Permit No. 79836E

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**

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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 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.

(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 0.116 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**

P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Application No. 79836 E

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 MAY 13 2010

Returned to applicant for correction

Corrected application filed Map filed MAR 19 2010 under 79542E

The applicant Somerset Shopping Center, LP

294 Convention Center Drive (Street Address or PO Box) of Las Vegas (City or Town)

Nevada 89109 (State and ZIP Code) 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.)

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

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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: REL per email

see map under application ~~71542E (GWR-2)~~ 79542E GWE-2

NW¼ SE¼ Section 9, T. 21S., R. 61E, MDB&M., or at a point from which the SE corner of said Section 9 bears S48°04'38"E a distance of 2005.32 feet

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.

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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 48 degrees 04' 38" E a distance of 2005.32 feet.~~

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

Portions of SW¼ SE¼, NW¼ SE¼, and NE¼ SE¼ Section 9, T21S R. 61E being APN 162-09-802-001

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

REC per email

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

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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.

By

Signature, applicant or agent

(702) 798-5750
Phone Number

Andrew Stuart, ATC Associates Inc.
Name

andrew.stuart@atcassociates.com
E-mail

2925 East Patrick Lane, Suite M
Street Address or PO Box

Las Vegas, Nevada 89120
City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$150 FILING FEE MUST ACCOMPANY APPLICATION