



ENVIRONMENTAL

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant: SOMERSET SHOPPING CENTER, LP
Source: UNDERGROUND
Basin: LAS VEGAS VALLEY
Manner of Use: ENVIRONMENTAL
Period of Use: January 1st to December 31st
Priority Date: 05/13/2010

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 environmental permit is issued subject to existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance for pollution control as mandated by orders issued by the Nevada Division of Environmental Protection and subsequent correspondence with said agency. The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection. A totalizing meter must be installed and maintained in the discharge pipeline and monthly records of this measurement shall be submitted on an annual basis not later than February 15th of each year. Multiple wells within this quarter-quarter may be constructed and pumped. The State retains the right to regulate the use of water granted herein 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 environmental 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 Environmental Permits 79542E, 79835E and 79836E, shall not exceed 410.0 acre-feet annually.

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

This environmental permit is issued for environmental purposes for the parcel identified by the Clark County Assessor as APN 162-09-802-001.

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 0.116 cubic feet per second or 84 acre-feet annually.**

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

July 19 2011

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

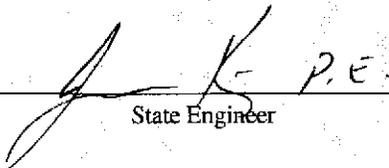
N/A

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

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of July, A.D. 2010



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA FOR ENVIRONMENTAL PURPOSES

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>MAY 13 2010</u>
Returned to applicant for correction	
Corrected application filed	Map filed <u>MAR 19 2010</u> under <u>79542 E</u>

The applicant Somerset Shopping Center, LP
294 Convention Center Drive of Las Vegas
Street Address or PO Box City or Town

Nevada 89109 hereby make(s) application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.)
State and ZIP Code

Somerset Shopping Center, LP members include: Estwin Corporation, Herman Kishner Trust, 1993 Kishner Trust, 1981 Kishner Trust, and Irwin Kishner, as individual

1. The source of the proposed appropriation is Shallow groundwater within Las Vegas Valley
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is One point total 0.116 (50 gpm) second feet.
One second foot equals 448.83 gallons per minute

(a) If stored in reservoir, give number of acre-feet n/a

3. Remediation Order or Letter (attach copy)
 (a) Issued by Nevada Division of Environmental Protection (NDEP)
 (b) Order, Permit or Plan number H-000708
 (c) Date issued January 21, 2010

4. The water is to be diverted from its source at the following point:
see map under application ~~71542E (GWR-1)~~ 79542E GWE-01
NE 1/4 SE 1/4 Section 9, T. 21 S, R. 61 E, M. B. D & M., or at a point from which
the SE corner of said section 9 bears 545° 30' 30" E a distance of
2033.78 feet. *REL per e-mail*

Describe as being within a 40-acre subdivision of public survey, and by course and distance to section corner. If on unsurveyed land, it should be so stated.

2/2/11

5. Place of use:

~~NW/4 of the SE/4 of Section 09 of Township 21 S, Range 61 E, MDB&M, or at a point from which the SE corner of (said) Section 09 of Township 21 S, Range 61 E, MDB&M, bears S 45 degrees 30' 30" a distance of 2033.38 feet.~~

REV per e-mail

Site address: 252 Convention Center Drive, Las Vegas, Nevada

portions of SW1/4 SE1/4, NW1/4 SE1/4 and NE1/4 SE1/4 Section 9, T. 21S, R. 61E. being APN 162-09-802-001

Describe by legal subdivision. If on unsurveyed land, it should be so stated.

6. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

7. Description of proposed works.

Groundwater Remediation

State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

8. Estimated cost of works \$350,000

9. Estimated time required to construct works

Seven Weeks

If well completed, describe works.

10. Remarks: Describe project

Groundwater impacted with tetrachloroethene (PCE) and trichloroethene (TCE) will be extracted from 5 on-site groundwater extraction wells and 15 on-site soil vapor extraction (SVE) wells using a SVE, air injection and pump and treat dewatering system. The extracted groundwater is routed to the SVE system air/water separator via sub-grade piping. The separated vapor is directed to granular activated carbon (GAC) vessels for treatment. The groundwater is directed to an aeration tank then polished by two 2,000-pound carbon vessels loaded with GAC connected in series. The treated groundwater effluent is then routed to the storm sewer drain located south of the site in Convention Center Drive.

RECEIVED
MAY 13 AM 11:15
STATE ENGINEERS OFFICE

By  Signature, applicant or agent

Andrew Stuart, ATC Associates Inc.

Name

2925 East Patrick Lane, Suite M

Street Address or PO Box

Las Vegas, Nevada 89120

City, State, ZIP Code

(702) 798-5750

Phone Number

andrew.stuart@atcassociates.com

E-mail

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

\$150 FILING FEE MUST ACCOMPANY APPLICATION