

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

Date of filing in State Engineer's Office JUN 02 2004

Returned to applicant for correction AUG 27 2004

Corrected application filed OCT 14 2004

Map filed OCT 14 2004

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The applicant **Industrial Minerals & Technology, LLC** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. **May 14, 2002 Dennis M. Anderson and J & L Services, Inc.**

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1. The source of the proposed appropriation is **underground**
2. The amount of water applied for is **0.006188-second** feet.
  - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **mining**
4. If use is for:
  - (a) Irrigation, state number of acres to be irrigated
  - (b) Stockwater, state number and kind 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 **SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Sec. 4 T21N, R27E, Mt. Diablo Baseline & Meridian; 2088.5 Feet North 71°35.61' West from Section Corner 3, 4, 9, and 10, T21N, R27E, M.D.B&M**
6. Place of Use **Sec. 4 and 9, T21N, R27E, M.D.B&M at surface mine locations and dirt roads.**
7. Use will begin about **Jan 1** and end about **Dec. 31** of each year.
8. Description of proposed works **Drill a water well, steel case the well, install pump and water storage tank.**
9. Estimated cost of works **\$20,000**
10. Estimated time required to construct works **3 months**
11. Estimated time required to complete the application of water to beneficial use **3 years**
12. Remarks: **The water will be used for dust control at a surface mine and process plant**

and on the main roads. The estimated use is 4000 gal./day, which equals approximately 4.48 acre feet / year

By **Dennis M. Anderson**  
**s/ Dennis M. Anderson**  
**PO Box 1676**  
**Carson City, NV 89702**

Compared sg/dr ll/ gkl

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.

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.

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 the manner of use granted under 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 amount of water pumped from this well and the records submitted to the State Engineer on February 15th of each year.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.006188 cubic feet per second, **but not to exceed 4.48 acre-feet annually.**

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

June 1, 2007

Proof of completion of work shall be filed on or before:

July 1, 2007

Water must be placed to beneficial use on or before:

June 1, 2009

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

July 1, 2007

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

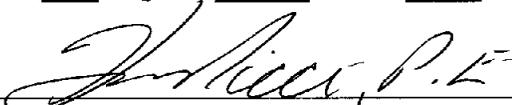
N/A

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 1st day of June, A.D. 2006

  
\_\_\_\_\_  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed N/A \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_