

Second Amended

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office... JAN 30 1989
Returned to applicant for correction... FEB 14 1989
Corrected application filed... APR 7 1989
Map filed... APR 7 1989 under 52893

The applicant Cominco American Resources Incorporated
348 7th Street #6, of Elko, Nevada, 89801
hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated on March 13, 1987 in the State of Delaware, Nevada registration: January 13, 1988

1. The source of the proposed appropriation is Antelope Valley, underground source
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 1.114 second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for Mining, Milling, and Domestic Purposes
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under "No. 12. Remarks")

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point. Site K-3: Within NE1/4 SE1/4, Section 5, T26N, R68E, MDB&M, or at a point from which the East Quarter Corner survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated. of said Section 5 bears N77°15'55"E a distance of 1009.59 feet.

6. Place of use All of Section 5 & 6, T26N, R58E, MDB&M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about January 1st and end about December 31st, of each year.
Month and Day Month and Day

8. 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 well with pump, motor, and pipeline
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works

10. Estimated time required to construct works..... 1 year

If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... 2 years

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

Annual consumptive use for heap leaching, processing, dust suppression, and domestic purposes.

By s/ A A Schweyir
348 7th Street #6
Elko, Nevada 89801

Compared pm/pas bp/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 is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two' (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins or before the Proof of Completion of Work is filed.

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 52893, 52894, 52895, 52896 and 52897 shall not exceed 200 million gallons annually.

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 (CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.114 cubic feet per second, but not to exceed 200 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 19, 1992

Proof of completion of work shall be filed on or before April 19, 1992

Application of water to beneficial use shall be made on or before March 19, 1995

Proof of the application of water to beneficial use shall be filed on or before April 19, 1995

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

Completion of work filed IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.

Proof of beneficial use filed State Engineer of Nevada, have herunto set my hand and the seal of my office, this 19th day of March

Cultural map filed A.D. 1990

Certificate No. Issued [Signature] State Engineer

WITHDRAWN BY APPLICANT MAR 24 1995 STATE ENGINEER

(PERMIT TERMS CONTINUED)

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.

Monthly reports covering and including the rate of diversion and the total volume from this well shall be supplied to the State Engineer.

