

AMENDED

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

Date of filing in State Engineer's Office... SEP 14 1988
Returned to applicant for correction... OCT 24 1988
Corrected application filed... NOV 1 1988
Map filed... NOV 1 1988

The applicant Bently Nevada Corporation
P.O. Box 157, of Minden, Nevada 89423
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.) Bently Nevada Corporation 21 October, 1961

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

2. The amount of water applied for is .334 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 dewatering for environmental control
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") temporary extraction for 12 months of the year for environmental control

(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 SE 1/4 SE 1/4 of Section 6, T. 13N., R. 20E., M.D.B. & M. at a point from which the southwest corner of Section 8, T. 13N., R. 20E., M.D.B. & M., bears S 0° 32' 13"E a distance of 5,703.60 feet (EX-17B).

6. Place of use within portions of the SE 1/4 SE 1/4 of Section 6, T. 13N., R. 20E., M.D.B. & M. and portions of the E 1/2 NE 1/4 of Section 7, T. 13N., R. 20E., M.D.B. & M.

TEMPORARY

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 air stripping tower, pump, generator and associated piping.

9. Estimated cost of works \$28,000 for tower, generator, pump and associated piping.

10. Estimated time required to construct works... well already completed. Gravel packed well 75' deep,
If well completed, describe works.
screened from 75' to 55'. Constructed as a monitoring well under waiver to Permit #50651.

11. Estimated time required to complete the application of water to beneficial use... 1 year

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

This environmental control well is part of a remedial measure reviewed by NDEP.
Groundwater will be extracted from the shallow aquifer and treated by air stripping.
Treated water will be discharged to irrigation ditches on the Milky Way Dairy or onto land leased by the Milky Way Dairy from Scott Marshall.

By s/ Thomas A. Foote
160 Hubbard Way, No. 2
Reno, NV 89502

Compared pm/ 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 existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance for pollution control as mandated by orders issued by the Nevada Division of Environmental Protection and subsequent correspondence with said agency. The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and records of this measurement shall be submitted on an annual basis. It is also understood that this right must allow for a reasonable lowering of the static water level of permittee's well due to other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water granted herein at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
(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 0.334 cubic feet per second.....

Work must be prosecuted with reasonable diligence and be completed on or before July 11, 1989

Proof of completion of work shall be filed on or before August 11, 1989

Application of water to beneficial use shall be made on or before July 11, 1990

Proof of the application of water to beneficial use shall be filed on or before August 11, 1990

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

Completion of work filed SEP 19 1989

IN TESTIMONY WHEREOF, I PETER G. MORROS
State Engineer of Nevada, have hereunto set my hand and the seal of my

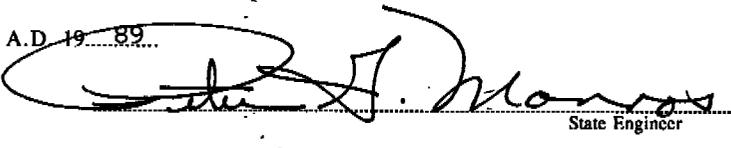
Proof of beneficial use filed.....

office, this 3rd day of March,

Cultural map filed.....

A.D. 19 89

Certificate No. Issued.....


State Engineer

(O)-5314 (Rev.)
Abrogated By Port 5542 0.223cfs
Temp.
Abrogated by Port 5541 0.223cfs

(PERMIT TERMS CONTINUED)

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.

