

AMENDED

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

Date of filing in State Engineer's Office JUN 30 1988 - NEW PRIORITY DATE: APR 26 1994

Returned to applicant for correction _____

Corrected application filed JUL 15 1988

Map filed JUL 15 1988

The applicant Abermin, Inc., James Donaldson, Vice President

5171 Ward Road, Unit #1, of Wheat Ridge,
Street and No. or P.O. Box No. City or Town

Colorado 80033, hereby make S. application for permission to appropriate the public
State and Zip Code No.

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.) Incorporated in the State of Colorado January 4, 1984, with a name change from Aberford Minerals (U.S.) Inc. to Abermin, Inc. on September 15, 1987.

1. The source of the proposed appropriation is Cold Spring
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.022 second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet does not apply

3. The water to be used for dust control, construction 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 does not apply

(b) Stockwater, state number and kinds of animals to be watered does not apply

(c) Other use (describe fully under "No. 12. Remarks") See "No. 12 Remarks"

(d) Power:

(1) Horsepower developed does not apply

(2) Point of return of water to stream does not apply

5. The water is to be diverted from its source at the following point within the NW 1/4 of the NW 1/4 of Section
Describe as being within a 40-acre subdivision of public

10, T43N, R68E MDBM, at a point from which the NE corner of Section 3, T43N,
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

R68E MDBM bears North 42°05'05" East 7625.27 feet.

6. Place of use Sections 1, 2, 3, 10, 11 and 12 of T43N R68E MDBB.
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 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.) 5000 gallon storage tank 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 4 years
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.

Total annual use shall be 16.1 acre feet per year. Water will be used for dust control, construction and domestic purposes.

By s/James N. Donaldson
5171 Ward Road, Unit #1
Wheat Ridge, Colorado 80033

Compared bk/kh 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 0.022 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.

This permit terminates at the time the water is no longer needed for dust control and construction.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.022 cubic feet per second, but not to exceed 5.2

million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before December 1, 1990

Proof of completion of work shall be filed on or before January 1, 1991

Application of water to beneficial use shall be made on or before December 1, 1993

Proof of the application of water to beneficial use shall be filed on or before January 1, 1994

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

Completion of work filed DEC 31 1990 IN TESTIMONY WHEREOF, I PETER G. MORROS

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

Proof of beneficial use filed _____ office, this 1st day of December

Cultural map filed _____ A.D. 19 88

Certificate No. _____ Issued _____
[Signature]
State Engineer

~~CANCELLED MAR 1 1994 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT~~
[Signature]
STATE ENGINEER
Case Received 5/2/94