

ASSIGNED

51245

Serial No. _____

2nd AMENDED

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. ~~AUG 31 1987~~ NEW PRIORITY DATE: MAR 9, 1990

Returned to applicant for correction. OCT 19 1987

Corrected application filed. NOV 9 1987 Map filed NOV 9 1987 under 51179

The applicant. BAKER RESOURCES (USA) INC. and L.H.T.W. PROPERTIES INC.

P. O. Box 454 of Yerington
Street and No. or P.O. Box No. City or Town

Nevada 89447 hereby make application for permission to change the
State and Zip Code No.

Point of Diversion, place of use of a portion and the purpose
Point of diversion, manner of use, and/or place of use

Permit #45136
of water heretofore appropriated under
(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 0.5 cfs from point of diversion of Map #45136
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for mining, milling, exploration & mine development drilling
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for mining and milling
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. NW 1/4 of SW 1/4, Sec. 33, T. 30 N., R. 46 E.,
Describe as being within a 40-acre subdivision of public survey and by course and M.D.M. from which point the SW Cor. of said Sec. 33 bears S. 17° 07' 10" W. distance to a section corner. If on unsurveyed land, it should be stated.
2118.42 ft.

6. The existing permitted point of diversion is located within SE 1/4 of NW 1/4, Sec. 4, T. 29 N., R. 46 E., M.D.M. from which point the NW Cor. of Sec. 33, T. 30 N., R. 46 E., M.D.M. bears N. 14° 29' 13" W. 7699.37 ft. (Per. #45136)
If point of diversion is not changed, do not answer.

7. Proposed place of use see attached
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use see attached
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

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

10. Use was permitted from January 1 to December 31 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, turbine pump, totalizing meter
State manner in which water is to be diverted, i.e. diversion structure, ditches, storage tank pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$15,000

13. Estimated time required to construct works 6 months

14. Estimated time required to complete the application of water to beneficial use..... 6 months

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

During exploration it is estimated 4,000 gpd 20 days/month and 10 months/year will be used. Use will be for milling if property goes into production. Total application not to exceed 0.8 million gallons/year.

By s/ John P. Davis
JOHN P. DAVIS, Agent
P.O. Box 454
Yerington, Nevada 89447

Compared pm/se pm/se

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 to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 45136 is issued subject to the terms and conditions imposed in said Permit 45136 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.

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

No perforations shall be put in the production casing from ground level to 100 feet.

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 ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second, but not to exceed 0.8 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before September 1, 1989

Proof of completion of work shall be filed before October 1, 1989

Application of water to beneficial use shall be made on or before September 1, 1990

Proof of the application of water to beneficial use shall be filed on or before October 1, 1990

Map in support of proof of beneficial use shall be filed on or before N/A

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 8th day of November

Cultural map filed A.D. 19 88

Certificate No. Issued [Signature] State Engineer

CANCELLED 2407 (Rev. 6-81) MAR 5 1990 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

CANCELLED AUG 04 1995 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

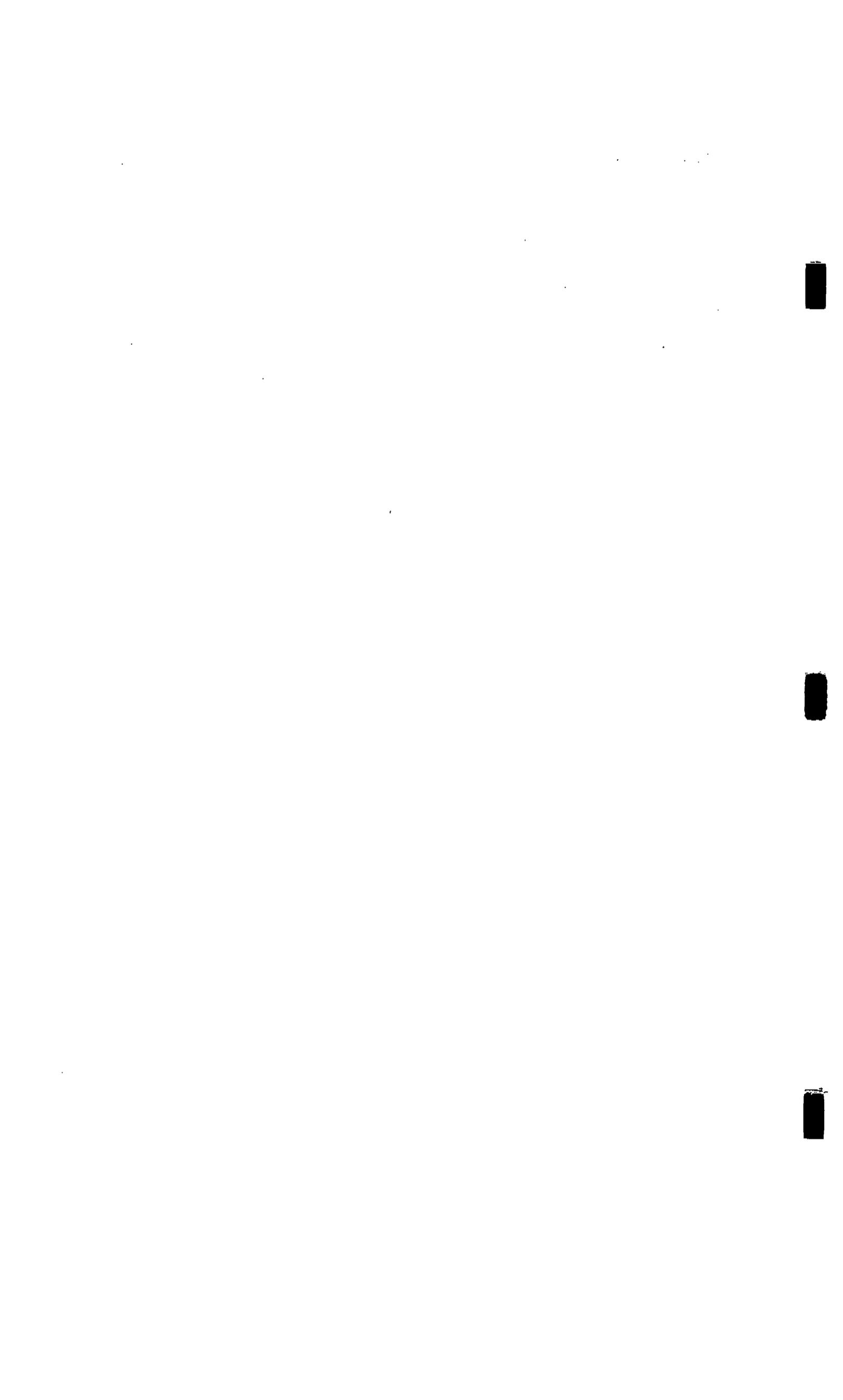
Received 6/29/90

[Signature] STATE ENGINEER

(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.



Item 7:

The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and LOT 10 and LOT 11 of Sec. 31, the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Sec. 32, all Sec. 33, T. 30 N., R. 46 E., M.D.M. LOT 1 and LOT 2 and LOT 3 and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 6, all Sec. 5, LOT 2 and LOT 3 and LOT 4 and the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 4, T. 29 N., R. 46 E., M.D.M.

Item 8:

Not yet used. (Proposed point was Sec. 33 All, T. 30 N., R. 46 E., M.D.M., LOTS 3 and 4, Portion LOT 2, Portion S $\frac{1}{2}$ of NW $\frac{1}{4}$, Portion SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Portion of E $\frac{1}{2}$ of SW $\frac{1}{4}$, Portion SE $\frac{1}{4}$ Sec. 4, Portion N $\frac{1}{2}$ of NE $\frac{1}{4}$, Portion NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 9, T. 29 N., R. 46 E., M.D.M.) (as per #45136)

