



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: USFS
Source: UNDERGROUND
Basin: LAS VEGAS VALLEY
Manner of Use: QUASI-MUNICIPAL
Period of Use: January 1st to December 31st
Priority Date: 06/02/1954

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 and place of use of a portion of the waters of an underground source as heretofore granted under Permit 62556 is issued subject to the terms and conditions imposed in said Permit 62556 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 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If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

(Continued on Page 2)

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 0.0986 cubic feet per second or 40.0 acre-feet annually.**

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

February 24, 2010

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

February 24, 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 24th day of February, A.D. 2009

for K. Taylor P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

AMENDED

Application No. 77223

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 JUL 11 2008
Returned to applicant for correction JUL 21 2008
Corrected application filed SEP 19 2008 Map filed SEP 19 2008

The applicant USFS

1200 Franklin Way of Sparks
Street Address or P.O. Box City or Town

Nevada 89431, hereby make(s) application for permission to change the
State and Zip Code

Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
Permit 62556

1. The source of water is under ground
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed .10cfs not to exceed 40 afa and periodic change as listed in Q 16
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Quasi-municipal
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 Quasi-municipal
If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
NE 1/4 SW 1/4 corner of Section 28, T.19S., R.57E., MDB&M, or at a point from which the E 1/4 corner of said Section 28 bears N. 73° 01' 30" E, a distance of 3730.0 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
SE 1/4 NE 1/4 corner of Section 28, T.19S., R.57E., MDB&M, or at a point from which the E 1/4 corner of said Section 28 bears S 4° 59' 40" E a distance of 1010.0 feet.

16. Miscellaneous remark continued

On June 19, 2008 representatives from the USFS met with Jason King to discuss permit 62556. One of the discussion topics was the change of the place of use for a portion of permit 62556 to this well. We were concerned that we had no authority to make the water right owner plug the well. We recognized the responsibility for the well was ours as the landowner. Since the well has a good production rate and high quality water it is in our interest to keep the well operational. We also discussed the need to periodically increase the diversion rate to adequately respond to fire emergencies and met the Clark county code. This change permit also requests that we be permitted to divert 1500 gallons per minute for up to 2 hours to meet these emergency response needs.

Please direct any questions you have to:

Barbara Drake
Forest Hydrologist
1200 Franklin Way
Spark, NV 89431
775-355-5339

This is a change application for a water right permit for the Middle Kyle project. Refer to question 16 for a full explanation of what we are applying for and why we are applying for it. This is time sensitive. The previous water diverter was given 30-day notice by the State to plug the well in May. The State is aware of our desire to move some of our water right, to this Point Of Diversion and has given us extra time to submit this application.

Thanks Barbara