AMENDED

№ 54117

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

Date of filing in State Engineer's Office OCT 24 1989

Returned to applicant for correction DEC 11 1989

Corrected application filed DEC 21 1989

Map filed DEC 21 1989 under 54110

The applicant Mallory Incorporated

550 Mallory Way (Street and No. or P.O. Box No.), of Carson City (City or Town),

Nevada 89710 (State and Zip Code No.), 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.) July 1981, Carson City, Nevada

1. The source of the proposed appropriation is groundwater well (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 0.013 (One second-foot equals 448.83 gals. per min.) second-feet

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

3. The water to be used for Aquifer Clean-Up (Air Stripping of Volatile Organics) (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") See No. 12

   (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 Recovery Well No. 9, NW¼ NE¼, (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 so stated.) Section 20, T.15N, R.20E, M.D.M. The proposed point of diversion bears S51°59'02"E, 2715.36 feet to the E ¼ corner of said Section 20.

6. Place of use a portion of the SE ¼ NW ¼ and SW ¼ NE ¼, Section 20, (Describe by legal subdivision. If on unsurveyed land, it should be so stated.) T.15N, R.20E, M.D.M. as shown on the parcel map for Harold and Lois Heitmiller, File No. 86800. A.P.M. 9-551-19 northeast of the intersection of Mallory Way and Roop Street in Carson City, Nevada.

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), 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 6-12 inch well with submersible pump (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 $10,000.00

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

11. Estimated time required to complete the application of water to beneficial use 10 years

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

Contaminated water to be extracted as a part of a clean-up program. NDEP (Marcia Greybeck, Alan Biaggi) is lead agency requiring extraction.

By s/ Scott Smith
940 Matley Lane
Reno, Nevada 89502

Compared jm/db bp/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 followng 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.

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 amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.013 cubic feet per second, but not to exceed 3.068 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before July 17, 1991

Proof of completion of work shall be filed on or before August 17, 1991

Application of water to beneficial use shall be made on or before July 17, 1993

Proof of the application of water to beneficial use shall be filed on or before August 17, 1993

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

Completion of work filed NOV 2 2 1991

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of July, A.D. 19 90.

R. Michael Turnipseed PE
State Engineer

(O)-5314 (Rev.)