TEMPORARY

ASSIGNED

Serial No. 58832T

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 MAY 17 1993

Returned to applicant for correction

Corrected application filed Map filed MAY 17 1993 Proposed POD paper map 58832 existing & prop. POD 54759 Existing POD 54759

The applicant Lone Tree Mining, Inc.

P.O. Box 388 (Street and No. or P.O. Box No.) of Valmy (City or Town)

Nevada 89438 (State and Zip Code No.) hereby make application for permission to change the

point of diversion and manner of use (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under 54760 (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 (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 5.0 second feet (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for dewatering, mining, milling and domestic (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 SE¼ NE¼ of section 11, T34N, R42E, MDB&M WW-10 (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.)
6. The existing permitted point of diversion is located within SW¼ NE¼ of Section 11, T34N, R42E, MDB&M, (If point of diversion is not changed, do not answer.) or at a point from which the SE corner of said section 11 bears a distance S 32° 29'17"E a distance 4278.93 feet.
7. Proposed place of use Same as item 8 (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use Sections 1,2,3,10,11,12,13,14,15,22,23, and 27, T34N, R42E, MDB&M, and the south half of the NE¼ and the north half of the SE¼, Section 29 T35N, R43E MDB&M (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.)
9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) 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.) Well drilled to depth with 20 inch completion, discharge piping, electric cable, pump and motor equipment (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)
12. Estimated cost of works $400,000
13. Estimated time required to construct works 2 years

14. Estimated time required to complete the application of water to beneficial use 5 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 application is for a temporary transfer of 5.0 second-feet of water from permit 54760 to the SE¼ NE¼ section 11, T34N, R42E, as shown on the attached map.

By s/Cynthia M. DeWeese
Lone Tree Mining, Inc., P.O. Box 388
Valmy, Nevada 89438

Compared bk/ vw ab/vw

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 and manner of use of the waters of an underground source as heretofore granted under Permit 54760 is issued subject to the terms and conditions imposed in said Permit 54760 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. 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 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.

(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 1024.5 million gallons 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

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Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

TEMPORARY

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 28th day of May, A.D. 19 93

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE MAY 27 1994

(PERMIT TERMS CONTINUED)

The total combined diversion rate of Permits 54247, 54759, 54760, 54761, 54762, 54763, 54764, 56406, 56407, 56951, 57103, 57104, 57676-T, 57695-T, 58257-T, 58292-T, 58385, 58550, 58601-T, 58602-T, 58831-T, 58832-T, 58833-T and 58834-T shall not exceed 20,000 gallons per minute or 44.56 cubic feet per second and the total volume of water diverted for dewatering, mining or other industrial or stockwatering uses shall not exceed 32,260 acre feet per annum. All water diverted that cannot be placed to a beneficial use shall be injected back to the Pumpernickel Valley and/or Clovers Area groundwater system. The existing surface discharge to the Herrin Slough may continue until May 30, 1993, subject to the permitting requirements of other state, federal and local agencies. Injection of excess water, or substitution for other permitted industrial or mining uses, shall be the only means of disposal after that date. This permit does not relieve the operator of the requirements of other state, federal or local agencies.

All water diverted, used in the mining and milling process and discharged to the slough shall be measured continuously and reported on a monthly basis.

A measuring device approved by the State Engineer as to the type and location, shall be installed at the downstream end of the slough just prior to any of the discharged water entering the Humboldt River. This measurement device shall be installed within 30 days from the issuance of this permit. The measurements shall be on a continuous basis and reduced to daily flows.

The monitoring plan revised November 22, 1991, is hereby adopted with one exception, that being the frequency of water level measurements shall be made and reported on a monthly basis for a period of one year after the issuance of this permit. The monitoring plan will be reviewed at the end of this one year period, to determine if any other modifications are necessary.

All data from the water diverted and used, the measurement of water in the slough and the water level measurements shall be submitted to the State Engineer within 15 days of the last day of the preceding month.

The total combined duty of water under Permits 54247, 54759, 54760, 54761, 54762, 54763, 54764, 56406, 56407, 56951, 57103, 57104, 57676-T, 57695-T, 58257-T, 58292-T, 58385, 58550, 58601-T, 58602-T, 58831-T, 58832-T, 58833-T and 58834-T shall not exceed 3,144 acre-feet annually.

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 the well and the amount of water used.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on May 27, 1994 at which time all rights herein granted shall revert to the right being changed by this temporary permit.