

ASSIGNED

Serial No. **56035**

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

MAR 21 1991

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed..... Map filed **MAR 21 1991** under 56034

The applicant USMX, Inc.

P.O. Box 809 of Ely

Nevada 89301 State and Zip Code No. hereby make S application for permission to change the

point of diversion and place of use

of water heretofore appropriated under Permit No. 52293
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 Source
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 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 mining, milling and domestic
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 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, T.21N., R.57E.,
Describe as being within a 40-acre subdivision of public survey and by course and
M.D.B.&M., whence the Southwest Corner of Section 23, T.21N., R.57E., M.D.B.&M.,
distance to a section corner. If on unsurveyed land, it should be stated.
bears S. 83 $^{\circ}$ 13' 06" W., 9,042.04 feet distant.

6. The existing permitted point of diversion is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T.21N.,
If point of diversion is not changed, do not answer.
R.57E., M.D.B.&M., whence the Southwest Corner of said Section 23 bears S. 44 $^{\circ}$
30' 19" W., 2,931.09 feet distant.

7. Proposed place of use All of T.21N., R.57E., M.D.B.&M. and Sections 31 through 36 of
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
T.22N., R.57E., M.D.B.&M.

8. Existing place of use S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, all in T.21N.,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
R.57E., M.D.B.&M.
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1st to December 31st of each year.
Month and Day Month and Day

10. Use was permitted from January 1st to December 31st 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.) The water will be pumped from the well into
State manner in which water is to be diverted, i.e. diversion structure.
pipelines throughout the proposed place of use.
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$150,000.00

13. Estimated time required to construct works 3 years

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

This application will be used in conjunction with Permit No. 52294 to service the applicant's mining operation at a combined consumptive rate of 105 g.p.m., 24 hours per day, 365 days per year for a total annual use of 55.2 million gallons in addition to another application for 66.2 million gallons for a combined total consumption of 121.4 million gallons. Please refer to the attached letter for additional information.

By s/Richard W. Forman
Richard W. Forman Agent
P.O. Box 150
Ely, Nevada 89301

Compared bc/ bc 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 point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 52293 is issued subject to the terms and conditions imposed in said Permit 52293 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.

The total combined duty of water under Permits 56034, 56035 and 56036 shall not exceed 99.1 million gallons annually.

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.

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 55.2 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before May 3, 1992

Proof of completion of work shall be filed before June 3, 1992

Application of water to beneficial use shall be made on or before May 3, 1993

Proof of the application of water to beneficial use shall be filed on or before June 3, 1993

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

Completion of work filed MAR 24 1992

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 6th day of December

A.D. 19 91 7

[Signature] State Engineer