

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 MAR 30 1990 -- NEW PRIORITY DATE: NOV 8 1993

Returned to applicant for correction JUN 11 1990

Corrected application filed Map filed AUG 7 - 1990

The applicant Freeport Gold Company

Mountain City Star Route of Elko Nevada 89801 Street and No. or P.O. Box No. City or Town

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

Place of Use and Manner of Use Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 48173 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 0.109 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 Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Stockwater 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 NW 1/4 SW 1/4 of Section 34, T41N, R54E, MDB&M., Describe as being within a 40-acre subdivision of public survey and by course and at a point from which the SW corner of said Section 34 bears S 39° 30' 00" W, distance to a section corner. If on unsurveyed land, it should be stated. 2036.00 feet.

6. The existing permitted point of diversion is located within Same as Above If point of diversion is not changed, do not answer.

7. Proposed place of use NE 1/4 NE 1/4 (Lot 17) Section 4, T40N, R54E; S 1/2, NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 33, T41N, R54E; and approximately 6 miles of ore haul road through portions of Sections 25, 26 & 35, T41N, R53E, & Sections 29, 30, 32 & 33, T41N, R54E, MDB&M.

8. Existing place of use NW 1/4 SW 1/4, NE 1/4 SW 1/4 of Section 34, T41N, R54E, MDB&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 1 to December 31 of each year. Month and Day Month and Day

10. Use was permitted from April 1 to October 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.) existing water well, Permit No. 47148, turbine pump and electric motor. 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 \$300,000

13. Estimated time required to construct works complete well: 14 inch casing to 580 feet, 8 inch casing to 1,064 feet, no perforations above 195 feet.

14. Estimated time required to complete the application of water to beneficial use 1 year

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

Water permitted was 0.109 cfs or sufficient amount to water 3500 head of cattle. The annual consumptive use is 20 gal/day/cow x 365 days/yr x 3500 head equals 25,550,000 gallons annually.

BOYACK SURVEYING, AGENT

By s/ Robert E. Morley
Robert E. Morley
515 South Fifth Street
Elko, Nevada 89801

Compared am/se am/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 place of use and manner of use of the waters of an underground source as heretofore granted under Permit 48173 is issued subject to the terms and conditions imposed in said Permit 48173 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 39881, Certificate 11893, 47148, 47413, 47414, 48175, 50026, 50027, 50028, 54617, 55265, 56171-T, 56172-T, 56173-T, 56174-T, 56175-T, 56176-T, 56177-T, 56178-T, 56179-T, 56180-T, 56181-T, 56182-T, 56183-T, 56184-T, 56201-T and 56202-T shall not exceed 5834.9 acre-feet 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 0.109 cubic feet per second, but not to exceed 45.97 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before August 25, 1991

Proof of completion of work shall be filed before September 25, 1991

Application of water to beneficial use shall be made on or before August 25, 1992

Proof of the application of water to beneficial use shall be filed on or before September 25, 1992

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

Completion of work filed OCT 11 1991

Proof of beneficial use filed APR 29 1994

Cultural map filed _____

Certificate No. 14301 Issued MAR 29 1996

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 25th day of June

A.D. 19 91

[Signature]
State Engineer

~~CANCELLED FEB 15 1994
OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT
BECAUSE OF FAILURE~~

~~*[Signature]*
STATE ENGINEER~~

~~4-21-94~~

Abrogated By 62172 o. D. 155 Oct 12/21/98

(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.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from each well and the amount of water used for mining and milling purposes.

The permittee or its representatives shall submit a monitoring plan to the State Engineer within three months after the issuance of this permit. This plan must address all potential impacts resulting from the dewatering of the pit area. The State Engineer retains the right to require the permittee to cooperate in the funding of a hydrology study to be conducted by an independent third party.

