



TEMPORARY
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: FRESHNER CONSTRUCTION COMPANY
Source: UNDERGROUND
Basin: DAYTON VALLEY
Manner of Use: MINING AND MILLING
Period of Use: January 1st to December 31st
Priority Date: 04/20/1972

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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 temporary 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 59297, Certificate 14171, is issued subject to the terms and conditions imposed in said Permit 59297, Certificate 14171, 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

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 temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on August 1, 2007 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0378 cubic feet per second but not to exceed 9.08 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: N/A

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

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 16 day of July, A.D. 2007

[Signature] P.E.
Deputy State Engineer

TEMPORARY  
AMENDED

Serial No. 75410 T

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office MAR 05 2007

Returned to applicant for correction MAR 15 2007

Corrected application filed MAR 20 2007 Map filed AUG.06,1981 under 44237

The applicant Frehner Construction Company

4040 Frehner Road of North Las Vegas

Street and No. or P.O. Box No. City or Town

Nevada 89030, hereby make s. application for permission to change the

State and Zip Code No.

Point of Diversion, Manner and place of use of a portion

of water heretofore appropriated under Permit 59297 Certificate 14171

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

1. The source of water is underground  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.0378 CFS with a duty of 9.08 ACFT Annual  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Mining and Milling (Dust Control)  
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.
4. The water heretofore used for Irrigation & Domestic  
If for stock state number and kind of animals.
5. The water is to be diverted at the following point the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Section 21 T16N R21E MDBAM from which the  
Describe as being within a 40-acre subdivision of public survey and by course  
NE corner of section 21 bears N 60°E a distance of 310 ft. (actual). Recorded map shows tie  
and distance to a section corner. If on unsurveyed land, it should be stated.  
FROM WHICH THE NE CORNER OF SAID SECTION 21 BEARS N 36°40' E  
A DISTANCE OF 325 FT.  
as S36°40' / W325' from the NE corner.
6. The existing point of diversion is located within SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Section 17, T.17N, R23E, MDBAM or at a  
If point of diversion is not changed, do not answer.  
point from which the E<sup>1</sup>/<sub>2</sub> corner of said section 17 bears S53°19'22"E, a distance of  
1942.0 feet.

R. D. LIPMAN  
 3/20/2007  
 PER TELECON

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7. Proposed place of use E/Section 18 and the W/ of section 17 T16N R21E MDB&M. Within us  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.  
145  
147, 149, 3374 & 4498 see Haywood Quarry paper map enclosed.  
3774  
mineral surveys #147, 147, 149, 3374 & 4498 see Haywood Quarry paper map enclosed.

8. Existing place of use 3.0 Acres in the SW & NE 1/4 of Section 17, T17N, R23E MDB&M  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of  
2.27 AC. BEING STRIPPED FROM IRRIGATION.  
use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.  
Month and Day Month and Day

10. Use permitted from January 1 to December 31 of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Existing Well  
State manner in which water is to be diverted, i.e. diversion structure, ditches,  
pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works \$25,000

13. Estimated time required to construct works Well log on file  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Immediate

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Use map filed under 59297 for Existing Point of Use and area being stripped (attached)

see Haywood Quarry map for proposed POU see map filed under 44237 for POU

By Ross de Lipkau  
Signature, applicant or agent Ross de Lipkau

50 W. Liberty, Ste. 750  
Street and No., or P.O. Box No.

Reno, NV 89501  
City, State, Zip Code No.

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

\$100 FILING FEE MUST ACCOMPANY APPLICATION