NO. 65648

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

Date of filing in State Engineer's Office NOV 10 1999

Returned to applicant for correction

Corrected application filed

Map filed NOV 10 1999

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The applicant **INTERMOUNTAIN ASPHALT SUPPLY, L.L.C.**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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

2. The amount of water applied for is **.25 c.f.s.** second-feet

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

3. The water to be used for **Commercial Use**

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") **N/A**

   (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 **Located in the NW¼-NE¼ of Section 29, T.20N., R.26E., M.D.B.&M., from a point that bears N 58°00'00" E a distance of 2420.00 feet to the NE corner of said Section 29.**

6. Place of Use **a portion of the NE¼ of Section 29, T.20N., R.26E., M.D.B.&M., a total of 154.00 acres.**

7. Use will begin about **JAN 1** and end about **DEC 31** of each year.

8. Description of proposed works **Drilled Well, Pump, Storage Tank & Distribution System**

9. Estimated cost of works **$25,000**

10. Estimated time required to construct works **2 year**

11. Estimated time required to complete the application of water to beneficial use **4 years**

12. Remarks: **Application is for an asphalt oil tank farm and distribution facility to support an Office/maintenance bldg., a boiler system to maintain working temperature on 11 product tanks (4-100' dia X 40', 3-75' dia x 40', 4-35' dia x 40') and dust control measures with a consumptive rate not to exceed 4,000 G.P.D., or 1.46 million gallons per year, 0.25 cfs is for fire flows only.**

By **s/Barry A. Fitzpatrick**
Barry A. Fitzpatrick, S.W.R.S. #817
137 Keddie Street
Fallon, Nevada 89406

Compared **cmf/bk** hf/cmf

Protested

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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 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.

Any well drilled under this permit shall be drilled in what has been described in the United States Geological Survey Water Supply Paper 2263 as the intermediate alluvial aquifer. In no instance shall the seal on this well be less than 100 feet below ground level.

(CONTINUED ON PAGE 3)

(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 **0.25** cubic feet per second, **but not to exceed 1.46 million gallons annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:
July 20, 2002

Proof of completion of work shall be filed before:
August 20, 2002

Water must be placed to beneficial use on or before:
July 20, 2004

Proof of the application of water to beneficial use shall be filed on or before:
August 20, 2004

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 **20th** day of, **July** A.D. **2000**

Hugh Ricci, P.E.
State Engineer
by Hugh Ricci, P.E., Deputy State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

CANCELLED MAR 1 0 2004 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

Hugh Ricci, P.E. STATE ENGINEER