Permit No. 77745

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:	**KAPEX, LLC**
Source:	**UNDERGROUND**
Basin:	**GARNET VALLEY**
Manner of Use:	**COMMERCIAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**10/20/1981**

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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 permit to change the place of use of a portion of the waters of an underground source as heretofore granted under Permit 55674, Certificate 16705, is issued subject to the terms and conditions imposed in said Permit 55674, Certificate 16705 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.

The permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

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If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

This permit is issued for commercial purposes within a portion of the 3190 acre parcel identified by the Clark County Assessor as APN 103-16-010-001.

(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 0.015 cubic feet per second or 10.02 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**July 31, 2010**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**July 31, 2012**
Map in support of proof of beneficial use shall be filed on or before:	**July 31, 2012**

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 31st day of **July**, A.D. **2009**

For P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Application No. 77745

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 JAN 0 7 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed JAN 0 9 2009

The applicant KAPEX, LLC

PO BOX 751149 (Street Address or P.O. Box) of LAS VEGAS (City or Town)

NEVADA 89136 (State and Zip Code), hereby make(s) application for permission to change the

☐ 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 55674, CERTIFICATE 16705

1. The source of water is UNDERGROUND (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed 0.015 C.F.S, NOT TO EXCEED 10.02 AFA (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 COMMERCIAL (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.)
   NW1/4 NW1/4 SECTION 16, T 18S, R 63E, MDB&M, OR AT A POINT FROM WHICH THE NE CORNER OF SAID SECTION 16, BEARS N 78° 18' 25" E, A DISTANCE OF 4,154.45 FEET SITUATED IN CLARK COUNTY, STATE OF NEVADA.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   NOT CHANGED.

216-CL

77745

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

SERVICE TO FOUR COMMERCIAL OFFICE BUILDINGS, AND A 1,000,000 GALLON STORAGE TANK FOR DUST CONTROL AND FIRE PROTECTION PURPOSES WITHIN PORTIONS OF SECTIONS 8, 9, 10, 15, 17, 20, 21, AND 22 AND ALL OF SECTION 16, ALL IN T 18S, R 63E, MDB&M.

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.)

SERVICE TO FOUR COMMERCIAL OFFICE BUILDINGS, AND A 1,000,000 GALLON STORAGE TANK FOR DUST CONTROL AND FIRE PROTECTION PURPOSES WITHIN PORTIONS OF SECTIONS 9, 10, 15 AND 16, ALL IN T 18S, R 63E, MDB&M.

9. Proposed use will be from JANUARY 1 (Month and Day) to DECEMBER 31 (Month and Day) of each year.

10. Existing use permitted from JANUARY 1 (Month and Day) to DECEMBER 31 (Month and Day) 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.)
Works are complete, as set forth on the proof of completion of works for certificated Permit 55674.

12. Estimated cost of works See Exhibit A

13. Estimated time required to construct works See Exhibit A
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 10 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.)
This application is filed for the purpose of expanding the place of use of base Permit 55674 to include all of the real property owned by Applicant. Water is being used to support the filing of a commercial subdivision map, with the knowledge that the Garnet Valley will be served by the City of North Las Vegas in the future.

16. Miscellaneous remarks:

2009 JAN -7 AM 10:40
STATE ENGINEER'S OFFICE
RECEIVED

702-643-4940
Phone No.

lmorales@ipdnv.com
E-mail

By Adam P. Titus
Print or type name clearly

Adam P Titus
Signature, applicant or agent

Kapex, LLC
Company Name

PO Box 751149
Street Address or P.O. Box

Las Vegas, Nevada 89136
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION