

ASSIGNED

No. 43697

AMENDED APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

MAY 8 1981

Date of filing in State Engineer's Office... JUL 30 1981
Returned to applicant for correction... SEP 21 1981
Corrected application filed... SEP 21 1981
Map filed...

The applicant NL Industries, Inc.

P.O. Box 414 of Battle Mountain Nevada 89820

hereby makes 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.) 1891 - New Jersey

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

2. The amount of water applied for is 2.5 cfs second-foot 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: within the SE 1/4, SE 1/4 of Section 36, T

38 N, R 51 E, MDM, at a point from which the SE corner of said Section 36 bears S 68° 29' E 865 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 S 1/2 SE 1/4, SW 1/4 of Section 36 and the S 1/2 SE 1/4 of Section 35 all in T 38 N, R 51 E, MDM and all of Section 1 and E 1/2 of Section 2, T 37 N, R 51 E, MDM 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. 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 and case well, pump, motor, storage facilities and distribution system State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$20,000.00

10. Estimated time required to construct works 5 years
If well completed, describe works.

11. Estimated time required to complete the application to beneficial use 7 years

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

for any and all sources will not exceed 1,000 acre feet annually

Please send copies of all correspondence and notices to undersigned agent.

By s/William A. Nisbet

Agent Signature, applicant or agent

Compared sg/dh js/bc

421 Court
Elko, Nevada 89801

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.

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

No perforations shall be put in the production casing from ground level to 100 feet.

The total combined duty of water under Permits 43697 and 43698 shall not exceed 162.92 million gallons annually.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and

not to exceed 2.5 cubic feet per second, but not to exceed 162.92 million gallons annually.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before November 12, 1987

Proof of completion of work shall be filed before December 12, 1987

Application of water to beneficial use shall be made on or before November 12, 1989

Proof of the application of water to beneficial use shall be filed on or before December 12, 1989

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

Commencement of work filed IN TESTIMONY WHEREOF, I PETER G. MORROS

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 12th day of November

Cultural map filed A.D. 1985

Certificate No. Issued DEC 13 1991

Withdrawn by 218 (Rev. 7-9-80)

STATE ENGINEER

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

