

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 SEP 9 1988

Returned to applicant for correction OCT 24 1988

Corrected application filed OCT 27 1988 Map filed OCT 27 1988

The applicant FMG INC.

5250 Neil Road, Suite #205 of Reno City or Town

Nevada 89502 State and Zip Code No. hereby make application for permission to change the

Point of Diversion and Place of use on a "portion only" Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 45731 (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 Center Pit (Pit No. 2) Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.667 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 (including dewatering of the pit) Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Mining, milling and domestic (including dewatering of the pit) 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 SW 1/4 NW 1/4 Sec 33, T39N, R42E MDM or at a point Describe as being within a 40-acre subdivision of public survey and by course and from which the North 1/4 corner of Section 33, T39N, R42E MDM bears N48° 58' 15"E distance to a section corner. If on unsurveyed land, it should be stated. a distance of 2827 feet

6. The existing permitted point of diversion is located within SW 1/4 NW 1/4 Section 33, T39N, R42E, MDM or at a point from which the West 1/4 corner of Section 33 bears S34° 13' W a distance of 1,193 feet. If point of diversion is not changed, do not answer.

7. Proposed place of use Portions of E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 NE 1/4 of Section 27 T39N, R42E, MDM. A portion of SE 1/4 Section 22, T39N, R42E, MDM. A portion of SW 1/4 Section 23, T39N, R42E, MDM. A portion of NW 1/4 of Section 26, T39N, R42E, MDM. Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Section 33 and Section 35 T39N, R42E MDM, Section 1, Section 3 and Section 5, T38N, R42E, MDM. 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.) Drill approximately 170 foot well, install pump and required pipelines. 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 \$75,000

13. Estimated time required to construct works 1 month

14. Estimated time required to complete the application of water to beneficial use..... By December 4, 1989.

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

The estimated consumption of this point of diversion is 100 million gallons per annum. It is our intention that the combined duty of water under this Application plus Permit numbers 45730 and 45732 shall not exceed 300 million gallons annually.

By..... s/ Charles P. Dooley
5250 Neil Road, Suite #205
Reno, NV 89502

Compared..... pm/ kh..... 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 a portion of the waters of an underground source as heretofore granted under Permit 45731 is issued subject to the terms and conditions imposed in said Permit 45731 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 issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 28758, 28759, 45730, 45731, 45732, 51990 and 52476 shall not exceed 706 million gallons annually.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.667..... cubic feet per second, but not to exceed 157.34 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... December 4, 1989

Proof of completion of work shall be filed before..... January 4, 1990

Application of water to beneficial use shall be made on or before..... December 4, 1990

Proof of the application of water to beneficial use shall be filed on or before..... January 4, 1991

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 my office, this..... 23rd..... day of..... June.....

Proof of beneficial use filed..... FEB 06 1992.....

Cultural map filed.....

Certificate No..... 13817..... Issued..... JAN 27 1994.....

A.D. 19..... 89.....
[Signature]
State Engineer

2407 (Rev. 6-81)

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Port 65900 0.562