Permit No. 77319T

TEMPORARY

THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant:	**A & K EARTH MOVERS, INC.**
Source:	**UNDERGROUND**
Basin:	**CARSON DESERT**
Manner of Use:	**COMMERCIAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**12/07/1977**

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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 temporary permit to change the point of diversion, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 34710, Certificate 13016, is issued subject to the terms and conditions imposed in said Permit 34710, Certificate 13016, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and 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 the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

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

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **April 7, 2009** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(Continued on Page 2)

Any well drilled under this temporary 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.

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

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.07 cubic feet per second or 10.0 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**N/A**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**N/A**
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 12th day of **November,** A.D. **2008**

Tracy Taylor, P.E.

State Engineer

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TEMPORARY Application No. 77319T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office AUG 18 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed JUN 18 2002 under 68901T

The applicant A & K Earth Movers, Inc.

1200 Auction Road (Street Address or P.O. Box) of Fallon (City or Town)

Nevada 89406 (State and Zip Code), hereby make(s) application for permission to change the

☑ Point of diversion ☑ Place of use ☑ Manner of use ☑ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit No 34710 (cert No. 13016)

1. The source of water is Underground (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed 10.0 acre feet (0.07 cfs) (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Commercial (Irrigation, power, mining, commercial, etc If for stock, state number and kind of animals. Must limit to one major use.)
4. The water heretofore used for Irrigation (If for stock, state number and kind of animals.)
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.) Located in the NE¼-NW¼ of sect. 16 T. 16N., R. 28E., M.D.B.&M from a point that bears N 79°00'00" W a distance of 1,630.0 feet to the NW corner of said Sect. 3 (see remarks.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.) NE¼-NE¼ of Sect. 3, T. 18N., R. 26E., MDB&M from a point that bears N. 23°09'03" E. a distance of 1,345.25 feet to the NE corner of said Sect. 3 (see remarks).

AE 8/19/08

101-CH

77319T

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
Sections 9, 16, & 17 of T. 16N., R. 28E., M.B.D. & M. a total of 1,920 acres more or less

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.) 2.34 acres in the NW¼-NE¼ & 0.16 acres in the NE¼-NE¼ Sect. 3, T. 18N., R. 26E., M.D.B. & M a total of 2.5 acres (see remarks)

9. Proposed use will be from Jan. 1 (Month and Day) to Dec. 31 (Month and Day) of each year.

10. Existing use permitted from Jan. 1 (Month and Day) to Dec. 31 (Month and Day) of each year.

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)(State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.) drilled well, pump, tank & piping.

12. Estimated cost of works $50,000.00

13. Estimated time required to construct works 1 week (If well completed, describe well.)

14. Estimated time required to complete the application of water to beneficial use N/A

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing.)
The proposed use is for dust supression, material conditioning, & road maintenance.

16. Miscellaneous remarks: Existing point of diversion & portion of place of use are as shown on Map to accompany Proof of Beneficial Use under permit No. 34710, Please use map under 68901 T * Not necessary used 68901T for all

(775) 423-6085 (Phone No.)

bford@akearthmovers.com (E-mail)

By Brent F. Ford (Print or type name clearly)

Brent F. Ford (Signature, applicant or agent)

A & K Earth Movers (Company Name)

1200 Auction Road (Street Address or P.O. Box)

Fallon, NV 89406 (City, State, Zip Code)

RECEIVED 2008 AUG 18 AM 10: 04 STATE ENGINEER'S OFFICE

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION