THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant:	**DIAMOND APEX, LLC**
Source:	**UNDERGROUND**
Basin:	**LAS VEGAS VALLEY**
Manner of Use:	**COMMERCIAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**04/05/1943**

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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 and manner of use of the waters of an underground source as heretofore granted under Permit 13648, Certificate 4099, is issued subject to the terms and conditions imposed in said Permit 13648, Certificate 4099, 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 74645, 74646 shall not exceed 44.0 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.

If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

This permit is issued for Quasi-Municipal water service on parcels identified as Clark County APNs 122-04-010-005, 122-05-010-003, 122-05-010-004, 122-05-010-006, 122-06-010-003, 122-06-010-004, 122-07-010-004, 122-08-010-004 and 122-08-010-005.

The point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.0262** cubic feet per second, **but not to exceed 19.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **June 26, 2008**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **June 26, 2012**
Map in support of proof of beneficial use shall be filed on or before: **N/A**

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26th day of **June**, A.D. **2007**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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No. 74645

AMENDED

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 **AUG 16 2006**

Returned to applicant for correction **AUG 31 2006**

Corrected application filed **SEP 21 2006**

Map filed **SEP 21 2006**

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The applicant **Diamond Apex, LLC** hereby makes application for permission to change the **point of diversion, manner of use, and place of use** of water heretofore appropriated under **Permit 13648. (Certificate 4099)**

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1. The source of water is **underground**

2. The amount of water to be changed **0.0262 cfs (not to exceed 19.0 acre-feet annually)**

3. The water to be used for **Commercial**

4. The water heretofore permitted for **Quasi-municipal and Domestic**

5. The water is to be diverted at the following point **the Southeast Quarter of the Southeast Quarter of Section 5, Township 19 South, Range 63 East M.D.B.&M., Clark County, Nevada, or at a point from which the southeast corner of said Section 5 bears South 24° 13' 46" East a distance of 912.06 feet**

6. The existing permitted point of diversion is located within **the Northwest Quarter of the Northwest Quarter of Section 18, Township 20 South, Range 62 East M.D.B.&M., or at a point from which the Northwest corner of said Section 18 bears North 26° 14' West, a distance of 1,376 feet**

7. Proposed place of use **Portions of Sections 4, 5, 6, 7, and 8, Township 19 So., Range 63 East, M.D.B.&M., and parts of Sections 31 and 32, Township 18 South, Range 63 East, M.D.B.&M, Clark County, Nevada as shown on the accompanying map, and described more completely on Exhibit 1.**

8. Existing place of use **3.33 acres in the NW¼ of the NW¼ of Section 18, Township 20 South, Range 62 East, M.D.B.&M**

9. Use will be from **January 1st** to **December 31st** of each year.

10. Use was permitted from **January 1st** to **December 31st** of each year.

11. Description of proposed works **Water will be pumped from a well to be constructed to a depth of approximately 1,400 feet. A storage tank, and water lines will distribute water to the place of use.**

12. Estimated cost of works **$500,000 (for well, pumps, water lines, and storage tanks only)**

13. Estimated time required to construct works **Two (2) years**

14. Estimated time required to complete the application of water to beneficial use **five (5) years**

74645

15. Remarks: **The proposed new Point of Diversion is to be a well approximately 1,400 feet deep. The water will ultimately be used for office and warehouse development. During development, the water will be used for dust control, rock-quarrying, and temporary offices. There area no domestic wells within 2500 feet of the proposed point of diversion.**

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

Compared sc/gkl

Protested

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Exhibit 1 for Application 74645

Place of Use for Application 74645 includes the area shown on the accompanying water rights map. A verbal description of the area within the Place of Use is as follows:

Within Township 19 South, Range 63 East, M.D.B. & M. (in Clark County, Nevada):

Section 4: a portion of the N ½ of the SW ¼, and
a portion of the SW ¼ of the SW ¼.

Section 5: all of the W ½, and
all of the W ½ of the NE ¼, and
a portion of the E ½ of the NE ¼, and
all of the NW ¼ of the SE ¼, and
a portion of the SW ¼ of the SE ¼, and
a portion of the E ½ of the SE ¼.

Section 6: all of the NE ¼, and
all of the SE ¼ of the NW ¼, and
a portion of the W ½ of the NW ¼, and
a portion of the NE ¼ of the NW ¼, and
all of the NE ¼ of the SW ¼, and
a portion of the E ½ of the SE ¼, and
a portion of the NW ¼ of the SE ¼.

Section 7: a portion of the NE ¼.

Section 8: a portion of the N ½ of the NW ¼, and
a portion of the NW ¼ of the NE ¼.

Within Township 18 South, Range 63 East, M.D.B. & M. (in Clark County, Nevada):

Section 31: all of the SE ¼ of the SE ¼, and
a portion of the W ½ of the SE ¼, and
a portion of the NE ¼ of the SE ¼, and
a portion of SE ¼ of the NE ¼, and
a portion of SE ¼ of the SW ¼.

Section 32: all of the S ½ of the SW ¼, and
all of the NW ¼ of the SW ¼, and
a portion of the NE ¼ of the SW ¼, and
a portion of the S ½ of the NW ¼, and
a portion of the S ½ of the SE ¼.