



# ENVIRONMENTAL

## THE STATE OF NEVADA

### PERMIT TO APPROPRIATE WATER

**Name of Permittee:** TERRIBLE HERBST OIL COMPANY  
**Source:** UNDERGROUND  
**Basin:** LAS VEGAS VALLEY  
**Manner of Use:** ENVIRONMENTAL  
**Period of Use:** JANUARY 1ST THROUGH DECEMBER 31ST  
**Priority Date:** 07/26/2012

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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 pursuant to the provisions of NRS 533.4375, and provides for the completion of multiple extraction wells within the same quarter-quarter section, as long as the permitted amount is not exceeded. 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. The right will cease to exist upon termination of clean up activity, as determined by the Nevada Division of Environmental Protection, and the permittee shall notify the State Engineer within 30 days after the completion of the remediation project. All wells shall be plugged and abandoned in accordance with Chapter 534 of the Nevada Administrative Code. 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. If additional wells are drilled under this permit, a new mylar map showing the surveyed locations must be submitted with the annual report.

This environmental permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

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

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.0445 cubic feet per second or 32.21 acre-feet annually.**

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

September 18 2013

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

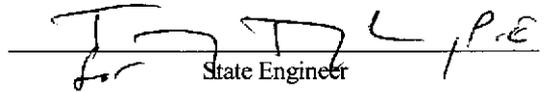
N/A

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 18th day of September, 2012

  
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 JUL 26 2012  
Returned to applicant for correction .....  
Corrected application filed ..... Map filed JUL 26 2012

The applicant Terrible Herbst Oil Company

5195 Las Vegas Boulevard South of Las Vegas

Street Address or PO Box City or Town

Nevada 89119 hereby make(s) application for permission to appropriate the public  
State and ZIP Code

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.)

Incorporated in June 1964 in the State of Nevada.

1. The source of the proposed appropriation is Underground Source  
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.0445 (20 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 NDEP

(b) Order, Permit or Plan number Facility ID 8-000655, 1999000104

(c) Date issued CAP-07/18/11, Final-01/24/12

4. The water is to be diverted from its source at the following point:  
within the SW 1/4 of the SW 1/4 of Section 5, T 21S, R 61E or at 4 points from which the SW corner of said Section 5, bears well MW-1 S37 degrees 29'40"W a distance of 150.31 feet, bears well OP-4 S49 degrees 46'25"W a distance of 208.89 feet, bears well IW-4 S27 degrees 57'44"W a distance of 304.13 feet, and bears well IW-11 S63 degrees 04'23"W a distance of 284.58 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.

*Handwritten initials*

5. Place of use:

Groundwater recovered will be treated and placed into nearby car wash mechanical trench/reclaim trench (SW1/4, SW1/4, Section 5, T21S, R61E, MDB &M).

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 generated from vacuum enhanced dual-phase extraction system from existing wells MW-1, OP-4, IW-4, and IW-11 will be pumped through piping from well locations to treatment system. Effluent treated waters will be pumped into the carwash mechanical trench/reclaim trench and into the carwash system for recirculation.

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 Approx. \$100,000.00 (Install 1 well/fit 4 with associated conveyance piping/system)

9. Estimated time required to construct works

Approximately 30-45 days to over drill MW-1, trench and install conveyance piping from 4 wells back to treatment system, install system and pipe to carwash mechanical trench, and construct a fenced system enclosure.

If well completed, describe works.

10. Remarks: Describe project

As approved by the NDEP BCA, in attached letters dated 07/18/11 and 01/24/12, The Westmark Group proposes to use vacuum enhanced DPE to remediate both soil and groundwater at the site (Terrible Herbst Station #118 at 3650 West Sahara Ave., Las Vegas, NV). The primary contaminants are hydrocarbons BTEX and MTBE. DPE performed at wells MW-1, OP-4, IW-4, and IW-11 should aid in soil and groundwater remediation by contaminant mass removal by dewatering near both wells and vapor extraction of impacted soil. The proposed work is for a full-time treatment system to operate 24 hours per day, 7 days per week for an estimated duration of 1.5 to 2 years. Westmark would like to start construction of the infrastructure in July with an estimated system start-up in September 2012. Extracted groundwater will be treated first through an oil/water separator, then air stripper, and through activated carbon, as needed. The treated effluent water will be piped to the onsite car wash mechanical trench and through the 4 tank sand oil/water separators and into the recirculation and pre-wash system for re-use in the car wash. This proposal has been approved by City of L.V. Environ. Div. Compliance, BWPC, and BCA.

By

Tony P. Mikacich AGENT  
Signature, applicant or agent

Tony P. Mikacich, CEM

Name

2430 N. Decatur Blvd., Suite 140

Street Address or PO Box

Las Vegas, NV 89108

City, State, ZIP Code

(530) 391-2665

Phone Number

tmikacich@westmarkgroup.net

E-mail

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

STATE ENGINEERS OFFICE  
RECEIVED  
2012 JUL 26 AM 10:32

**\$150 FILING FEE MUST ACCOMPANY APPLICATION**