

AMENDED

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

Date of filing in State Engineer's Office JUL 27 1992
Returned to applicant for correction AUG 10 1992
Corrected application filed AUG 31 1992
Map filed AUG 31 1992

The applicant INDEPENDENCE MINING COMPANY, INC.

HC 31 Box 78, of Elko, Nevada 89801

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.) Incorporated January 26, 1978 in Delaware

1. The source of the proposed appropriation is underground

2. The amount of water applied for is 1.0 second-feet

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

3. The water to be used for mining, milling, and domestic

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 SE 1/4 SW 1/4 Section 1

T. 43N., R. 52E., MDM, from which the SE corner of said section 1 bears S. 82°

48' E., 2994 ft. dist.

6. Place of use Sections 1 and 12, T. 43N., R. 52E., MDM; and Sections 6 and 7, T. 43N., R. 53E., MDM

7. Use will begin about January 1 and end about December 31, 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.) drilled well, casing, submersible pump, pipelines, valves, storage tank.

- 9. Estimated cost of works.....\$50,000.....
- 10. Estimated time required to construct works.....2 years.....
If well completed, describe works.
- 11. Estimated time required to complete the application of water to beneficial use.....3 years.....

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:
 Uses include supply to exploration drill rigs, dust control on roads,
 sample preparation, ore milling, and incidental human uses around mineral
 exploration area, mine and mill

By s/William A. Nisbet
 421 Court St.
 Elko, Nevada 89801

Compared bc/bc.....

Protested 10/28/92 by; Michael D. Buschelman:
 Pro. W/D 10-23-02

DENIAL OF STATE ENGINEER

~~This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following conditions and conditions~~

This application is hereby denied on the grounds its issuance would threaten to prove detrimental to the public interest.

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

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 filed 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, HUGH RICCI, P.E.,
 State Engineer of Nevada, have hereunto set my hand and the seal of my
 office, this 26th day of February
 A.D. 2004.
 Hugh Ricci, P.E.
 State Engineer