

APPLICATION FOR PERMIT TO IMPORT THE PUBLIC WATERS OF THE STATE OF CALIFORNIA TO THE STATE OF NEVADA

Date of filing in State Engineer's Office... OCT 09 1984
Returned to applicant for correction... NOV 16 1984
Corrected application filed... JAN 14 1985
Map filed... FEB 04 1985

The applicant... American Borate Company
3311 S. Jones Blvd., Suite 212, of Las Vegas, Nevada 89102

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.) September 9, 1977 in California Partnership: American Borate Corporation, RosCorp, Inc.

1. The source of the proposed appropriation is... Amargosa Basin, underground source

2. The amount of water applied for is... 26 second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for... mining/milling
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")... mining/milling

(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. 9, T. 26N., R. 5E., S.B.M., Inyo County, California, whence the N 1/4 corner of said Section 9 bears N 62°15'30" W 1,438.90 feet

6. Place of use... SW 1/4, Sec. 36, T. 17S., R. 49E., M.D.M., Nye County, Nevada

7. Use will begin about January 1 and end about December 31, 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 well with pump and motor connected with pipeline to storage tank and mill, located in said SW 1/4, Sec. 36

9. Estimated cost of works... \$84,000

10. Estimated time required to construct works..... completed, see #8 above
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... 12 months.....

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

Water imported pursuant to this application is for mining/milling purposes in conjunction with accompanying applications. The total consumptive use of the operations from this well is approximately 61,335,312 gallons/year or 26 second feet.

By (illegible) Vice President/
General Manager

Compared jm/se pm/se

3311 S. Jones Blvd., Suite 212
Las Vegas, Nevada 89102

Protested.....

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.

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 (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 0.26 cubic feet per second, but not to exceed 61.34 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before July 6, 1988

Proof of completion of work shall be filed on or before August 6, 1988

Application of water to beneficial use shall be made on or before July 6, 1990

Proof of the application of water to beneficial use shall be filed on or before August 6, 1990

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

Completion of work filed MAY 16 1988 IN TESTIMONY WHEREOF, I PETER G. MORROS

State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed AUG 08 1990 my office, this 6th day of July

Cultural map filed.....

Certificate No. 13449 Issued AUG 20 1992 A.D. 1887

(Handwritten signature of Peter G. Morros)
State Engineer

(PERMIT TERMS CONTINUED)

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.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

The total combined duty of water under Permits 48479, 48480, 48481, 48482 and 48483 shall not exceed 184.95 million gallons annually.

A pump test must be conducted by a hydrologist or a registered professional engineer on one of the wells under Permits 48479, 48480, 48481, 48482 and 48483. The State Engineer must be notified in writing prior to the pump test. The results of the pump test must be submitted as part of the Proof of Completion of Work.