



December 5, 2013

Via FedEx

Nevada State Engineer
Nevada Division of Water Resources (NDWR)
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250

**Re: Request for Extension of Time for Proof of Beneficial Use – Water Appropriation
Permits 50801 and 51083**

Dear State Engineer:

In 1987, Tronox LLC (formerly known as Kerr-McGee Chemical LLC) in Henderson, Nevada, obtained two Water Appropriation Permits covering groundwater appropriation for remediation purposes: Permits 50801 and 51083. At the direction of the Nevada Division of Environmental Protection (NDEP), a groundwater remediation project was started at the Henderson site and has been in service since that time. The expected remediation lifetime is decades. In 2011, Tronox LLC filed a Report of Conveyance for each of these water appropriation permits, transferring responsibility for the permits to the Nevada Environmental Response Trust (NERT).

As we come upon the time for filing proof of beneficial use, we find that a time extension is needed because the remedial efforts are continuing. The subsurface aquifer available for extraction and remediation has been greatly diminished over the last 25 years. This is due in part to dry weather and modifications to the site's stormwater management system. With minimal rainfall and changes in the amount and location of stormwater infiltration, the amount of recharge has been greatly reduced. This has in turn greatly reduced the measure of water available for the groundwater interception system to capture. The full measure of the water named in the permit has not been available for use over the last several years. Given these limitations, some period of time is required to determine the effect on the area's recharge and the water available for capture and remediation.

Because recharge conditions are changing at the site, ENVIRON, on behalf of NERT, asks for an extension of time before filing for proof of beneficial use. This will allow continued capture of the groundwater for remedial purposes, as directed by NDEP. Through the next year, we will continue to monitor the volume of water available for remediation at the site. Enclosed please find copies of the original permits, an Application for Extension of Time for filing the Proof of Beneficial Use for permits 50801 and 51083, as well as a check in the amount of \$240 to cover the filing fees.

Should you have any questions concerning this correspondence, please contact Kimberly Kuwabara at (510) 420-2525 or kkuwabara@environcorp.com. Thank you.

Yours sincerely,



Kimberly Kuwabara, MS
Senior Manager
Nevada CEM 2353, exp. 3/20/2015

- ec. Greg Lovato, Bureau of Corrective Actions, NDEP
- James Dotchin, Bureau of Corrective Actions, NDEP
- Weiquan Dong, Bureau of Corrective Actions, NDEP
- Nevada Environmental Response Trust
- Tanya O'Neill, Foley and Lardner LLP
- Todd Webster, Envirogen Technologies, Inc.
- Michael Delvecchio, Envirogen Technologies, Inc.
- Allan J. DeLorme, ENVIRON International Corporation
- John Pekala, ENVIRON International Corporation

Enclosures

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Nevada Environmental Response Trust (NERT)

IN THE MATTER OF PERMIT NO. 50801 FILED TO APPROPRIATE/CHANGE THE WATERS OF
underground sources from the Las Vegas Valley basin

(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Kimberly Kuwabara, CEM, ENVIRON, the Agent
Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

- 1. Does this permit have multiple owners? Yes No (Check the appropriate box)
- 2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?
 Yes No (Check the appropriate box)
- 3. If "No" on question 2 is checked, on whose behalf is this extension being filed?
Nevada Environmental Response Trust (NERT)
- 4. How much time is needed to construct the works of diversion or place the water to beneficial use? 5 years
- 5. What is the expenditure on the project under this permit? Last year? \$50,000 Total to date? \$500,000
- 6. The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
(Not to exceed 1 year)

Proof of beneficial use
(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

Full measure of groundwater has not been available for use in groundwater remedial efforts.

State of Nevada California
County of Alameda

Subscribed and sworn to before me on 12/5/13

by Michael S. Ohda Michael S. Ohda

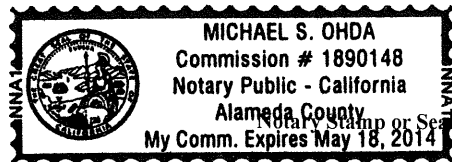
Signed Kimberly Kuwabara
Permittee or Agent

Address 2200 Powell St., Suite 700
Street Address or PO Box
Emeryville, CA 94608
City, State, ZIP Code

Phone (510) 420-2525

E-mail kkuwabara@environcorp.com

Michael S. Ohda
Signature of Notary Public Required



**\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT**

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Nevada Environmental Response Trust (NERT)

IN THE MATTER OF PERMIT NO. 51083 FILED TO APPROPRIATE/CHANGE THE WATERS OF
underground sources from the Las Vegas Valley basin
(Name of stream, lake, spring, underground or other source)

THIS APPLICATION IS RESPECTFULLY SUBMITTED.

Comes now Kimberly Kuwabara, CEM, ENVIRON, the Agent
Permittee or Agent

who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:

- Does this permit have multiple owners? Yes No (Check the appropriate box)
- If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners?
 Yes No (Check the appropriate box)
- If "No" on question 2 is checked, on whose behalf is this extension being filed?
Nevada Environmental Response Trust (NERT)
- How much time is needed to construct the works of diversion or place the water to beneficial use? 5 years
- What is the expenditure on the project under this permit? Last year? \$50,000 Total to date? \$500,000
- The permittee requests an extension of time for 1 year within which to comply with the provisions for filing the
(Not to exceed 1 year)

Proof of beneficial use
(Proof of completion of work and/or Proof of beneficial use)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

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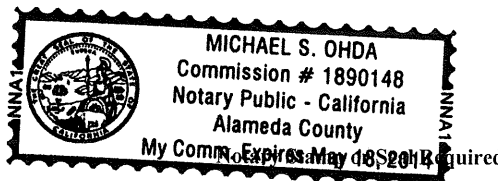
Signed Kimberly Kuwabara
Permittee or Agent

Address 2200 Powell St., Suite 700
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Signature of Notary Public Required



**\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT**

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

Date of filing in State Engineer's Office..... APR 7 1987
Returned to applicant for correction..... JUN 1 1987
Corrected application filed..... JUN 30 1987
Map filed..... JUL 7 1987

The applicant..... Kerr-McGee Chemical Corporation
Lake Mead Dr. P. O. Box 55 of Henderson Nevada 89015
hereby make 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.) Kerr-McGee Chemical Corporation was incorporated August 11, 1970 in Delaware.

- 1. The source of the proposed appropriation is underground water.
2. The amount of water applied for is one-half second-feet.
3. The water to be used for other environmental control purposes.
4. If use is for: (a) Irrigation, state number of acres to be irrigated. (b) Stockwater, state number and kinds of animals to be watered. (c) Other use (describe fully under "No. 12. Remarks" See No. 12. (d) Power: (1) Horsepower developed. (2) Point of return of water to stream.
5. The water is to be diverted from 8 points within the NW 1/4 of SE 1/4 of Section 12, T22S, R62E, M D M Nevada.
6. Place of use N 1/2 of SE 1/4 of Section 12, T22S, R62E, M D M, Nevada.
7. Use will begin about January 1 and end about December 31 of each year.
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) 3 to 12 wells pumping through pipes to water quality improvement facility and thence to a groundwater recharge facility also by pipes.
9. Estimated cost of works \$500,000.

10. Estimated time required to construct works 6 MONTHS

If not completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 8 MONTHS

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

As required by Nevada Division of Environmental Protection in a Consent Order dated 9-8-87, water will be piped to a facility to remove contaminants and improve water quality. It will then be returned to the source strata at a site close to and downgradient of the intake works. Rate of extraction and recharge will be approximately 120 gpm and will not exceed 200 gpm.

s/ P. S. Corbett / P. S. Corbett
By: ~~Kerr-McGee Chemical Corporation~~
Lake Mead Dr., Henderson, NV 89015

Compared jm/SG dm/hs

Protested

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 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 Order dated September 9, 1986 from the Nevada Division of Environmental Protection, and the right will cease to exist when the Order is fully complied with. A totalizing meter must be installed to the inlet of the treatment plant and a measuring device placed on the outlet of the treatment plant and records of these measurements shall be submitted on an annual basis. It is also understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to other ground-water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water granted herein at any and all times.

This permit is issued as a non-consumptive use.

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

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

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second

Work must be prosecuted with reasonable diligence and be completed on or before November 13, 1988

Proof of completion of work shall be filed on or before December 13, 1988

Application of water to beneficial use shall be made on or before November 17, 1993

Proof of the application of water to beneficial use shall be filed on or before December 13, 1993

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed IN TESTIMONY WHEREOF, I, PETER C. MORROS

State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed my office, this 13th day of November

Cultural map filed A.D. 1988

Certificate No. issued Peter C. Morros
State Engineer

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

Date of filing in State Engineer's Office JUN 30 1987

Returned to applicant for correction

Correction application filed

Map filed JUL 7 1987 under 50801

The applicant Kerr-McGee Chemical Corporation

Lake Mead Dr., P. O. Box 55 of Henderson

Nevada 89015

hereby make 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.) Kerr-McGee Chemical Corporation was incorporated August 14, 1970 in Delaware.

1. The source of the proposed appropriation is underground water

2. The amount of water applied for is one half second-feet

3. The water to be used for other environmental control purposes

4. If use is for: (a) Irrigation, state number of acres to be irrigated; (b) Stockwater, state number and kinds of animals to be watered; (c) Other use (describe fully under "No. 12. Remarks"; (d) Power:

5. The water is to be diverted from its source at the following point: At 3 points within the NE 1/4 of SE 1/4 of Section 12, T22S, R62E, M.D.M., Nevada

6. Place of use N 1/2 of SE 1/4 of Section 12, T22S, R62E, M.D.M., Nevada

7. Use will be begin about January 1 and end about December 31 of each year

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) water quality improvement facility and thence to a groundwater recharge facility also by pipes. The precise location of the wells is shown on the attached supporting map.

9. Estimated cost of works \$500,000

10. Estimated time required to construct works 6 months
If well completed, describe works.
11. Estimated time required to complete the application of water to beneficial use 8 months

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

As required by Nevada Division of Environmental Protection in a Consent Order dated 9-8-87, water will be piped to a facility to remove contaminants and improve water quality. It will then be returned to the source strata at a site close to the downgradient of the intake works. Rate of extraction and recharge will be approximately 120 gpm and will not exceed 300 gpm.

s/p S Corbett
 By /P. S. Corbett
 Kerr-McGee Chemical Corporation
 Lake Mead Dr., Henderson, NV 89015

Compared cc/ se pm/se
 Protested.....

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 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 Order dated September 9, 1986 from the Nevada Division of Environmental Protection, and the right will cease to exist when the Order is fully complied with. A totalizing meter must be installed to the inlet of the treatment plant and a measuring device placed on the outlet of the treatment plant and records of these measurements shall be submitted on an annual basis. It is also understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to other ground-water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water granted herein at any and all times.

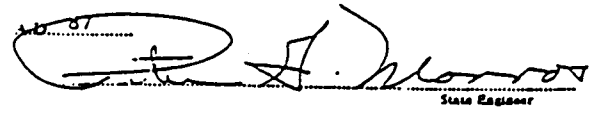
This permit is issued as a non-consumptive use.
 This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
 The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second.

- Work must be prosecuted with reasonable diligence and be completed on or before November 13, 1988
- Proof of completion of work shall be filed before December 13, 1988
- Application of water to beneficial use shall be filed on or before November 13, 1993
- Proof of the application of water to beneficial use shall be filed on or before December 13, 1993
- Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed.....
 Proof of beneficial use filed.....
 Cultural map filed.....
 Certificate No. _____ Issued.....

IN TESTIMONY WHEREOF, I PETER G. MORROS
 State Engineer of Nevada, have hereunto set my hand and the seal of
 my office, this 13th day of November


 State Engineer

ENVIRON INTERNATIONAL CORPORATION

2200 POWELL ST STE 700
EMERYVILLE, CA 94608-1877

1333

11-4288/1210 4048
8940328068

DATE 12/5/13

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ORDER OF

Nevada Division of Water Resources

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FOR _____

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