TEMPORARY
AMENDED

Serial No. 59125 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

ASSIGNED

Date of filing in State Engineer's Office AUG 13 1993

Returned to applicant for correction SEP 3 - 1993

Corrected application filed OCT 11 1993 Map filed OCT 11 1993

The applicant Smoky Valley Mining Company

P.O. Box 480 (Street and No. or P.O. Box No.) of Round Mountain (City or Town)

Nevada 89045 (State and Zip Code No.) hereby make.... application for permission to change the

Point of Diversion, Manner of Use and Place of Use (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under 44298 (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 3.0 cfs (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Dewatering - Milling, Mining & Domestic (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Milling, mining 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 SW¼ SW¼ Sec. 19 T10N R44E (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 NE¼ NE¼ Sec. 25 T10N R43E at a (If point of diversion is not changed, do not answer.) point which the NE corner of said Section 25 bears N 1° 16' E 660 feet.
7. Proposed place of use within Sections 17, 18, 19, 20, 29 & 30, T10N, R44E, MDM (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.) (portions unsurveyed) and Sections 13, 23, 24, 25, 26, 35 & 36, T10N, R43E, MDM and Sections 1 & 2, T9N, R43E
8. Existing place of use within Sections 17, 18, 19, 20, 29 & 30 T10N, R44E, MDM (portions (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.) unsurveyed) and Sections 13, 23, 24, 25 & 26, T10N, R43E, MDM
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.) Drill and case well in pit with electric (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.) motor and submersible pump.
12. Estimated cost of works $75,000.00
13. Estimated time required to construct works One (1) year

14. Estimated time required to complete the application of water to beneficial use Two (2) years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

By s/ Travis Terras
P.O. Box 480
Round Mountain, NV 89045

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 the waters of an underground source as heretofore granted under Permit 44298 is issued subject to the terms and conditions imposed in said Permit 44298 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.

This temporary 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 3.0 cubic feet per second, but not to exceed 2,172 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

TEMPORARY

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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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 10th day of February, A.D. 19 94

R. Michael Turnipseed
State Engineer

EXPIRED
DATE JUN 22 1994

(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 water under Permits 536; 1077, Certificate 267; 2908, Certificate 353; 3898, Certificate 2347; 12442, Certificate 3831; 12445, Certificate 3832; 12768, Certificate 3751; 14119, Certificate 4889; 26650, 26652, 44297, 44298, 44299, 44300, Certificate 13174; 50971; 51577, Certificate 13185; 51578, Certificate 13186; 52083, 53365, 55498, 55499, 55500, 55501, 55502, 55503, 59125-T and 59365-T shall not exceed 13,910 acre-feet annually.

This temporary permit will allow for the dewatering of the pit area. Any water obtained as a result of this dewatering operation shall be used first by the permittee for mining, milling, heap leaching, drilling, dust control, road watering and other related mining and milling uses within the described place of use on this permit.

The permittee or its representatives shall meet with the State Engineer to discuss the method of disposal of the water and any alternative methods of disposal.

Monthly reports shall be kept of the amount of water pumped from each point of diversion under the control of the permittee, the amount of water consumptively used and any water disposed of, in addition to what method of disposal was used. The records must be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on February 9, 1995 at which time all rights herein granted shall revert to the right being changed by this temporary permit.