



## 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 a portion of the waters of an underground source as heretofore granted under Permit 42710, Certificate 12428, is issued subject to the terms and conditions imposed in said Permit 42710, Certificate 12428, 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If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.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 0.05 cubic feet per second, **but not to exceed 25.0 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:

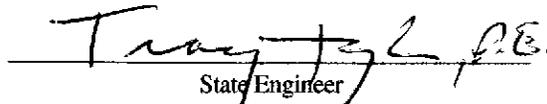
June 26, 2012

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 26<sup>th</sup> day of June, A.D. 2007

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

**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 a portion** of water heretofore appropriated under **Permit 42710. (Certificate 12428)**

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1. The source of water is **underground**
2. The amount of water to be changed **0.0500 cfs (not to exceed 25.0 acre-feet annually)**
3. The water to be used for **Commercial**
4. The water heretofore permitted for **Irrigation**
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 Southeast Quarter of the Southwest Quarter of Section 9, Township 19 South, Range 60 East M.D.B.&M., Clark County, Nevada, or at a point from which the south quarter corner of said Section 9 bears South 44° 17' 58" East a distance of 1266.80 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 further described on the attached Exhibit 1 and as shown on the accompanying map.**
8. Existing place of use **5.0 acres within the SE¼ of the SW¼ of Section 9, Township 19 South, Range 60 East, M.D.B.&M, Clark County, Nevada**
9. Use will be from **January 1<sup>st</sup> to December 31<sup>st</sup>** of each year.
10. Use was permitted from **January 1<sup>st</sup> to December 31<sup>st</sup>** 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**

**74646**

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 are no domestic wells within 2500 feet of the proposed point of diversion. See stripping map on file with Application 72179. This is an application to strip all reminingwater.**

**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 74646

Place of Use for Application 74646 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  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , and  
a portion of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ .

Section 5: all of the W  $\frac{1}{2}$ , and  
all of the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$ , and  
a portion of the E  $\frac{1}{2}$  of the NE  $\frac{1}{4}$ , and  
all of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , and  
a portion of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , and  
a portion of the E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ .

Section 6: all of the NE  $\frac{1}{4}$ , and  
all of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , and  
a portion of the W  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ , and  
a portion of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , and  
all of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , and  
a portion of the E  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , and  
a portion of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ .

Section 7: a portion of the NE  $\frac{1}{4}$ .

Section 8: a portion of the N  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ , and  
a portion of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ .

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

Section 31: all of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , and  
a portion of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ , and  
a portion of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , and  
a portion of SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , and  
a portion of SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ .

Section 32: all of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$ , and  
all of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , and  
a portion of the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , and  
a portion of the S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$ , and  
a portion of the S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$ .