

AMENDED

Serial No. 52749

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... DEC 1 1988
Returned to applicant for correction... JAN 4 1989
Corrected application filed... JAN 17 1989 Map filed... JAN 17 1989

The applicant... TONOPAH DIVIDE MINING COMPANY

P.O. BOX 10622 of RENO City or Town
NEVADA 89510 State and Zip Code No.

hereby make... application for permission to change the Point of Diversion & Place of Use - see original app.
of water heretofore appropriated under... Application No. 52292

- 1. The source of water is... Underground
2. The amount of water to be changed... 0.5 c.f.s.
3. The water to be used for... Mining, Milling and Domestic purposes
4. The water heretofore permitted for... Mining, Milling and Domestic purposes
5. The water is to be diverted at the following point... NE 1/4 NW 1/4 of Section 35, T.2N., R.42E., M.D.B.&M., whence the N 1/4 corner of Section 34, T.2N., R.42E., bears N.83°24' 22"W., 4,443.75 feet distant.
6. The existing permitted point of diversion is located within... the NW 1/4 NW 1/4 of Section 35, T.2N., R.42E., M.D.B.&M., whence the SW corner of said Section 35 bears S.08°45'W., 4,215.91 feet distant.
7. Proposed place of use... the N 1/4 of Section 35, the NE 1/4 of Section 34, all of Sections 26 & 27, the SE 1/4 of Section 22, the SW 1/4 of Section 23, all are situated in T.2N., R.42E., M.D.B. & M., Esmeralda County, Nevada.
8. Existing place of use... in the SW 1/4 NW 1/4 of Section 34, T.2N., R.42E., M.D.B. & M.
9. Use will be from... January 1st to December 31st of each year.
10. Use was permitted from... January 1st to December 31st of each year.
11. Description of proposed works... Drilled and cased well with submersible electrical pump.
12. Estimated cost of works... \$10,000.00
13. Estimated time required to construct works... Works are complete regarding Permit #35675

14. Estimated time required to complete the application of water to beneficial use.....4 years.....

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

SEE LETTER ATTACHED TO ORIGINAL APPLICATION Re: Permit No. 35675, the well was drilled to 385 feet by Brinkerhoff Pump & Drilling Co., Inc., and completed in 1980 by Thompsen Drilling Co., with a 5-hp Sta-rite submersible pump, well seal, etc.

s/ Wallace T. Boundy
P. O. BOX 242
By TONOPAH, NV 89049

Compared pm/se pm/se

Protested

APPROVAL OF STATE ENGINEER

This is to certify 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 52292 is issued subject to the terms and conditions imposed in said Permit 52292 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. 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.

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 0.5 cubic feet per second, but not to exceed 117.8 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before June 2, 1990

Proof of completion of work shall be filed before July 2, 1990

Application of water to beneficial use shall be made on or before June 2, 1993

Proof of the application of water to beneficial use shall be filed on or before July 2, 1993

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

Proof of beneficial use filed office, this 2nd day of June

Cultural map filed

Certificate No. Issued

A.D. 19 89
Peter G. Morros
State Engineer