



THE STATE OF NEVADA
PERMIT TO APPROPRIATE WATER

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: 08/16/2006

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.

This permit is issued under the provisions of NRS 534.120(2), Stae Engineers Amended Order #1054, as a preferred use.

Permit 74647 is issued for commercial water service to the parcel identified by the Clark County Assessor as APN 122-09-110-001. Upon cessation of pumping for commercial purposes at this place of use, the water under Permit 74647 shall return to the groundwater source and no application to change or relinquishment will be allowed.

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

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

May 31, 2008

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

May 31, 2010

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 31 day of May, A.D. 2007

[Handwritten signature: Tracy Taylor, P.E.]
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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

Date of filing in State Engineer's Office AUG 16 2006

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 16 2006

The applicant **Diamond Apex, LLC** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. **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 ¼ of the NW ¼ of Section 9, Township 19 South, Range 63 East, M.D.M, Clark County, NV, or at a point from which the Northwest corner of said Section 9 bears North 54° 13' 09" West a distance of 1813.15 feet**
6. Place of Use **All of Lot 153-1A as shown on the attached map. Lot 153-1A corresponds to Parcel Number APN 122-09-110-001. More specifically, Lot 153-1A is located in the N ½ of the NW ¼ of Section 9, T. 19 S., R. 63 E., M.D.M.**
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 **\$95,000**
10. Estimated time required to construct works **One year**
11. Estimated time required to complete the application of water to beneficial use **Three years**

No. 74647

12. Remarks: Water is to be used for commercial office, warehouse, 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. 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 sg/mt_____

Protested _____
