

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

Date of filing in State Engineer's Office. OCT 12 1981
Returned to applicant for correction. JAN 26 1982
Corrected application filed. MAR 24 1982
Map filed. MAR 24 1982 under 44613

The applicant ASARCO Incorporated
1150 North Seventh Avenue, of Tucson, Arizona 85703
Street and No. or P.O. Box No. City or Town State and Zip Code No.

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 in the state of New Jersey on May 22, 1935. Qualified to do business in Nevada on May 26, 1943.

- 1. The source of the proposed appropriation is underground
2. The amount of water applied for is 4 second-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" Mining, Milling and Domestic (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: NW 1/4 NW 1/4 Section 16, T 28 N, R 35 E, MDM., or at a point from which the northwest corner of said Section 16 bears N 36° 42' W, a distance of 1,268 feet.
6. Place of use. Within Sections 10, 15, 16, 21 and 22, all in T 28 N, R 34 E, MDM.
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, submersible pump, electric motor, pipe lines, storage reservoirs and distribution system.
9. Estimated cost of works. At least \$40,000

10. Estimated time required to construct works four years
If well completed, describe works.

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

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water under this application will be comingled with water from other applications submitted by the applicant for mining, milling and domestic purposes. Water will be reclaimed and recirculated.

By s/Ross E. de Lipkau
Ross E. de Lipkau
P.O. Box 2790
Reno, Nevada 89505

Compared ja/cs pr/bc

Protested _____

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 Permits 44613, 44614, 44615 and 44616 shall not exceed 141.37 million gallons annually.

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 the manner of use granted under this permit will be subject to additional determination and evaluation with respect (CONTINUED PAGE TWO) The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and

not to exceed 4.0 cubic feet per second, but not to exceed 141.37 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before October 29, 1986

Proof of completion of work shall be filed before November 29, 1986

Application of water to beneficial use shall be made on or before October 29, 1989

Proof of the application of water to beneficial use shall be filed on or before November 29, 1989

Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed _____ IN TESTIMONY WHEREOF, I PETER G. MORROS,
State Engineer of Nevada, have hereunto set my hand and the seal of
Proof of beneficial use filed _____ my office, this 29th day of October,

Cultural map filed _____ A.D. 19 84

Certificate No. _____ Issued _____
Peter G. Morros
State Engineer

218 (Rev.)
WITHDRAWN BY APPROPRIATE DEC 09 1997
[Signature]
STATE ENGINEER

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Permit Terms Continued

to the permanent effects on existing rights and the resource within the ground water basin.

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