



THE STATE OF NEVADA
PERMIT TO APPROPRIATE WATER

Name of applicant: TPC AGGREGATES LLC
Source: UNDERGROUND
Basin: JEAN LAKE VALLEY
Manner of Use: MINING AND MILLING
Period of Use: January 1st to December 31st
Priority Date: 11/25/2008

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.

The permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

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 69497, 77341 and 77638 shall not exceed 130 acre-feet.

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 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 its manner of use will be denied. Additionally, any application to change the place of use and/or the point of diversion will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resources within the hydrographic basin.

In accordance with State Engineers Ruling #5951, related Permit 77341 shall be re-evaluated at the completion of every 5-year period. Permit 77638 may be subject to a like duty reduction should Permit 77341 be reduced.

(Continued on Page 2)

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 0.725 cubic feet per second or 70.0 acre-feet annually.**

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

September 10, 2012

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

September 10, 2014

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 10th day of September, A.D. 2009

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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AMENDED

Application No. 77638

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

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>NOV 25 2008</u>
Returned to applicant for correction	<u>DEC 09 2008</u>
Corrected application filed	<u>JAN 23 2009</u>
Map filed	<u>JAN 23 2009</u>

The applicant TPC Aggregates LLC

15901 Olden ST of Sylmar
Street Address or P.O. Box City or Town

Sylmar California, 91342 hereby make(s) application for permission to appropriate
State and Zip Code

the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.)

A Nevada LLC

Originated April 7, 2008

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.

2. The amount of water applied for is .725 (325 Gal Per Min.) 100 Acre-feet Annual Usage second feet.
One second foot equals 448.83 gallons per minute.

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

3. The water to be used for Mining (Sand and Gravel Operation)
Irrigation, power, mining, commercial, domestic or other use. Must limit to one major use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated _____

(b) Stockwater, state number and kind of animals _____

(c) Other use (describe fully in No. 12) Mining

(d) Power:

(1) Horsepower developed _____

(2) Point of return of water to stream _____

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5. The water is to be diverted from its source 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 so stated.)
SE1/4NW1/4 Section 33, T.25S., R.60., M.D.B.&M. or at a point from which the NW corner of Section 31, T.25S., R.60E., M.D.B. &M. bears N.79 deg.50'29" a distance of 12,861.76 feet. (This information is derived from the supporting map.)

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6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)
SW1/4NW1/4, SE1/4NW1/4 Section 33, T.25S., R.60E., M.D.B.&M.

7. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions 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 and flumes, drilled well with pump and motor, etc.)
Rigid pipe to Storage Tank, will have a underground well pump.

9. Estimated cost of works: \$150,000

10. Estimated time required to construct works: 6 Months
(If well completed, describe works.)

11. Estimated time required to complete the application of water to beneficial use: Two years

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing)
We were recently the high bidder on a BLM aggregate lease. # N-82282 this lease is for 19.5 million tons of Limestone Aggregates. 10 years as initial period and is renewable. the property covers 59.3 acres Our primary product will be washed coarse and fine concrete aggregates, as part of process we must wash aggregates to meet Concrete Spec. requirements. We anticipate starting to mine this contract in the next 6 to 8 months. Our business model calls for a annual production of 1,500,000 million tons of Aggregates per year.

13. Miscellaneous remarks:
A primary part of our construction plan takes into account best practices available for the reuse and recovery of our water resources to minimize usage thereby maximizing recovery.

james.patterson@tutorsaliba.com
E-mail Address

Phone No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

By James W. Patterson
Typed full name clearly

Signature, applicant or agent
TPC Aggregates LLC
Company Name
15901 Olden St.Syl
Street Address or P.O. Box
Sylmar California 91342
City, State, Zip Code

STATE ENGINEERS ASSOCIATION
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\$250 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION