ASSIGNED

Serial No. 52071

# 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 MAY 03 1988

Returned to applicant for correction

Corrected application filed Map filed MAY 05 1988 under 49683

The applicant ECHO BAY MINERALS COMPANY

P.O. Box 56 (Street and No. or P.O. Box No.) of Manhattan (City or Town)

Nevada 89022 (State and Zip Code No.) hereby make s application for permission to change the point of diversion of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit 49683 (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 .4 cfs (94.388 mga) (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 within the SE ¼ SW ¼ Section 24 Township 8 North Range 43 East M.D.B.&M. at a point from which the NE corner of said Section 24 bears North 31°47'47" East a distance of 5515.45 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 SW ¼ NE ¼ Section 19 Township 8 North Range 44 East, at a point from which the East quarter corner of Section 19 bears South 49°59'06" East a distance of 1795.64 feet. (If point of diversion is not changed, do not answer.)
7. Proposed place of use within the South ½ and the South ½ North ½ Section 19 Township 8 North Range 44 East, M.D.B.&M. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use within the south ½ and the South ½ North ½ Section 19 Township 8 North Range 44 East, M.D.B.&M. (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.) Drilled and cased well, electric motor, submersible pump and distribution system. (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 $40,000
13. Estimated time required to construct works two years

14. Estimated time required to complete the application of water to beneficial use three 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 application, together with two others filed simultaneously herewith, will collectively divert .9 dvs from Permit 49683. Thus, .1 cfs and 23.597 million gallons will remain on Permit 49683.

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

Compared kr/se pm/se

Protested 6-27-88 by Joseph Von Harten 7-12-88 by Boyce E. Stewart
Pro. wdr. 8-1-89

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 49683 is issued subject to the terms and conditions imposed in said Permit 49683 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.

The total combined duty of water under Permits 27860, Certificate 10018; 30805, Certificate 11990; 35917, Certificate 11388; 35884, Certificate 11387; 40421, 40422, 41196, Certificate 11414; 41938, 41939, 41940, 41941, 41942, 49683, 52071, 52526 and 52527 shall not exceed 290.875 million gallons annually.

(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 0.4 cubic feet per second, but not to exceed 94.388 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 17, 1989

Proof of completion of work shall be filed before March 17, 1989

Application of water to beneficial use shall be made on or before March 17, 1989

Proof of the application of water to beneficial use shall be filed on or before March 17, 1989

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 17th day of March, A.D. 19 89

State Engineer

2407 (Rev. 6-81)

Abrogated By 52526 0.4

(PERMIT TERMS CONTINUED)

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.

This permit is issued subject to existing rights and subject to the terms and conditions outlined in State Engineer's Ruling 3592 dated March 16, 1989.