

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

Date of filing in State Engineer's Office... OCT 22 1979

Returned to applicant for correction.....

Corrected application filed.....

Map filed... OCT 22 1979

The applicant... Old Soldier Minerals

c/o 421 Court St., of Elko

Street and No. or P.O. Box No. City or Town

Nevada 89801

State and Zip Code No.

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.) Old Soldier Minerals is a joint

venture association of: a.) Universal Barite Corporation, incorporated in Texas, 1979 and b.) Old Soldier Barite, Inc.

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

2. The amount of water applied for is... 1 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... mining, milling & domestic Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one 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").....

(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: NW 1/4 NE 1/4 Sec. 24, T.42 N.,

R.60 E., M.D.M., at a point from which the NE corner of said section bears

N. 47° 08' E., 1871 ft. 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.

6. Place of use W 1/2 NE 1/4 Sec. 24, T. 42 N., R.60 E., M.D.M., Elko County, Nevada Describe by legal subdivision, if on unsurveyed land it should be so stated.

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

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.) Drill deep well, install casing & submersible pump, with pipeline to mill vicinity. 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..... \$20,000.00
- 10. Estimated time required to construct works..... 2 years
- 11. Estimated time required to complete the application to beneficial use..... 5 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Estimated annual consumptive use:

First two or three years: 8,000,000 gallons

Beyond three years: 60,000,000 gallons

Please send copies of notices and correspondence to: Old Soldier Minerals, 8700 Commerce Park, Suite 130, Houston, Texas 77036

Applicant..... Old Soldier Minerals

By /s/ William A. Nisbet
William A. Nisbet - Agent
421 Court St.
Elko, NV 89801

Compared..... lp/jk bc/bl

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.

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 60.0 million gallons annually.

- Actual construction work shall begin on or before..... January 8, 1981
- Proof of commencement of work shall be filed before..... February 8, 1981
- Work must be prosecuted with reasonable diligence and be completed on or before..... January 8, 1982
- Proof of completion of work shall be filed before..... February 8, 1982
- Application of water to beneficial use shall be made on or before..... January 8, 1984
- Proof of the application of water to beneficial use shall be filed on or before..... February 8, 1984
- Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed..... FEB 20 1981
Completion of work filed..... MAR 10 1981
Proof of beneficial use filed..... JAN 20 1982
Cultural map filed.....
Certificate No. 9914 Issued APR 05 1982
Abrogated By 39912

IN TESTIMONY WHEREOF, I, WILLIAM J. NEWMAN, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 8th day of JULY

A.D. 19 80
William J. Newman
State Engineer