

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

JUN 11 1980

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed..... Map filed JUN 11 1980

The applicant Marshall Earth Resources Inc.

601 Jefferson Suite 4000 of Houston

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

City or Town

Texas 77002 hereby makes application for permission to change the

State and Zip Code No.

Point of diversion, Manner of use, and place of use

of water heretofore appropriated under Permit #39454

(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is underground

Name of stream, lake, underground, spring or other source.

2. The amount of water to be changed 0.5 cfs

Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Mining, Milling, and domestic

Irrigation, power, mining, industrial, etc.

If for stock state number and kind of animals.

4. The water heretofore used for N/A

Irrigation, power, mining, industrial, etc.

If for stock state number and kind of animals.

5. The water is to be diverted at the following point within the NW 1/4 of the SE 1/4 of Section

4, T.11N., R.39E., MDM, and from which point the northwest corner

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. of said Section 4 bears N. 47° 28' 05" W., a distance of 4015.6 feet.

6. The existing point of diversion is located within the SE 1/4 of the NW 1/4 of said section

4, and from which point the northwest corner of said Section 4

If point of diversion is not changed, do not answer.

bears N. 46° 57' 48" W., a distance of 3355.04 feet.

7. Proposed place of use the SE 1/4 of the NW 1/4, the SW 1/4 of the NE 1/4, the NE 1/4 of

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

the SW 1/4, the NW 1/4 of the SE 1/4, all in Section 4, T.11N., R.39E.,

MDM.

8. Existing place of use the SE 1/4 of the NW 1/4 of Section 4, T.11N., R.39E.,

Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.

MDM.

9. Use will be from January 1 to December 31 of each year.

Month and Day

Month and Day

10. Use has been from January 1 to December 31 of each year.

Month and Day

Month and Day

11. 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.) Well and piping to storage tank

State manner in which water is to be diverted, whether by dam or other works,

at Mill area.

whether through pipes, ditches, flumes, or other conduits.

- 12. Estimated cost of works..... \$18,500.00
- 13. Estimated time required to construct works... completed well is presently capped.
- 14. Estimated time required to complete the application of water to beneficial use..... 1 year
- 15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

For milling of ores and beneficiation: 1 ball mill, 3
 gravity tables, 1/2 flotation cells, 36.7 million gallons
 per year.

Compared lp/vjw gk/bc Applicant s/ Mike Edwards

By Haskew Engineering, Inc.
 P.O. Box 956
 Fernley, Nevada 89408

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 and place of use of the waters of an underground source as heretofore granted under Permit 39454 is issued subject to the terms and conditions imposed in said Permit 39454 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. 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 changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second, but not to exceed 36.7 million gallons annually.

- Actual construction work shall begin on or before June 22, 1981
- Proof of commencement of work shall be filed before July 22, 1981
- Work must be prosecuted with reasonable diligence and be completed on or before June 22, 1982
- Proof of completion of work shall be filed before July 22, 1982
- Application of water to beneficial use shall be made on or before June 22, 1984
- Proof of the application of water to beneficial use shall be filed on or before July 22, 1984
- Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed.....
 Completion of work filed... FEB 3 1982
 Proof of beneficial use filed.....
 Cultural map filed.....
 Certificate No. Issued SEP 06 1995

IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN
 State Engineer of Nevada, have hereunto set my hand and the seal of
 my office, this 22nd day of DECEMBER
 A.D. 19 80
 William J. Newman
 State Engineer

2407 (Rev. 10-79) CANCELLED BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT
 Richard J. ... P.E.
 STATE ENGINEER