ASSIGNED

ASSIGNED

NO. 61597

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

Date of filing in State Engineer's Office OCT 10 1995

Returned to applicant for correction NOV 14 1995

Corrected application filed MAR 14 1996

Map filed MAR 14 1996

****

The applicant **Oglebay Norton Company** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. **November 5, 1931 Delaware, Maryland**

****

1. The source of the proposed appropriation is **Underground**

2. The amount of water applied for is **2.01 cfs or 474.17 million gallons annually** 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 **N/A**

   (b) Stockwater, state number and kinds of animals to be watered **N/A**

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

   (d) Power:
      (1) Horsepower developed **N/A**

      (2) Point of return of water to stream **N/A**

5. The water is to be diverted from its source at the following point **SE ¼ of the SE ¼, Section 2, T.20S., R.63E., M.D.B.M. or from the U.S. Mineral Survey number 5030 corner in the Southeast corner of said section 2 a bearing of North 76°34'20" West and a distance of 1,049.06 feet. (Well ID:ONCO 12).**

6. Place of Use **Mining and milling on Sections 5, 6, 7 and 8, T.20S., R.65E., M.D.B.M. Road Dust control for a single road crossing sections 5, 8, 9, 10, 11, 12, 14, 15, 16, and 17, T.20S., R64E., M.D.B.M. and sections 9, 16, and 17, T.20S., R.65E., M.D.B.M. Milling on Sections 5 and 12, T.20S., R.64 E., M.D.B.M.**

7. Use will begin about **January 1** and end about **December 31** of each year.

8. Description of proposed works **drilled well with pump, motor, discharge piping, and meter.**

9. Estimated cost of works **$100,000**

10. Estimated time required to construct works **two years**

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

12. Remarks: **Water use: washing, scrubbing, and slurry line transport of silica sand. Silica sand to be used in the glass and other silica sand consuming industries. Water recycling will be conducted at this mining and milling operation. Recycled water will be used for dust control.**

61597

By s/R.J. Johnson Broadbent & Assoc. Inc.
833 Nevada Highway, Suite 4
Boulder City NV 89005

Compared jk/cl cl/cms

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.

The total combined duty of water under Permits 58047, 58048, 58049, 58050, 58051, 61597, 61598, 61599, and 61600 shall not exceed 1,088.8 acre-feet annually.

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

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month, which shall include the following: the amount of water pumped from each well, and the amount of water consumed for each use as authorized under this permit.

The State Engineer retains the right to require dedicated monitoring wells if conditions warrant such action.

(CONTINUED ON PAGE 2)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.01 cubic feet per second, **but not to exceed 1,088.8 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:
March 11, 1997

Proof of completion of work shall be filed before:
April 11, 1997

Application of water to beneficial use shall be filed on or before:
March 11, 1999

Proof of the application of water to beneficial use shall be filed on or before:
April 11, 1999

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

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 30th day of October, A.D. 1996

R. Michael Turnipseed P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____