Serial No. 51765

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 JAN 14 1988

Returned to applicant for correction

Corrected application filed Map filed JAN 14 1988 Existing POD & POU in 40525

The applicant Everett E. Berg dba Falcon Explorations

1900 Powell Street (Street and No. or P.O. Box No.) of Emeryville (City or Town)

California 94604 (State and Zip Code No.) hereby makes application for permission to change the

Point of Diversion and Place of Use (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under 40525 (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 1.11 cfs (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 permitted for Mining, Milling and Domestic (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 SW¼ of the NW¼ of Section 31, T 3 N, R 39 E, MDM or at a point from which the Southwest corner of said Section 31 bears s 22° 50' 25" W a distance of 3,093.8 feet. (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 stated.)
6. The existing permitted point of diversion is located within the NE¼ of NE¼ Section 31, T 3 N, R 39 E, MDM from which the Southeast Corner of said Section 31 bears S 15° 17' 45" E a distance of 4,537.13 feet. (If point of diversion is not changed, do not answer.)
7. Proposed place of use The NW¼ of Section 31, T 3 N, R 39 E, MDM; the N½ of the NE¼ of Section 33, T 3 N, R 38½ E, MDM. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use Portions of the SE¼ NE¼, E½ SE¼, SW¼ SE¼, SE¼ SW¼ of Section 28; S½ SE¼ of Section 29; E½ Section 32; N½, N½ S½ of Section 33; all in T 3 N, R 38½ E, MDBM (Unsurveyed). Portions of S½ NW¼, SW¼ NE¼, SW¼, W½ SE¼ of Section 30; Portions of the NE¼, S½ S½ of Section 31, all of NW¼, N½ S½ of Sec.31; all in T 3 N, R 39 E, MDBM. (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 1st (Month and Day) to December 31st (Month and Day) of each year.
10. Use was permitted from January 1st (Month and Day) to December 31st (Month and Day) of each year.
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.) The water will be either piped or hauled by truck to the proposed place of use. (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)
12. Estimated cost of works $20,000.00
13. Estimated time required to construct works 3 years

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

This water will be used in conjuction with the desert well for a total annual use of 525,6000,000 gallons in the applicants drilling underground mining, surface mining, and milling operations.

s/ Kenneth L. Haskew
By Kenneth L. Haskew, Agent
P. O. Box 786
Goldfield, NV 89013

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 40525 is issued subject to the terms and conditions imposed in said Permit 40525 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.

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 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.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.11 cubic feet per second, but not to exceed 261.85 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before December 7, 1989

Proof of completion of work shall be filed before January 7, 1990

Application of water to beneficial use shall be made on or before December 7, 1991

Proof of the application of water to beneficial use shall be filed on or before January 7, 1992

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

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 7th day of December, A.D. 19 88

State Engineer

2407 (Rev. 6-81)

CANCELLED MAY 18 1995 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

STATE ENGINEER