

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 OCT 13 1992

Returned to applicant for correction NOV 20 1992

Corrected application filed Map filed OCT 13 1992 under 57935

The applicant Magma Nevada Mining Company

7400 North Oracle Road, Suite 200 of Tucson

Arizona 85704 hereby make... application for permission to change the

Point of Diversion

of water heretofore appropriated under Permit 55909

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

2. The amount of water to be changed 5.0 cfs

3. The water to be used for Mining, Milling, and Domestic

4. The water heretofore permitted for Mining, Milling, and Domestic

5. The water is to be diverted at the following point NW 1/4 SE 1/4 Section 33 T.17N., R.62E., MDB&M or at a point from which the NE corner of Section 3, T.16N., R.62E., MDB&M bears S. 73° 34' 15" E., a distance of 7,820.20 feet

6. The existing permitted point of diversion is located within NE 1/4 SW 1/4, Section 33, T.17N., R.62E., MDB&M or at a point from which the NE corner of Section 3 T.16N., R.62E., MDB&M bears S. 76° 32' 38" E., a distance of 8,386.13 feet

7. Proposed place of use Sections 12,13,23,24,25, and 26 T.16N., R.61E., Sections 2 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

8. Existing place of use same

9. Use will be from January 1 to December 31 of each year.

10. Use was permitted from January 1 to December 31 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.) drill well, install pump and convey to place of use through a pipeline system

12. Estimated cost of works \$400,000

13. Estimated time required to construct works well completed to 1,600 feet total depth, 16-inch casing.

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 55909

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 55909 is issued subject to the terms and conditions imposed in said Permit 55909 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 DEC 21 1995

Proof of beneficial use filed MAY 13 1999

Cultural map filed _____

Certificate No. 15216 Issued JUN 07 1999

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 99


State Engineer

(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.

