

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

Date of filing in State Engineer's Office SEP 19 1980

Returned to applicant for correction

Corrected application filed Map filed SEP 23 1980

The applicant The Anaconda Company

555 Seventeenth Street of Denver City or Town

Colorado 80217 State and Zip Code No. hereby make S application for permission to change the

point of diversion of a portion.

of water heretofore appropriated under Permit 40521

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

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

2. The amount of water to be changed three (3) second feet of the total of six (6) second feet under 40521. Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for mining, milling, and domestic Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore used for same Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point in the SE 1/4 SE 1/4 Section 2, T.5N., R.41E., M.D.B.&M. or at a point from which the NE corner of Sec. 1, T.5N., R.41E., Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be M.D.B.&M. bears N. 53° 50' 24" E., 8114.87 feet. stated.

6. The existing point of diversion is located within the NE 1/4 SE 1/4 Section 35, T.6N., R.41E., M.D.B.&M. or at a point from which the NE corner of Sec. 1, T.5N., R.41E., If point of diversion is not changed, do not answer. M.D.B.&M. bears S. 71° 53' 50" E., 7088.40 feet.

7. Proposed place of use Sections 5, 6, and 7, T.5N., R.42E., M.D.B.&M.; Sections 31 and 32, T.6N., R.42E., M.D.B.&M.; Section 36, T.6N., R.41E., M.D.B.&M.; and Sections 1 and 12, T.5N., R.41E., M.D.B.&M. Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Same Describe by legal subdivisions. If presently used for irrigation, state number of acres irrigated.

9. Use will be from January 1 to December 31 of each year. Month and Day Month and Day

10. Use has been from Same to Same of each year. Month and Day Month and Day

11. 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.

- 12. Estimated cost of works..... \$300,000.
- 13. Estimated time required to construct works..... 3 to 5 years
- 14. Estimated time required to complete the application of water to beneficial use..... 3 to 5 years
- 15. 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 40520 through 40524 will be a combined total of 4,309,920,000 gallons per year. Water from Wells 40520 through 40524 and Well 35776 (current permit number) will be used for a mining-milling complex.

Compared gk/bc..... gk/bc..... Applicant The Anaconda Company  
 Please send communications to Agent.  
 By..... s/John V.A. Sharp, Agent  
HYDRO-SEARCH, INC.  
333 Flint Street  
Reno, Nevada 89501  
 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 to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 40521 is issued subject to the terms and conditions imposed in said Permit 40521 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.

The total combined duty of water under this permit and Permits 40520, 40521, 40524, 42478, and 42480 shall not exceed 4,310.0 million gallons annually.

This corrected permit is issued for the purpose of amending the annual duty from 1,415.4 million gallons annually to 707.7 million gallons annually on the basis that 3.0 c.f.s. will not produce more than 707.7 million gallons annually.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.0..... cubic feet per second, but not to exceed 707.7 million gallons annually.

- Actual construction work shall begin on or before..... May 16, 1981
- Proof of commencement of work shall be filed before..... June 16, 1981
- Work must be prosecuted with reasonable diligence and be completed on or before..... May 16, 1982
- Proof of completion of work shall be filed before..... June 16, 1982
- Application of water to beneficial use shall be made on or before..... May 16, 1985
- Proof of the application of water to beneficial use shall be filed on or before..... June 16, 1985
- Map in support of proof of beneficial use shall be filed on or before.....

Commencement of work filed..... JUN 11 1981  
 Completion of work filed..... MAR 29 1982  
 Proof of beneficial use filed.....  
 Cultural map filed.....  
 Certificate No..... Issued.....

IN TESTIMONY WHEREOF, WILLIAM J. NEWMAN  
 State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 28th day of JANUARY,  
 A.D. 19 81  
William J. Newman  
 State Engineer

2407 (Rev. 10-79)  
~~WITHDRAWN BY APPLICANT~~  
ALBERT D. JONES  
 AUG 17 1995  
 CORRECTED PERMIT

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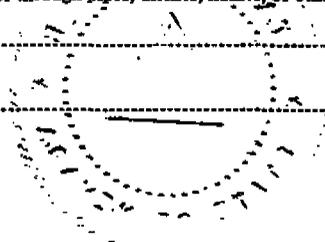
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Compared bc/b1 gk/bc Applicant The Anaconda Company  
 By s/John V.A. Sharp  
John V.A. Sharp, Agent HYDRO-SEARCH, INC.  
333 Flint Street, Reno, Nevada 89501

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IN TESTIMONY WHEREOF, I WILLIAM J. NEWMAN  
 State Engineer of Nevada, have hereunto set my hand and the seal of  
 my office, this 16th day of DECEMBER,  
 A.D. 19 80  
William J. Newman  
 State Engineer

~~WITHDRAWN BY APPLICANT~~ AUG 17 1995  
 SEE CORRECTED PERMIT  
 STATE ENGINEER