



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

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 the waters of an underground source as heretofore granted under Permit 75869 is issued subject to the terms and conditions imposed in said Permit 75869 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 77727 and 77728, having the same point of diversion and place of use, shall not exceed 0.076 cubic feet per second and 44.00 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If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

Permit 77728 is issued for commercial purposes on the parcels identified by the Clark County assessor as the 1286.68 acre APN 122-05-010-008, and the 125.77 acre APN 122-07-010-005.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

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 or 25.0 acre-feet annually.**

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

September 21, 2010

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

September 21, 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 15th day of October, A.D. 2009


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

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 DEC 30 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed DEC 30 2008 under **77727**

The applicant Diamond Apex, LLC.

7885 Westwind Road of Las Vegas

Street Address or P.O. Box City or Town

Nevada, 89139-6101, 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 75869

1. The source of water is underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 25.0 acre feet per year at a rate of 0.0500 cubic feet per second
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Commercial
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.)
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 degrees 13' 46" East a distance of 912.06 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
the SE 1/4 of the SE 1/4 of Section 4, Township 19 South, Range 63 East, M.D.M., Clark County, Nevada, or at a point from which the Southeast corner of said Section 4 bears South 36 degrees 19' 38" East a distance of 1325.20 feet.

212-01

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Portions of sections 4, 5, 6, 7, and 8, Township 19 South, Range 63 East, M.D.B.&M., and portions of sections 31 and 32, Township 18 South, Range 63 East, M.D.B.&M., Clark County, Nevada as shown on the accompanying map, and described more completely on Exhibit 1

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

As shown on the map accompanying Permit 75868. More specifically, within Township 19 South, Range 63 East, M.D.M.: a portion of the SW 1/4 of the SW 1/4, and a portion of the N 1/2 of the SW 1/4 of Section 3; a portion of the SE 1/4 of the SW 1/4 and a portion of the S 1/2 of the SE 1/4 of Section 4; and a portion of the N 1/2 of the NE 1/4 and a portion of the NE 1/4 of the NW 1/4 of Section 9.

9. Proposed use will be from January 1 to December 31 of each year.

10. Existing use permitted from January 1 to December 31 of each year.

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

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

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.

16. Miscellaneous remarks:

The are no domestic wells within 2,500 feet of the proposed point of diversion.

(775) 787-1300

Phone No.

globalhydrologic@sbcglobal.n

E-mail

By Mark D. Stock

Print or type name clearly

Handwritten signature of Mark D. Stock

Signature, applicant or agent

Global Hydrologic Services Inc.

Company Name

561 Keystone, #200

Street Address or P.O. Box

Reno, NV 89503

City, State, Zip Code

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STATE ENGINEER'S OFFICE

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Exhibit 1 for Application to Change Existing Permit 75869

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 SW $\frac{1}{4}$.

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

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