ASSIGNED
Nº 52895

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 (Street and No. or P.O. Box No.), of Elko (City or Town),

Nevada, 89801 (State and Zip Code No.), hereby make.s 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 reistration: 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 (One second-foot equals 448.83 gals. per min.) second-feet

   (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-4: Within SE¼ NW¼, Section 4, T26N, R68E, MDB&M, or at a point from which the West Quarter Corner of said Section 4 bears S77°29'00"W a distance of 1455.27 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 so stated.)

6. Place of use All of Sections 5 & 6, T26N, R68E, MDB&M. (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

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

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 followng 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 MAY 19 1995

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of March, A.D. 19 90

R. Michael Turnipseed P.E.
State Engineer

(O)-5314 (Rev.)

(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.