

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 DEC 1 1 1991

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed DEC 1 2 1991

The applicant Independence Mining Company, Inc.

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

Nevada 89801 hereby make... application for permission to change the  
State and Zip Code No.

point of diversion of a portion  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under permit #42687  
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 (DPE-3)  
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.25 c.f.s.  
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for same as existing  
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 the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 33, T.41N.,  
Describe as being within a 40-acre subdivision of public survey and by course and

R. 54E., M.D.M. from which the SW corner of said section bears S. 88° 13' W.,  
distance to a section corner. If on unsurveyed land, it should be stated.

5,012 ft. dist.

6. The existing permitted point of diversion is located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 33, T.41N. R.54E. in  
If point of diversion is not changed, do not answer.

said township, from which the SW corner of said section bears S. 44° 36' W.,

5,599 ft. dist.

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 Lot 17 (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Sec. 4, T.40N., R. 54E.; S $\frac{1}{2}$ , NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$  and  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 33, T. 41N., R. 54E.; and approximately six miles of ore haul  
manner of use of irrigation permit, describe acreage to be removed from irrigation  
road through portions of Secs. 25, 26 and 35, in T.41N., R. 53E., and portions of  
Secs. 29, 30, 32 and 33, in T. 41N., R. 54E., M.D.M.

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.) construction of small-diameter well,  
State manner in which water is to be diverted, i.e. diversion structure,  
below the downstream face of the mill tailings dam, for monitoring and pump-  
back into mill circuit, for environmental remediation.  
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 five 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 supervision and direction 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, agent  
421 Court 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 temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 42687 is issued subject to the terms and conditions imposed in said Permit 42687 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, Certificate 13139, 47413, 47414, 48175, Certificate 13143, 50026, 50027, 50028, 54617, 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, 56202-T, 56755-T, 56995-T, 56996-T, 56997-T, 56998-T, 56999-T, 57000-T and 57001-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 0.25 cubic feet per second, but not to exceed 180.9 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 \_\_\_\_\_

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 3rd day of March

A.D. 19 92  
*[Signature]*  
State Engineer

**TEMPORARY**

**TEMPORARY**

**EXPIRED**  
**DATE MAR 2 1993**  
(01-1108 (REV. 6-81))

## (PERMIT TERMS CONTINUED)

This temporary 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 March 2, 1993 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

