

ASSIGNED

Nº 40521

AMENDED

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

Date of filing in State Engineer's Office FEB 12 1980

Returned to applicant for correction

Corrected application filed MAR 5 1980 under 40520

Map filed MAR 5 1980

Note: Water Supply Well #5

The applicant The Anaconda Company

555 Seventeenth Street, of Denver, Colorado 80217

hereby make application for permission to appropriate 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.)

July 21, 1976 State of Delaware

1. The source of the proposed appropriation is underground

2. The amount of water applied for is 18.25 (in combination with Wells #4 and 6) second-feet

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

3. The water to be used for mining, milling, and domestic

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") See No. 12

(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: in the NE 1/4 SE 1/4 Sec. 35, T.6 N., R.41 E., M.D.B.&M., or at a point from which the NE corner of Sec. 1, T.5 N.,

R.41 E., M.D.B.&M. bears S. 71° 53' 50" E., 7088.40 feet.

6. Place of use. Sections 5, 6, and 7, T.5 N., R.42 E., M.D.B. & M.; Sections 31 and 32, T.6 N., R.42 E., M.D.B.&M.; Section 36, T.6 N., R.41 E., M.D.B.&M.; and

Sections 1 and 12, T.5 N., R.41 E., M.D.B.&M.

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

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.) well, casing, pump, storage tank and pipeline to mine site and plant site.

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.

- 9. Estimated cost of works.....\$200,000
- 10. Estimated time required to construct works..... 3 to 5 years
- 11. Estimated time required to complete the application to beneficial use..... 3 to 5 years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Annual consumptive use of Wells #4 through 8 will be a combined total of 4,309,920,000 gallons per year. Water from Wells #4 through 8 and Well 35776 (current permit number) will be used for a mining-milling complex

Applicant..... The Anaconda Company

By..... /s/ John V. A. Sharp
John V. A. Sharp, Agent
Hydro-Search, Inc.
333 Flint Street
Reno, NV 89501

Compared..... lp/jk..... gk/ja

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 total combined duty of water under this permit and Permits 40520, 40522, 40523, and 40524 shall not exceed 4,310.0 million gallons annually.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 6.0..... cubic feet per second, but not to exceed 1,415.4 million gallons annually.

- Actual construction work shall begin on or before..... December 27, 1980
- Proof of commencement of work shall be filed before..... January 27, 1981
- Work must be prosecuted with reasonable diligence and be completed on or before..... December 27, 1981
- Proof of completion of work shall be filed before..... January 27, 1982
- Application of water to beneficial use shall be made on or before..... December 27, 1984
- Proof of the application of water to beneficial use shall be filed on or before..... January 27, 1985
- Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed..... JAN 19 1981
Completion of work filed..... FEB 7 1983
Proof of beneficial use filed..... 1-30-91
Cultural map filed.....
Certificate No. 12281 Issued JUL 08 1991

IN TESTIMONY WHEREOF, I..... WILLIAM J. NEWMAN
State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of JUNE

A.D. 19 80

William J. Newman
State Engineer