



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: ELKO SUMMIT LIMITED, A NEVADA
LIMITED LIABILITY COMPANY

Source: UNDERGROUND

Basin: ELKO SEGMENT

Manner of Use: QUASI-MUNICIPAL

Period of Use: January 1st to December 31st

Priority Date: 06/15/1979

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 a portion of the waters of an underground source as heretofore granted under Permit 38341, Certificate 10692, is issued subject to the terms and conditions imposed in said Permit 38341, Certificate 10692 and with the understanding that no other rights on the source will be affected by the change proposed herein. 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. 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 total combined duty of water under Permits 75405, 75406 and 78030, having the same point of diversion (Well 9A), shall not exceed 10.96 acre-feet annually.

The total combined duty of water under Permits 62910, 62911, 72147, 72958, 73578, 73579, 73580, 73820, 73821, 75405, 75406 and 78030 shall not exceed 30.02 acre-feet annually within the described place of use at a duty of 1.12 acre-feet annually per parcel.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(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 0.0139 cubic feet per second or 7.0 acre-feet annually.**

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

September 10, 2010

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

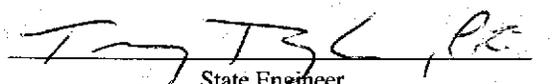
September 10, 2014

Map in support of proof of beneficial use shall be filed on or before:

September 10, 2014

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of September, 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 FEB 12 2009
Returned to applicant for correction
Corrected application filed Map filed FEB 12 2009

The applicant...Elko Summit Limited, a Nevada Limited Liability Company

19 W. Hannum Boulevard of Saginaw
Street and No. Or P.O. Box No. City or Town

Michigan 48602-1932, hereby make application for permission to change the
State and Zip Code No.

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.)

a portion of Permit #38341, Certificate #10692

- 1. The source of water is...Underground
2. The amount of water to be changed..0.0139 CFS or 7.00 AFA
3. The water to be used for...Quasi-Municipal
4. The water heretofore used for...Stockwater ... (0.4464 x 700 head of Cattle = 312.5 head of Cattle)
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.) in the NW1/4SW1/4 of Section 25, T.34N., R.55E., M.D.B.&M., at a point from which the SE corner of said Section 25 bears S 71°14'07" E, a distance of 5,205.57' feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.) in the NW1/4NW1/4 of Section 33, T.34N., R.55E., M.D.B.&M., at a point from which the NW corner of said Section 33 bears N 29°00'00" W, a distance of 1463.29' feet.

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.) Portions of Section 25, and the NW1/4, N1/2N1/2NE1/4, & NE1/4NW1/4SW1/4 of Section 36, T.34N., R.55E., M.D.B.&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 me removed from irrigation.)

the E1/2NE1/4 Section 32, T34N., R.55E, M.D.B.&M., the W1/2NW1/4, & the NW1/4SW1/4 of Section 33, T.34N., R.55E., M.D.B.&M.

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

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

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 structures, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Upgrade Pump, Run Service Lines.

12. Estimated cost of works...\$50,000.00.....

13. Estimated time required to construct works...five years.....
If well completed, describe well.

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

Upgrade Pump, Install Meter, Run Service Lines to Proposed Places of Use.

16. Miscellaneous remarks:

The completion of this project will be based on the sale of the Proposed Places of Use to Residential users.

.....775-831-7539.....
Phone No.

.....
E-mail

By..Conn Davis.....
Print or type name clearly

Conn Davis
Signature, applicant or agent

CLD Surveying.....
Company Name.

P.O.Box 7316.....
Street and No., or P.O. Box No.

Incline Village, NV 89452.....
City, State, Zip Code

STATE ENGINEERING DIVISION
2009 FEB 12 PM 2:06

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION