ASSIGNED

№ 41939

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

Date of filing in State Engineer's Office JUL 28 1980

Returned to applicant for correction

Corrected application filed

Map filed JUL 28 1980 under 40421

The applicant HOUSTON OIL & MINERAL CORP.

222 Milwaukee (Street and No. or P.O. Box No.), of Denver (City or Town),

Colorado 80206 (State and Zip Code No.), hereby make S 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.) Nevada, 1966

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

2. The amount of water applied for is 1.0 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, mining and 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: within the NW¼ SW¼, Section 10, Township 8 North, Range 43 East, M.D.B.&M., at a point from which the South quarter corner of said Section 10, bears South 58°31' East, a distance of 2,720 feet.
   (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 within the S½ N½ and the S½, Section 19, Township 8 North, Range 44 East, M.D.B.&M.
   (Describe by legal subdivision, if on unsurveyed land it should be so stated.)

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), 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.) Drilled and cased well, electric motor, storage tank and distribution system
   (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 $25,000.00

10. Estimated time required to construct works Three years

11. Estimated time required to complete the application to beneficial use Four years

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

The total combined duty under this application, together with other sources of this applicant, will not exceed 300,000,000 gallons annually.

Applicant HOUSTON OIL & MINERAL CORP.

By s/Ross E. de Lipkau
Ross E. de Lipkau
P. O. Box 2790
Reno, Nevada 89505

Compared bc/bl 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. 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 total combined duty of water under this permit and Permits 27860, 35917, 35884, 35885, 35886, 40529, 40530, 40531, 40532, 40533, 40534, 40535, 40536, 40421, 40422, 41196, 41938, 41940, 41941 and 41942 shall not exceed 300 million gallons annually.

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

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 235.9 million gallons annually.

Actual construction work shall begin on or before N/A

Proof of commencement of work shall be filed before N/A

Work must be prosecuted with reasonable diligence and be completed on or before August 16, 1982

Proof of completion of work shall be filed before September 16, 1982

Application of water to beneficial use shall be made on or before August 16, 1985

Proof of the application of water to beneficial use shall be filed on or before September 16, 1985

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

Commencement of work filed
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 16th day of SEPTEMBER, A.D. 19 81

Peter G. Morros
State Engineer

WITHDRAWN BY APPLICANT OCT 14 1992
218 (Rev.) P.E.O.
STATE ENGINEER