ASSIGNED

TEMPORARY

Serial No. 56176 T

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 APR 12 1991

Returned to applicant for correction

Corrected application filed Map filed MAY - 2 1991 under 56171

The applicant Independence Mining Company, Inc.

Mountain City Star Route (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 change the point of diversion of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under permit #47148 (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 (DPS-1) (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 0.1 c.f.s. (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 within Lot 20 (NW¼NW¼) Section 4, T.40N., R.54E., M.D.M., from which the SW corner of Sec. 33, T.41N.,R.54E., bears N.73°00'W., 1,269 ft.dist. (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 stated.)
6. The existing permitted point of diversion is located within the NW¼ SW¼ Section 34, T.41N., R.54E., M.D.M., from which the SW corner of said Section 34 bears S.39°30'W., 2,036 ft.dist. (If point of diversion is not changed, do not answer.)
7. Proposed place of use Same as existing (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use S½, NW¼, W½ NE¼, SE¼ NE¼, all in Section 33, T.41N.,R.54E., M.D.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 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.
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.) construct small diameter well below downstream face of mill tailings dam for monitoring and pumping into mill circuit, submersible pump. (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 $15,000.00
13. Estimated time required to construct works One year

14. Estimated time required to complete the application of water to beneficial use three 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 and companion wells are being installed under direction and supervision of the Nevada Division of Environmental Protection, for the prevention of release into natural aquifers of any mill use water.

By s/ William A. Nisbet
421 Court St
Elko, NV 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 temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 47148 is issued subject to the terms and conditions imposed in said Permit 47148 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 temporary 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 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 0.1 cubic feet per second, but not to exceed 72.39 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

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

TEMPORARY

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

TEMPORARY

EXPIRED

DATE JUN 24 1992

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

State Engineer

(O)-1108 (Rev. 6-81)

(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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on June 24, 1992 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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.