

AMENDED

Nº 49969

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... JUL 07 1986

Returned to applicant for correction.....

Corrected application filed.....

Map filed..... JUL 08 1986 under 49968

The applicant..... Marshall Earth Resources, Inc.

720 Willow Street, of Reno, Nevada 89502

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.) December 3, 1979 Reno, Nevada

1. The source of the proposed appropriation is..... Sheep Canyon Spring # 2

2. The amount of water applied for is..... 0.05 second-feet

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

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

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 SW 1/4 NE 1/4, Section 11, T.12N., R.39E., M.D.B.&M., or at a point which bears N71° 11' 15" W. a distance of 14,083 feet to the W 1/4 corner of Section 4, T.12N., R.39E., M.D.B.&M.

6. Place of use..... portions of Sections 33 and 34, T.13N., R.39E., M.D.B.&M., portions of Sections 4, 5, 8, 17, 20, 29, 30, 31, 32, and 33, T.12N., R.39E., M.D.B.&M., and portions of Section 4, T.11N., R.39E., M.D.B.&M.

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.)..... install perforated drain pipe and holding pond

9. Estimated cost of works..... \$5000.00

10. Estimated time required to construct works 1 year
If well completed, describe works.
.....
.....

11. Estimated time required to complete the application of water 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.

The principal use of water will be for dust control on haulage roads and on a
9-mile stretch of county road traversing Sections 33 and 34, T.13N., R.39E.,
M.D.B.&M., Sections 4, 5, 8, 17, 20, 29, 30, 31, 32, and 33, T.12N., R.39E.,
M.D.B.&M., and Section 4, T.11N., R.39E., M.D.B.&M.

By s/ William E. Nork
William E. Nork (Agent)
Reno, Nevada 89502

Compared js/ti pm/se

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 all existing rights on the source. It is understood that the 0.05 c.f.s., 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 a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. 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 subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

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

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 flow from the spring and the actual water placed to beneficial use.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.05 cubic feet per second, but not to exceed 1.0 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, 1989

Proof of the application of water to beneficial use shall be filed on or before August 6, 1989

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

Completion of work filed..... 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..... my office, this 6th day of July

Cultural map filed.....

Certificate No..... Issued.....

A.D. 19 87
[Signature]
State Engineer

218 (Rev.)
CANCELLED JUL 13 1993 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

[Signature] STATE ENGINEER