

AMENDED

No. 44251

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

Date of filing in State Engineer's Office... AUG 10 1981
Returned to applicant for correction... OCT 14 1981
Corrected application filed... DEC 8 1981
Map filed... DEC 8 1981

The applicant Foote Mineral Company, of Silverpeak, Nevada 89047, 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.) Incorporated State of Pennsylvania on September 30, 1964

- 1. The source of the proposed appropriation is underground
2. The amount of water applied for is 1.5 second-feet
3. The water to be used for mining 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") (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: Within the SW 1/4 NE 1/4, Section 1, T2S, R39E, M.D.M. or from a point from which the SW corner of Section 22, T2S, R39E MDM bears S 35°54'18" W a distance of 23,601 feet.

6. Place of use R.39E., M.D.M., the E1/2 of Section 10, the E1/2 of Section 15, the SE1/4 of Section 21, the E1/2 of Section 28 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T.2S., R.39E., M.D.M., the SE1/4 of Section 19, the S1/2 of Section 20, the E1/2 and Lots 23 and 24 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34, and 35 all in T.1S., R.40E., M.D.M., the NW1/4 of Section 11, the N1/2 and the SW1/4 of Section 10, the NW1/4 of Section 15, the N1/2 and the SW1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T.2S., R.40E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

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.) Drilled and cased well, distribution system to evaporation ponds

State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

- 9. Estimated cost of works \$30,000
- 10. Estimated time required to construct works three years
If well completed, describe works.
- 11. Estimated time required to complete the application to beneficial use eight years
- 12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The brine pumped pursuant to this application contains the mineral lithium. The area which includes the point of diversion and place of use is land located pursuant to the Mining Laws of 1872, as found in 30 USC 22, et seq. The brine solution is pumped to evaporation ponds where the lithium is recovered from the dehydrated solution. The daily duty of brine pumped will not exceed 15 million gallons per day from any and all sources; or 16,800 acre feet annually from all sources. The various pumps are utilized 365 days per year.

By s/Ross E. de Lipkau
Signature, applicant or agent
 Ross E. de Lipkau
 P.O. Box 2790
 Reno, NV 89505

Compared bl/ CS ja/bc

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 all existing rights on the source. 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 at permittee's well due to other ground water development in the area. A measuring device must be installed and measurements of water use kept. The well shall be equipped with a 2-inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water granted herein at any and all times.

The total combined duty of water under Permits 44251, 44252, 44253, 44254, 44255, 44256, 44257, 44258, 44259, 44260, 44261, 44262, 44263, 44264, 44265, 44266, 44267, 44268, and 44269 shall not exceed 15 million gallons per day or 16,800 acre-feet annually.

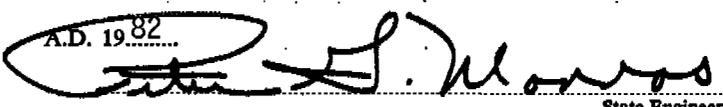
The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.5 cubic feet per second, but not to exceed 1,086.0 acre-feet annually.

- Actual construction work shall begin on or before N/A
- Proof of commencement of work shall be filed before N/A
- Work must be prosecuted with reasonable diligence and be completed on or before June 15, 1983
- Proof of completion of work shall be filed before July 15, 1983
- Application of water to beneficial use shall be made on or before June 15, 1988
- Proof of the application of water to beneficial use shall be filed on or before July 15, 1988
- Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed
 Completion of work filed MAY 2 1983
 Proof of beneficial use filed JUL 29 1988
 Cultural map filed
 Certificate No. 12770 Issued MAY 19 1991

IN TESTIMONY WHEREOF, I, PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of JUNE

A.D. 1982

 State Engineer