TEMPORARY

Serial No. ASSIGNED 59322 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 OCT 1 8 1993

Returned to applicant for correction

Corrected application filed Map filed OCT 1 8 1993

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[s] 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 54763 (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 4.1 cfs (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for dewatering, mining and milling (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 SW¼ SE¼ Section 11, T.34N, R.42E, MDB&M (WW 13) (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 SW¼ Section 11, T.34N, R.42E, MDB&M, or at a point from which the SE corner of said Section 11 bears S 71° 33' 11" E a distance of 2421.75 feet. (If point of diversion is not changed, do not answer.)
7. Proposed place of use Sections E½ 11, 12, 13, 14, 15, 23, 24 T.34N, R.42E, MDB&M (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, 27 T.34N, R.42E, MDB&M and the south half of the NE¼ and the north half of the SE¼, Section 29 T.35N, R.43E, 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, 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 WW-13 completed

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:

By s/ Cynthia M. DeWeese
P.O. Box 388
Valmy, NV 89438

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 54763 is issued subject to the terms and conditions imposed in said Permit 54763 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 4.1 cubic feet per second, but not to exceed 2578.08 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

TEMPORARY

EXPIRED

DATE NOV 29 1994

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 30th day of November, A.D. 19 93.

State Engineer

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

(PERMIT TERMS CONTINUED)

The total combined diversion rate of Permits 54247, 54759, 54760, 54761, 54762, 54763, 54764, 56406, 56407, 56578, 56579, 56580, 56581, 56582, 56583, 56584, 56585, 56586, 56951, 57103, 57104, 58257-T, 58292-T, 58385, 58550, 58601-T, 58602-T, 58831-T, 58832-T, 58833-T, 58834-T, 59065-T, 59066-T, 59067-T, 59068-T, 59239-T, 59240-T, 59292-T, 59293-T, 59320-T, 59321-T, 59322-T, 59323-T, 59324-T, 59325-T, 59326-T and 59327-T, inclusive, shall not exceed 33,460 gallons per minute or 74.56 cubic feet per second for mining, milling, and dewatering purposes. The total volume of water allowed to be diverted under the above mentioned permits and for the same purposes shall not exceed 53,800 acre-feet annually. The total combined consumptive duty for mining and milling purposes under the above mentioned permits and any changes of these permits shall not exceed 3,144 acre-feet annually.

All water diverted but not used for mining or milling purposes shall be discharged to the Iron Point Relief Canal via the aqueduct completed in June, 1993.

All water diverted shall be measured and reported to the State Engineer on a monthly basis. The report shall include the amount of water diverted from each well, the amount of water used for mining and milling purposes, and the amount discharged to the aqueduct to the Iron Point Relief Canal. This report shall be submitted to the State Engineer within 15 days of the last day of the preceding month.

This permit is issued subject to the "Lone Tree Mining, Inc., Unified Monitoring Plan, March 27, 1993."

The State Engineer will retain the right to require additional monitoring over and above the monitoring plan mentioned, and also will retain the right to seek other disposal options of water discharged to the Iron Point Relief Canal.

The permittee, on a schedule acceptable to the State Engineer, shall prepare and present an update on the activities of the mine and the monitoring plan on a periodic basis, but not less than two times per year.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on November 29, 1994 at which time all rights herein granted shall revert to the right being changed by this temporary permit.