

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 AUG 05 1992
Returned to applicant for correction AUG 14 1992
Corrected application filed OCT 13 1992 Map filed OCT 13 1992

The applicant Magma Nevada Mining Company
7400 North Oracle Road, Suite 200 of Tucson
Street and No. or P.O. Box No. City or Town
Arizona 85704
State and Zip Code No. hereby make... application for permission to change the

Point of Diversion
Point of diversion, manner of use, and/or place of use
of water heretofore appropriated under Permit 55914
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.

- The source of water is underground
Name of stream, lake, underground spring or other source.
- The amount of water to be changed 5.0 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Mining, Milling, and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water heretofore permitted for Mining, Milling, and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
- The water is to be diverted at the following point NE 1/4 NE 1/4, Section 1, T.16N., R.61E., MDB&M
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.
MDB&M bears N. 64° 31' 10" E., a distance of 734.75 feet
- The existing permitted point of diversion is located within SW 1/4 SE 1/4, Section 5, T.16n., R.62E.,
If point of diversion is not changed, do not answer.
MDB&M or at a point from which the NE Corner of Section 3, T.16N., R62E.,
MDB&M bears N. 71° 31' 45" E., a distance of 13,351.34 feet
- Proposed place of use Sections 12,13,23,24,25, and 26 T.16N., R.61E., Sections 2
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
thru 22,29, and 30 T.16N., R.62E., Sections 7,17,18,19, and 20 T.16N., R.63E.,
and Section 33 T.17N., R.62E., MDB&M
- Existing place of use Same
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.
- Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
- Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
- 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.) drill well, install pump and convey
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.
water to place of use through pipeline system
- Estimated cost of works \$750,000
- Estimated time required to construct works two years

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:

Water will be used for mining, milling, and domestic operations. Annual consumptive use is outlined under base permit 55914

By Alex Acosta, Magma s/Alex Acosta
7400 North Oracle Road, Suite 200
Tucson, Arizona 85704.

Compared..... bc/bc 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 to change the point of diversion of the waters of an underground source as heretofore granted under Permit 55914 is issued subject to the terms and conditions imposed in said Permit 55914 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 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.

(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..... 5.0 cubic feet per second , but not to exceed 3620 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... November 26, 1993

Proof of completion of work shall be filed before..... December 26, 1993

Application of water to beneficial use shall be made on or before..... November 26, 1996

Proof of the application of water to beneficial use shall be filed on or before..... December 26, 1996

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 8th day of April

A.D. 19 93

[Signature]
State Engineer

Abrogated By 61745 5.0 cont 6749

(PERMIT TERMS CONTINUED)

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

The total combined duty of Permits 43378, 43379, 43380, 43381, 55906, 55907, 55908, 55910, 55911, 55912, 55913, 55915, 57423-T, 57424-T, 57425-T, 57426-T, 57927-T, 57935 and 58245 shall not exceed 13,204 acre-feet annually.

The permittee shall comply with the monitoring plan approved by the State Engineer which will be subject to revision upon review of the data generated.

The data and analysis of the data shall be submitted to the State Engineer on a monthly basis, subject to any revision of the frequency of the data collected.

This permit is issued subject to the conditions set forth in the withdrawal of the City of Ely's protest dated October 28, 1991, under Permit 55906.

