



THE STATE OF NEVADA
APPLICATION TO APPROPRIATE WATER

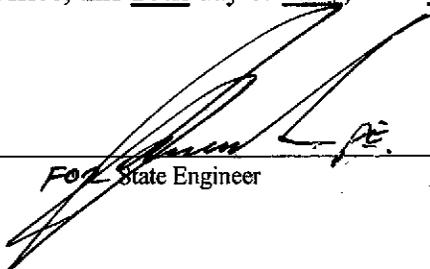
Name of applicant: HERZOG CONTRACTING CORP.
Source: UNDERGROUND
Basin: LOWER MEADOW VALLEY WASH
Manner of Use: MINING AND MILLING
Period of Use: January 1st to December 1st
Priority Date: 02/06/1998

DENIAL OF STATE ENGINEER

This application is hereby denied on the grounds that the Applicant did not respond to information requested by the State Engineer.

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 10th day of May, A.D. 2007



For State Engineer

AMENDED

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office FEB - 6 1998

Returned to applicant for correction MAR 2 - 1998

Corrected application filed JUN 26 1998 Map filed JUN 26 1998

The applicant Herzog Contracting Corp.

600 S. Riverside Road

of St. Joseph

Street and No. or P.O. Box No.

City and Town

MO. 64507

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.) May 7, 1969 - Missouri

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 4.456 CFS second feet.

One second foot equals 448.83 gallons per minute.

(a) If stored in reservoir give number of acre-feet 54 acre-feet

3. The water to be used for Mining

Irrigation, power, mining, commercial, domestic or other use. Must limit to one major use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated.....

(b) Stockwater, state number and kind of animals.....

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

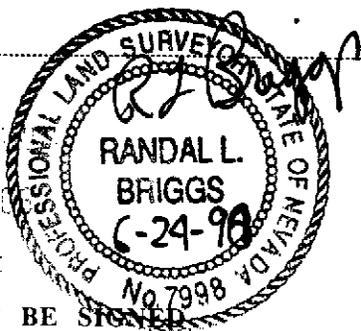
(d) Power:

(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 Within the NE1/4 SE1/4,
Describe as being within a 40-acre subdivision of public
Section 3, T.9S., R.67E., M.D.B. & M., or from a point whence the
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
SE corner of Section 34, T.8S., R.67E., bears N 31° 11' 54" E, a
distance of 3976.01'(feet).
6. Place of use E1/2, Sec. 27, E1/2 W1/2, and E1/2 Sec. 34, T8S., R67E., M.D.B. & M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
E1/2, Sec. 3, W1/2, Sec. 2, E1/2 SE1/4, and NE 1/4, SEC. 10, NW1/4 NW1/4,
Sec. 11, E1/2 NE1/4, and NE1/4 SE1/4, Sec. 15, NW1/4 SW1/4, Sec. 14
T9S., R67E., M.D.B. & M. Lincoln County, Nevada.
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.) Multiple wells with pumps, three storage
State manner in which water is to be diverted, i.e. diversion structure.
resevoirs approximately six feet deep.
ditches and flumes, drilled well with pump and motor, etc.
9. Estimated cost of works. \$100,000
10. Estimated time required to construct works. 3 years
If well completed, describe works.
11. Estimated time required to complete the application of water to beneficial use. 4 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 primary product to be removed would be sand. The quantity of
material to,be extracted on an annual basis could start as low as
300,000 tons and may escalate from 1 to 2 million tons.



APPLICATION MUST BE SIGNED
 BY THE APPLICANT OR AGENT

Randal L. Briggs
Type of print name clearly Agent
 By Randal L. Briggs
Signature, applicant or agent
1675 Ave. F.
Street and No., or P.O. Box No.
Ely, Nevada 89301
City, State, Zip Code No.

\$250 FILING FEE MUST ACCOMPANY APPLICATION