

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

Date of filing in State Engineer's Office... MAR 8 1978
Returned to applicant for correction... JUN 9 1978
Corrected application filed... JUN 24 1978
Map filed... JUN 21 1978

The applicant Mineral Concentrates & Chemical Co., Inc.
342 Lay St., of Winnemucca
Nevada 89445, 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.) Oct. 1 1956 Colorado

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

2. The amount of water applied for is 1.00 cfs second-feet
One second-foot equals 448.83 gals. per min.
(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for milling (mineral beneficiation)
Irrigation, power, mining, manufacturing, domestic, or other use.

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") mineral beneficiation
(d) Power:
(1) Horsepower developed
(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point: in the SWNE 1/4 Sec. 30, T33N, R37E, MDB&M, or a point from which the west 1/4 corner of said sec.
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be stated.
30 bears S 76° 30' W, 3960 ft.

6. Place of use portions of S 1/2 N 1/2, NW 1/4 SE 1/4, N 1/2 SW 1/4 sec. 30, T33N, R37E, MDB&M.
Describe by legal subdivision, if on unsurveyed land it should be so stated.

7. Use will begin about January 1 and end about December 31, of each year.
Day and Month Day and Month

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.) pump and pipelines

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

- 9. Estimated cost of works..... excess of \$1000
- 10. Estimated time required to construct works..... 1 year
- 11. Estimated time required to complete the application to beneficial use..... 2 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Operation of a gravel washing plant capacity of 100 cu. yds./hr. 16 hrs. per day, 6 days per week. Probably cease operation during the winter months Dec. 15 to March 1 (dependent on temperatures). Tailings will be impounded and water recirculated.

Applicant Mineral Concentrates & Chemical Co., Inc.

By s/ J.R. Caldwell  
P.O. Box 432  
Winnemucca, Nv 89445

Compared lp/ga ja/dp

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. It is understood that the amount of water 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 beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 108.58 million gallons annually.

- Actual construction work shall begin on or before..... March 25, 1980
- Proof of commencement of work shall be filed before..... April 25, 1980
- Work must be prosecuted with reasonable diligence and be completed on or before..... March 25, 1981
- Proof of completion of work shall be filed before..... April 25, 1981
- Application of water to beneficial use shall be made on or before..... March 25, 1983
- Proof of the application of water to beneficial use shall be filed on or before..... April 25, 1983
- Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed APR 16 1980 IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN  
 Completion of work filed..... State Engineer of Nevada, have hereunto set my hand and the seal of  
 Proof of beneficial use filed..... my office, this 25th day of SEPTEMBER

Certificate No..... Issued..... A.D. 19 79  
 Recorded..... Bk..... Page..... JUN 3 1981 William J. Newman  
 County Recorder BECAUSE OF FAILURE State Engineer

218 (Rev.) William J. Newman STATE ENGINEER  
 OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

## DESCRIPTION

All that certain lot, piece or parcel of land, situate in the County of Washoe, State of Nevada, described as follows:

Beginning at the West 1/4 corner of Section 7, Township 17 North, Range 20 East, M.D.B.&M.; thence North  $89^{\circ}27'55''$  East along the East-West centerline of said Section 7, a distance of 2582.52 feet to the center of said Section 7, said point being the Northeast corner of that certain parcel conveyed to Harry Edward McKeown and Siddell Dean McKeown, husband and wife, by deed recorded December 22, 1964, in Book 47, Page 359, Document No. 15983, Official Records; thence South  $63^{\circ}21'00''$  West along the Northerly line of said McKeown parcel, a distance of 220.00 feet to the Northwest corner of said McKeown parcel; thence South  $14^{\circ}18'46''$  East, along the Westerly line of said McKeown parcel, a distance of 213.65 feet to a point on a curve to the right, said point also being the Southwest corner of said McKeown parcel; thence on said curve to the right, also being the Southerly line of said McKeown parcel, whose tangent bears North  $89^{\circ}29'43''$  East, having a radius of 730.00 feet, through a central angle of  $11^{\circ}24'30''$ , an arc distance of 145.35 feet; thence North  $89^{\circ}29'43''$  East along the Southerly line of said McKeown parcel, a distance of 0.36 feet to a point on the North-South centerline of said Section 7, said point also being the Southeast corner of said McKeown parcel; thence South  $0^{\circ}13'03''$  East along the North-South centerline of said Section 7, a distance of 50.00 feet to the Northeast corner of that certain parcel conveyed to Washoe County School District, by deed recorded December 26, 1962, as Document No. 374282, Deed Records; thence along the Northerly line of said Washoe County School District parcel, from a tangent which bears South  $53^{\circ}00'07''$  West curving to the left having a radius of 670.00 feet through a central angle of  $36^{\circ}29'36''$  for an arc distance of 426.74 feet to the Northwest corner of said Washoe County School District parcel; thence South  $00^{\circ}09'36''$  East, along the Westerly line of said Washoe County School District parcel, a distance of 473.48 feet to the Southwest corner of said Washoe County School District parcel; thence North  $89^{\circ}50'24''$  East along the Southerly line of said Washoe County School District parcel, a distance of 220.43 feet; thence continuing along said Southerly line from a tangent which bears North  $72^{\circ}30'28''$  East curving to the left and having a radius of 300.00 feet through a central angle of  $17^{\circ}19'56''$  for an arc distance of 90.75 feet to a point of reverse curve; thence continuing along said Southerly line from a tangent which bears North  $89^{\circ}29'43''$  East curving to the right having a radius of 300.00 feet through a central angle of  $16^{\circ}59'15''$  for an arc distance of 88.95 feet; thence continuing along said Southerly line North  $89^{\circ}29'43''$  East a distance of 0.30 feet to the Southeast corner of said Washoe County School District parcel; thence South  $0^{\circ}13'03''$  East along the North-South centerline of said Section 7, a distance of 50 feet to the Northwest corner of Lot 1, Block C of Pleasant Valley Ranchos Unit No. 1, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 14, 1960, said point also being the Northeast corner of that certain parcel Quitclaimed to Pierce Mangurian, by deed

## DESCRIPTION (CONTINUED)

recorded February 4, 1977, in Book 1049, Page 489, Document No. 447650, Official Records; thence along the Northerly line of said Mangurian parcel, being the arc of a curve to the left, concave Southeasterly, having a radius of 250.00 feet, through a central angle of 16°59'15", a distance of 74.12 feet to the beginning of a curve to the right, concave Northwesterly having a radius of 350.00 feet; thence continuing along the Northerly line of said Mangurian parcel, being the arc of said curve through a central angle of 17°19'56", a distance of 105.88 feet; thence South 89°47'21" West, a distance of 678.35 feet to the Northwest corner of Parcel A, as shown on Parcel Map #371, filed in the office of the County Recorder of Washoe County, State of Nevada, on January 31, 1977, File No. 446582; thence South 0°12'00" East along the Westerly line of said Parcel A, a distance of 216.35 feet to a point on the Northerly line of that certain parcel conveyed to Pierce Mangurian by deed recorded August 6, 1976, in Book 996, Page 290, Document No. 420160, Official Records, and being shown as Parcel 3 therein; thence South 89°48'00" East along the Northerly line of said Mangurian parcel, a distance of 803.16 feet to the Northwest corner of said Mangurian parcel; thence South 22°14'00" West along the Westerly line of said Mangurian parcel, a distance of 562.60 feet to the Southwest corner of said Mangurian parcel; thence North 89°48'00" East along the Southerly line of said Mangurian parcel, a distance of 1278.18 feet to the Northwest corner of Parcel B as shown on Parcel Map #371, filed in the office of the County Recorder of Washoe County, State of Nevada, on January 31, 1977, File No. 446582; thence South 0°13'03" East along the Westerly line of said Parcel B, a distance of 849.08 feet to a point on the Northerly line of Pagni Lane; thence South 89°46'20" West along the Northerly line of said Pagni Lane, a distance of 439.51 feet to a point on a curve to the left; thence continuing along the Northerly line of said Pagni Lane, being the arc of said curve to the left, having a radius of 611.11 feet, through a central angle of 11°03'25" a distance of 117.93 feet to a point on a curve to the right; thence continuing along the Northerly line of said Pagni Lane, being the arc of said curve to the right, having a radius of 562.12 feet, through a central angle of 10°13'50", a distance of 100.37 feet; thence South 88°56'45" West along the Northerly line of said Pagni Lane, a distance of 1014.57 feet; thence South 3°40'30" East, a distance of 13.67 feet to a point on the South line of said Section 7; thence South 89°46'20" West along the South line of said Section 7, a distance of 66.74 feet to a point on the Westerly line of the Virginia and Truckee Railroad right-of-way, said point also being the Southeast corner of that certain parcel conveyed to C. W. Clapp, by deed recorded March 21, 1906, in Book 28, Page 220, Document No. 481, Deed Records; thence Northerly along the Westerly line of said right-of-way a distance of 1122 feet to the Northeast corner of said Clapp parcel; thence West along the North line of said Clapp parcel, a distance of 75.00 feet to the Southeast corner of that certain parcel conveyed to Al Smith and Dorothy Smith, husband and wife, by deed recorded September 19, 1940, in Book 133, Page 389, Document No. 93189, Deed Records; thence North along the East line of said Smith parcel, a distance of 120.00 feet, to the Northeast corner of said Smith parcel;

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DESCRIPTION (CONTINUED)

thence West along the North line of said Smith parcel, a distance of 475.00 feet to the Northwest corner of said Smith parcel; thence South along the West line of said Smith parcel, a distance of 120.00 feet to the Southwest corner of said Smith parcel, said point also being a point on the North line of said Clapp parcel; thence West along the North line of said Clapp parcel, a distance of 58.90 feet to the Northwest corner of said Clapp parcel; said point also being a point in the West line of said Section 7; thence North 0°05'00" East along the West line of said Section 7, a distance of 1570.60 feet to the point of beginning.

EXCEPT ANY portion thereof, lying within the boundaries of PLEASANT VALLEY RANCHOS UNIT NO. 1, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on October 14, 1960.

Reference is made to Parcel Map #371, filed in the office of the County Recorder of Washoe County, State of Nevada, on January 31, 1977, File No. 446582.

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OFFICIAL RECORDS  
WASHOE COUNTY, NEV.  
RECORD REQUESTED BY  
LAWYERS TITLE INS. CORP.

DEC 30 1977 *2 pm*

COUNTY RECORDER  
FEE 10.00 DEP. JS

506403

25288-KDW

20 11 MA 85 52 11 02



AFFIDAVIT OF REAL PROPERTY OWNERSHIP

STATE OF NEVADA }  
COUNTY OF WASHOE } SS.

ROY H. HIBDON, after being duly sworn, deposes and says:

1. That he makes this Affidavit based upon personal knowledge of the facts contained herein.

2. That this Affidavit is made in support of that certain Application #35074 to appropriate the use of waters from the State of Nevada through the Department of Conservation and Natural Resources, Division of Water Resources.

3. Affiant states that the real property is described in a document attached hereto and incorporated herein as Exhibit A for which said application is made to appropriate said water rights. The owners are: Morrison & Dale Realty Co., a Nevada corporation, incorporated March 25, 1976 at 777 West Second Street, Reno, Nevada, who own as a tenant in common 46-1/2% of the realty; and Vari-Build Inc., a Nevada corporation, incorporated October 18, 1973 at 242 Winter Street, Reno, Nevada, who own as a tenant in common 46-1/2% of the realty; and Nikkory, Inc., a Nevada corporation, incorporated December 29, 1977 at One East First Street, Suite 1200, Reno, Nevada, who owns as a tenant in common 7% of the realty described.

Further your affiant sayeth not.

*Roy H. Hibdon*  
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ROY H. HIBDON

SUBSCRIBED and SWORN to before me  
this 22nd day of March, 1978.

*Patricia G. Nystedt*  
\_\_\_\_\_  
NOTARY PUBLIC

