

**THE STATE OF NEVADA****PERMIT TO APPROPRIATE WATER**

Name of applicant: NEVADA CEMENT COMPANY
Source: UNDERGROUND
Basin: IMLAY AREA
Manner of Use: MINING AND MILLING
Period of Use: January 1st to December 31st
Priority Date: 03/25/2003

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 69775 and 69776 shall not exceed 39.0 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

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

Monthly records shall be kept of the following and reported within 15 days after the end of each quarter:

- A. The total volume of water pumped from each diversion in acre-feet.
- B. The maximum flow rate from each diversion in cubic feet per second.
- C. The pumping water level from each well in feet above mean sea level.
- D. The volume of water consumptively used for mining and milling in acre-feet.
- E. The amount of water diverted to the infiltration sites in acre-feet.
- F. The amount of water diverted to other consumptive uses, if any, in acre-feet.
- G. The amount of water lost through evaporation or other system losses project wide.

This permit is issued subject to the State Engineer's Ruling 5785, dated October 2, 2007.

The point of diversion and place of use are as described on the submitted application to support this permit.

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 2.25 cubic feet per second or 39.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

January 25, 2010

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

January 25, 2013

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

N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 25th day of January, A.D. 2008

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

AMENDED **NO. 69776**
APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF
NEVADA

Date of filing in State Engineer's Office MAR 25 2003
Returned to applicant for correction MAY 12 2003
Corrected application filed JUL 03 2003
Map filed JUL 03 2003 under 69775

The applicant **Nevada Cement Company**, 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 source-Well No. 2**
2. The amount of water applied for is **2.25 c.f.s.-1,000 ac.ft/annum** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Mining, Milling and Domestic 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 **69776 within NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 T30N, R33E, MDM or at a point from which the N $\frac{1}{4}$ corner of said Section 8 bears N 15 degrees 40 minutes 59 seconds W, a distance of 1,045.60 feet.**
6. Place of Use **E $\frac{1}{2}$ of Section 8; All of Section 4; All of Section 10 & All of Section 14 T30N, R33E, MDM**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **Drilled and cased well, equipped with motor, pump and pipeline to place of use**
9. Estimated cost of works **\$80,000.00**
10. Estimated time required to construct works **3 years**
11. Estimated time required to complete the application of water to beneficial use **8 years**
12. Remarks: **The estimated consumptive use calculations will be submitted under the amended application. The total combined rate of flow and consumptive use from Well No. 1 and Well No. 2 will not exceed 2.25 cfs and 1,000 acre feet per annum.**

By **s/Michael D. Buschelman**
Post Office Box 51371
Sparks, Nevada 89435

Compared dl/dr

Protested 5/1/03 by Pershing County Water Conservation District;
8/29/03 by USDI, BLM, Winnemucca Field Office; 9/3/03 by Humboldt River Ranch;
9/12/03 by Devco Properties, Inc.; Pro. Overruled 10/2/07 See Ruling #5785