

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 FEB 05 1991

Returned to applicant for correction APR 10 1991

Corrected application filed APR 26 1991 Map filed MAY 22 1989 under 53256

The applicant Timberline Minerals, Inc.

1750 Locust Street, Suite C of Reno

Street and No. or P.O. Box No. City or Town

Nevada 89502 hereby make application for permission to change the

Point of Diversion, Place and Manner of Use

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit #15425, Certificate #4398 and the subject of a

Water Rights Lease Agreement between the Applicant (Lessee) and Tibbals

Construction Company, Inc. (Lessor) -- see attached Lease Agreement

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 724 acre-feet (1.0 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 Milling

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 NE 1/4 SE 1/4, Section 19, T.14N., R.25E.,

Describe as being within a 40-acre subdivision of public survey and by course and

M.D.B.&M., or at a point from which the NW corner of said Section 19 bears N.

distance to a section corner. If on unsurveyed land, it should be stated.

54° W., a distance of 6,135 feet (see map filed under Application 53256)

6. The existing permitted point of diversion is located within the SE 1/4 SW 1/4, Section 16, T.13N.,

If point of diversion is not changed, do not answer.

R.25E., M.D.B.&M., or at a point from which the SW corner of said Section 16

bears S.62° 02' 03" W., a distance of 2,17331 feet

7. Proposed place of use Portions of the following: Sections 19 and 30, T.14N., R.25E.,

Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

M.D.B.&M. Section 25 (unsurveyed), T14N., R.24E., M.D.B.&M.

8. Existing place of use within Sections 16 and 17, T.13N., R.25E., M.D.B.&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 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.) drilled well equipped with pump and motor

State manner in which water is to be diverted, i.e. diversion structure, plus transmission piping

ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$30,000.00

13. Estimated time required to construct works one (1) year

14. Estimated time required to complete the application of water to beneficial use..... five (5) years

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

Water will be used for heap leaching copper ore, dust control and supply for office, lab and shop complex.

By..... s/William E. Nork  
William E. Nork, Agent  
1026 West First Street  
Reno, Nevada 89503

Compared..... bc/bc ..... ap/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 the waters of an underground source as heretofore granted under Permit 15425, Certificate 4398 is issued subject to the terms and conditions imposed in said Permit 15425, Certificate 4398 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.

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.

(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..... 1.0 .....cubic feet per second, but not to exceed 468.1 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... November 30, 1995

Proof of completion of work shall be filed before..... December 31, 1995

Application of water to beneficial use shall be made on or before..... November 30, 1997

Proof of the application of water to beneficial use shall be filed on or before..... December 31, 1997

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

Completion of work filed.....  
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 5th day of November

A.D. 19 92

*[Signature]*  
State Engineer

(PERMIT TERMS CONTINUED)

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 the well and the amount of water used.

The existing well under Permit 15425, Certificate 4398 shall be plugged as required by NAC 534.420 within 30 days from the issuance of Permit 55737.

Permit 55737 shall expire December 31, 1997, as stated in the water rights lease agreement dated February 1, 1991, between Don H. and Joy M. Tibbals, husband and wife, and Timberline Minerals, Inc. This agreement is of record in the Office of the State Engineer and the Lyon County Recorder's office as document 139394.

**EXPIRED**  
**DATE DEC 31 1997**