



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: FRETNER CONSTRUCTION CO., INC.
Source: UNDERGROUND
Basin: LAS VEGAS VALLEY
Manner of Use: MINING AND MILLING
Period of Use: January 1st to December 31st
Priority Date: 05/25/1950

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 of the waters of an underground source as heretofore granted under Permit 70404 is issued subject to the terms and conditions imposed in said Permit 70404 and with the understanding that no other rights on the source will be affected by the change proposed herein.

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 54172, 70626, 71753, 71754, 71755, 72088, 72089, 72090, 73297, 73526, 74248, 74249, 74250, 74251, 74493 and 75831 shall not exceed 771.51 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.

The point of diversion and place of use are as described 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 0.165 cubic feet per second or 75.0 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:

October 18, 2009

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 12th day of September, A.D. 2007

Handwritten signature of Tracy Taylor, P.E. and the title State Engineer.

Completion of work filed June 13, 2006 under 71755

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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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 JUN 01 2007
Returned to applicant for correction
Corrected application filed Map filed SEP 30 2004 under 71709-T

The applicant Fehner Construction Co, Inc.
3920 W. Hacienda of Las Vegas
Nevada 89118
State and Zip Code No.

Point of diversion Place of use Manner of use of a portion
of water heretofore appropriated under permit # 70404
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
2. The amount of water to be changed 15 acre feet (0.165 cfs)
3. The water to be used for mining & milling
4. The water heretofore used for mining & milling processing sand & Gravel
5. The water is to be diverted at the following point within the SE 1/4 SE 1/4 of section 13, T235 R10E MDM or a point from which the SE corner of said section 13 bears North 30° 16' 35" West a distance of 933.29 feet. Map previously filed.
6. The existing point of diversion is located within NW 1/4 SW 1/4 Section 13 T235 R10E bearing North 63° 29 min 9 sec East a distance of 722.66 feet from the S 1/4 corner of said section 13 & section 14 of said Township & Range.

15E 6/8/07

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7. Proposed place of use see attached exhibit "A", same as existing place of use.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use see attached exhibit "A", same as existing place of use.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of 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

10. Use permitted from January 1 to December 31 of each year.
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.) works complete (permit # 71755 & # 72090)
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 diversion works works complete (permit # 71755 & # 72090)

13. Estimated time required to construct diversion works works complete (permit # 71755 & # 72090)
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5 years

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

This application is being submitted to permanently change the POD described in item #6. When this application is approved, the POD described in item #6 will be plugged & abandoned per NRS regulations.

(702) 876-5226
Phone No.

By Philip Nelson
Print or type name clearly
Philip Nelson
Signature, applicant or agent
3920 W Hacienda
Street and No., or P.O. Box No.
Las Vegas, NV 89118
City, State, Zip Code No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

"EXHIBIT A"

PLACE OF USE..."

"SE 1/4	SE 1/4	SW 1/4	SEC 13	T23S	R60E
NE 1/4	SE 1/4	SW 1/4	SEC 13	T23S	R60E
N 1/2	S 1/2	SE 1/4	SEC 13	T23S	R60E
N 1/2	NW 1/4	SW 1/4	SEC 13	T23S	R60E
SE 1/4	NW 1/4		SEC 13	T23S	R60E
SE 1/4	NW 1/4	SW 1/4	SEC 13	T23S	R60E
NE 1/4	SW 1/4		SEC 13	T23S	R60E
N 1/2	SE 1/4		SEC 13	T23S	R60E
S 1/2	SW 1/4	NW 1/4	SEC 13	T23S	R60E
NE 1/4			SEC 13	T23S	R60E
NE 1/4	NE 1/4	NW 1/4	SEC 13	T23S	R60E
S 1/2	NE 1/4	NW 1/4	SEC 13	T23S	R60E
SE 1/4	SW 1/4		SEC 12	T23S	R60E
SW 1/4	SE 1/4		SEC 12	T23S	R60E"