No. 57369

# APPLICATION FOR PERMIT
# TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office MAR 31 1992

Returned to applicant for correction

Corrected application filed

Map filed MAR 31 1992

The applicant Echo Bay Minerals Company

5250 Neil Road, Suite 300 (Street and No. or P.O. Box No.), of Reno (City or Town),

Nevada (89502) (State and Zip Code No.), hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) State of Delaware, incorporated October 26, 1986.

1. The source of the proposed appropriation is Underground (McCoy Decline) (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 5.0 cfs (One second-foot equals 448.83 gals. per min.) second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for Mining, Milling and Domestic (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kinds of animals to be watered

   (c) Other use (describe fully under No. 12. "Remarks"

   (d) Power:

      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point within the SW¼ SW¼ of Section (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 so stated.) 1, T28N, R42E, MDM or at a point from which the Northeast corner of said Section 1 bears, N 43° 59' 57" E a distance of 6881.2 feet.

6. Place of use Refer to Exhibit "A" attached hereto, Exhibit "A" Place of Use (Describe by legal subdivision. If on unsurveyed land, it should be so stated.) identical to that filed with Application No. 51710.

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), of each year.

8. 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.) Multiple sumps, borings, wells within the McCoy Decline. (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

9. Estimated cost of works $100,000

10. Estimated time required to construct works Three Years
If well completed, describe works.

11. Estimated time required to *complete* the application of water to beneficial use Five Years

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

NOTE: Map on file which changed No. 51710 to No. 52529, September 12, 1988.

The Applicant agrees that the total combined duty of consumptive use under all Permits shall not exceed 2500 acre feet annually. The balance of water developed or pumped will be placed in the infiltration system pursuant to permits previously granted by the State Engineer and Nevada Division of Environmental Protection.

By s/ Harry R. Ericson
Harry R. Ericson, Agent
950 Industrial Way
Sparks, NV (89431)

Compared ab/se ab/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 is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level.

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 water begins, or before the Proof of Completion of Work is filed. 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 water herein granted at any and all times.

The issuance of this permit will allow the permittee to dewater the pit area. Maximum use of water for mining, milling and related purposes from all dewatering wells shall be made. All of the water from the dewatering wells not used for mining, milling and related purposes shall be returned to the groundwater source in the manner authorized under Division of Environmental Protection's Water Pollution Control Permit issued June 7, 1989.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.0 cubic feet per second, but not to exceed 2500 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before June 1, 1994

Proof of completion of work shall be filed before July 1, 1994

Application of water to beneficial use shall be filed on or before June 1, 1997

Proof of the application of water to beneficial use shall be filed on or before July 1, 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 1st day of June, A.D. 1993

State Engineer

Abrogated By 61235 50-WDNJ-R-01

(O)-2145 (Rev. 9-89)

# EXHIBIT A

## PLACE OF USE

T30N R42E MDM
Sections 26, 27, 34, 35, 36

T30N R43E MDM
Section 30

T29N R42E MDM
Sections 1, 2, 3, 10, 11, 12, 13, 14, S 1/2 15, E 1/2 16, 23, 24, 25, 26, S 1/2 27, S 1/2 28, S 1/2 29, SE 1/4 30, E 1/2 31, 32, 33, 34, 35, 36

T29N R43E MDM
Sections 4, SW 1/4 5, 6, 7, W 1/2 8, 10, S 1/2 14, E 1/2 16, W 1/2 17, 18, 19, 20, 21, 22, W 1/2 23, 24, 25, 26, 27, S 1/2 28, 29, 30, 31, 32, 33, 34, W 1/2 SE 1/4 SE 1/4 NE 1/4 35, 36

T28N R42E MDM
Sections 1, 2, 3, 4, 5, N 1/2 8, 9, 10, 11, 12, 13, 14, 15, 22, 23, 24

T28N R43E MDM
Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permits 49249; 51711, Cert. 12515; 51712, Cert. 12516; 52528; 52529; 52776; 52777; 52778; 53220; 55178; 55179; 55180; 55181; 55183; 55186; 55903; 55904; 55905; 56497; 56498; 56894; 57516-T; 57369; 57370 and 57967 shall not exceed 3000 acre-feet annually.

Monthly reports shall be submitted to the State Engineer as to how much water is pumped from each well; the amount used for mining, milling and related purposes; and the amount of water placed in the percolation system and the estimated amount of water recharged to the groundwater system.

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.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.