TEMPORARY

Serial No. ASSIGNED 58919 T

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 JUN 11 1993

Returned to applicant for correction

Corrected application filed Map filed JUN 11 1993

The applicant Rabbit Creek Mining, Inc.

Post Office Drawer 2220 of Winnemucca
Street and No. or P.O. Box No. City or Town

Nevada 89446-2220 hereby make s application for permission to change the
State and Zip Code No.

point of diversion, manner of use, and place of use of a portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under 52049 for DW-6
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 1.34 cfs.
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 purposes.
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for mining, milling and domestic purposes.
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 NW¼ NE¼ Section 19, T.39N., R.43E., M.D.B.&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.

6. The existing permitted point of diversion is located within SE¼ NW¼ Section 33, T.39N., R.43E., M.D.B.&M. and from which the N¼ corner of Section 33, T.39N., R.43E., M.D.B.&M. bears N.8°55'E., 1501.3 feet.
If point of diversion is not changed, do not answer.

7. Proposed place of use Sections 19, 20, 21, 28, 29, 30, 31, 32, 33, T.39N., R.43E., M.D.B.&M.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Sections 19, 20, 21, 28, 29, 30, 32, 33, T.39N., R.43E., M.D.B.&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, pump, motor and distribution system.
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 $100,000.00

13. Estimated time required to construct works is one year.

14. Estimated time required to complete the application of water to beneficial use is three 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 is an application for a temporary permit, the well is to be used for dewatering the pit. Consumptive use if 970 AFA. Water is to be commingled with water from other Rabbit Creek Mining, Inc., permits (52046 through 52051 and 53339 through 53341) for a total combined duty of 3,620 AFA. Water is to be used in a milling and heap leach mining complex.

By s/ Cynthia M. DeWeese
Rabbit Creek Mining, Inc.
P.O. Drawer 2220
Winnemucca, NV 89446-2220

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 temporary permit to change the point of diversion, manner of use and place of use of a portion of the waters of an underground source as heretofore granted under Permit 52049 is issued subject to the terms and conditions imposed in said Permit 52049 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 temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 52046, 52047, 52048, 52049, 52050, 52051, 53339, 53340, 53341, 57724-T, 57725-T, 58014-T, 58015-T, 58919-T and 58920-T shall not exceed 3620 acre-feet annually.

(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 1.34 cubic feet per second, but not to exceed 970.16 acre-feet 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 24th day of August, A.D. 19 93

State Engineer

EXPIRED

DATE AUG 23 1994

(O)-1108 (Rev. 6-81)

(PERMIT TERMS CONTINUED)

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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued subject to the terms and conditions set forth in the State Engineer's Ruling No. 3606 dated May 19, 1989.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on August 23, 1994 at which time all rights herein granted shall revert to the right being changed by this temporary permit.