ASSIGNED

AMENDED

APPLICATION FOR PERMIT

Serial No. 10730

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office SEP 13 1941
Returned to applicant for correction OCT 24 1941
Corrected application filed NOV 3 1941

The undersigned Basic Magnesium Inc., (Name of applicant)
of Luning, County of Mineral,
State of Nevada, 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.)

1. The source of the proposed appropriation is Underground (Name of stream, lake, or other source)

2. The amount of water applied for is two second-feet. (One second-foot equals 40 miner's inches)

3. The water to be used for Mining, Milling & domestic (Irrigation, power, mining, manufacturing, domestic, or other use)

4. The water is to be diverted from its source at the following point: NE¼ SE¼ Sec. 28, T. 12 N., R. 36 E., M.D.M., or at a point from which (Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.) the E. ¼ corner of said section 28 bears N. 70° 38' E., 715.55 feet.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

(a) Number of acres to be irrigated is

(b) Description of land to be irrigated (Describe by legal subdivision, or if on unsurveyed land it should be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.)

(c) Use will begin about (Month) and end about (Month), of each year.

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

(d) Power to be developed is horsepower.

(e) Works to be located Portion of SW¼ SE¼, W½ Sec. 26; S½ Sec. 27; W½ NE¼ and NW¼ Sec. 35, T. 12 N., R. 36 E., M.D.M. (Give 40-acre subdivision on which works will be located, or locate by course and distance to a section-corner.)

(f) Point of return of water to stream (Describe in same manner as point of diversion.)

(g) State number and kinds of animals to be watered

(h) Use will begin about Jan. 1st (Month) and end about Dec. 31st (Month) of each year.

(i) Remarks

DESCRIPTION OF PROPOSED WORKS

Pump, pipelines to mill

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions.

5. Estimated cost of works $2,000,000

6. Estimated time required to construct works 2 yrs.

7. Remarks

For use of applicant

Basic Magnesium Inc., Applicant.

By C. E. Schwab.

C. E. Schwab, Supt.

Compared RMG-CT

This sheet inspected

, Engineer.

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 all prior rights on the source. It is understood that the Two (2.0) cubic feet of water per second herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State reserves the right to regulate the use of the water herein granted at any and all times.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed Two (2.0) cubic feet per second.

Actual construction work shall begin on or before September 4, 1942

Proof of commencement of work shall be filed before October 4, 1942

Work must be prosecuted with reasonable diligence and be completed on or before September 4, 1945

Proof of completion of work shall be filed before October 4, 1945

Application of water to beneficial use shall be made on or before September 4, 1948. Proof of the application of water to beneficial use must be filed with State Engineer on or before October 4, 1948

WITNESS MY HAND AND SEAL this 4th day of March, 1942

Alfred Merritt Smith

State Engineer.

Map Filed NOV 3 1941

Proof of commencement of work filed OCT 17 1942

Proof of completion of work filed MAR 28 1944

Final Map Filed April 27, 1945 under 10631

Proof of Beneficial use filed APR 27 1945

Certificate No. 2899 Issued Oct. 19, 1945 for 0.500 c.f.s. for mining, milling & domestic

Recorded Oct 26, 1945 3 K 2 Water Approp. Page 173

County Records.

Compared CT-RMA