



## 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: FMC PAHRUMP, LLC  
Source: UNDERGROUND  
Basin: PAHRUMP VALLEY  
Manner of Use: QUASI-MUNICIPAL  
Period of Use: January 1st to December 31st  
Priority Date: 03/20/1963

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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 point of diversion, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 64123 is issued subject to the terms and conditions imposed in said Permit 64123 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.

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 77941 and 77942, having the same point of diversion and place of use, shall not exceed 0.056 cubic feet per second and 16.0 acre-feet annually.

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If any water under this permit is cancelled, withdrawn, or any water is not put to beneficial use, it will revert to the groundwater source and not back to the base water right.

(Continued on Page 2)

This permit is issued for Quasi-municipal purposes for a future business center and multi-family dwelling located on parcels identified as Nye County Assessor APN's 44-551-38, 44-551-39, and 44-551-40.

Any dedication of water from this permit for residential service shall be allocated at the tiered dedication rate prescribed, by letter dated November 4, 2008, by the State Engineer. The State Engineer may amend this dedicated allocation based on evidence and supporting data.

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 0.0358 cubic feet per second or 10.0 acre-feet annually.**

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

November 9, 2010

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

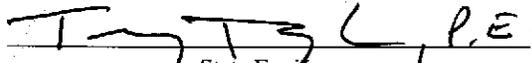
November 9, 2012

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

N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 9th day of November, A.D. 2009

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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**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 26 2009

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed FEB 02 2009 under 77941  
*Sheet 2*

The applicant FMC PAHRUMP, LLC

3275 S. JONES BLVD., SUITE # 105 of LAS VEGAS  
Street Address or P.O. Box City or Town

NEVADA 89146, hereby make(s) application for permission to change the  
State and Zip Code

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 Number # 64123

1. The source of water is UNDERGROUND SOURCE  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.0358 CFS 10.0 AFA  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for QUASI-MUNICIPAL  
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 IRRIGATION  
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.)  
within the SE 1/4 of the SW 1/4 of Section 12, T. 21 S., R. 53 E., M.D. & M., Nye County, Nevada at a point from which the South 1/4 Corner of said Section 12 bears South 04 ° 37 ' 35 " East a distance of 1188.83 ' feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
within the SW 1/4 of the SW 1/4 of Section 36, T.21 S., R. 53 E., M.D. & M., Nye County, Nevada at a point from which the SW Corner of said Section 36 bears South 57 ° 55' 59" West a distance of 1170.00 ' feet.

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

within the SE 1/4 of the SW 1/4 of Section 12, T.21 S., R.53 E., M.D.& M., Nye County, Nevada being A.P.N. # 44-551-38, 44-551-39 and 44-551-40 also known as Parcels 1, 2, & 3 on Parcel Map, Document # 454652 Recorded 10-8-98 in the Office of the Nye County Recorder, Nye County, Nevada.

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.)

within the SW 1/4 of the SW 1/4 of Section 36, T. 21 S., R. 53 E., M.D.B. & M., Nye County, Nevada being A.P.N. # 44-851-29 per Nye County Assessor Office, Nye County, Nevada.

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

10. Existing use permitted from January 1 to December 31 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 structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Existing well casing, proposed submersible pump, motor, water tank, meter and distribution system

12. Estimated cost of works \$ 50,000 dollars

13. Estimated time required to construct works 2-Years, same as item #11, Existing well casing only  
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5-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 10.00 afa of water rights under Permit # 64123 will provide a portion of the water to a proposed development project, consisting of a 106,000 s.f. retail business area, 48,100 s.f. of storage units and a 160 unit multi-family residential complex all located on 40.00 acres being A.P.N's 44-551-38,39 and 40. FMC Pahump, LLC has an additional 6 AFA of water already on the project site and will acquire additional water rights prior to each phase of construction, as required. Proper Zoning was acquired from Nye County Planning as of 9-16-08 and final engineering plans are being prepared for the first phase of construction which will be the retail business complex and water system.

16. Miscellaneous remarks:

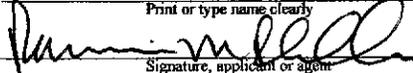
See Exhibit "A" and conceptual plan on the recently submitted "Extension of Time" for this permit.

1-775-727-1940  
Phone No.

rphillips@pahump.com  
E-mail

By Ronnie M. Phillips, Agent

Print or type name clearly



Signature, applicant or agent

Triangle Surveying, Inc.

Company Name

P.O. Box 550

Street Address or P.O. Box

Pahump, Nevada 89048

City, State, Zip Code

STATE ENGINEER  
2009 JAN 26 PM 3:37  
RECEIVED

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

**\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION**