

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

Date of filing in State Engineer's Office MAR 07 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAR 07 2002

The applicant **BERRY-Hinckley Industries % McGinley & Associates** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **underground**
2. The amount of water applied for is **0.0668 cfs, 30 gpm** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Environmental purposes**
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")
 - (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 SE¼ of the SE¼ of Section 4, T.19N., R.20E., M.D.M., or at points from which the southeast corner of said Section 4 bears South 26° 59' 02" East a distance of 873.60 feet (MW#3) and South 33° 11' 09" East a distance of 902.18 feet (MW#4).**
6. Place of Use **within the SE¼ of the SE¼ of Section 4, T.19N., R.20E., M.D.M., within Washoe County Assessor's Parcel Number 037-012-05.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Groundwater extraction wells and WCDHD approved on-site remediation system.**
9. Estimated cost of works **in excess of \$50,000**
10. Estimated time required to construct works **Existing.**
11. Estimated time required to complete the application of water to beneficial use **5 years**

68551-E

12. Remarks: Groundwater will be treated on site to remove contaminates and discharged into the sanitary sewer system per Washoe County Health Department order. Refer to City of Sparks Wastewater Inspection Certificate (attached) for discharge information.

By s/George G. Lindesmith
George G. Lindesmith
Tri State Surveying 1925 E. Prater Way
Sparks, Nevada 89434

Compared my/cmf dl/cmf

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 environmental 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 environmental permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

This environmental permit is issued pursuant to the provisions of NRS 533.4375. Well drillers reports for any well(s) drilled under this permit shall be filed within 30 days from the completion of the well.

Within 30 days after the completion of the project, the permittee shall notify the State Engineer of such completion and all wells shall be plugged and abandoned in accordance with Chapter 534 of the Nevada Administrative Code.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0668 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Water must be placed to beneficial use on or before:

Proof of the application of water to beneficial use shall be filed on or before:

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

ENVIRONMENTAL

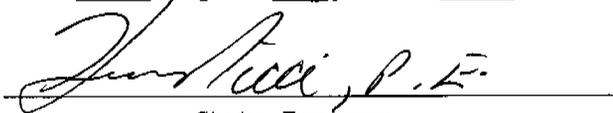
* The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection.

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 13th day of May, A.D. 2002


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____