beneficial use on or before:

April 18, 2007

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

May 18, 2007

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

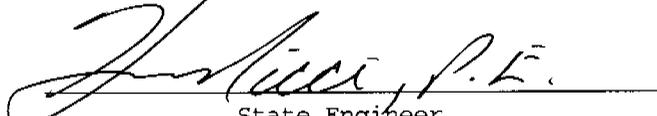
N/A

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 8th day of July, A.D. 2005


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____ N/A _____

Certificate No. _____ Issued _____

Exhibit "A" *As Amended*

Insert after "heretofore appropriated under"...A portion of Decreed groundwater right 07656 as more Particularly set forth in the Amendment of December 23, 1999, Findings of Fact, Conclusions of Law and Decree, in Case No. A382950, Department XV, in the District Court, Clark County, Nevada in the action entitled In the Manner of the Determination of the Relative Rights in and to the Waters of the Las Vegas Artesian Basin in Clark County, Nevada filed January 2, 2002,

Exhibit "B"

"PROPOSED PLACE OF USE...."

"SE 1/4 SE1/4 SW1/4	SECTION 13 T23S R60E
NE 1/4 SE1/4 SW1/4	SECTION 13 T23S R60E
N 1/2 S1/2 SE1/4	SECTION 13 T23S R60E
N 1/2 NW1/4 SW1/4	SECTION 13 T23S R60E
SE1/4 NW1/4	SECTION 13 T23S R60E
SE1/4 NW1/4 SW1/4	SECTION 13 T23S R60E
NE1/4 SW1/4	SECTION 13 T23S R60E
N 1/2 SE 1/4	SECTION 13 T23S R60E
S 1/2 SW1/4 NW1/4	SECTION 13 T23S R60E
NE 1/4	SECTION 13 T23S R60E
NE1/4 NE1/4 NW1/4	SECTION 13 T23S R60E
S 1/2 NE1/4 NW1/4	SECTION 13 T23S R60E
SE 1/4 SW 1/4	SECTION 12 T23S R60E
SW1/4 SE1/4	SECTION 12 T23S R60E"