Serial No. 60494

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 SEP 20 1994

Returned to applicant for correction

Corrected application filed Map filed SEP 20 1994 under 60488

The applicant Kennecott Nevada Copper Company

P. O. Box 1107 (Street and No. or P.O. Box No.) of McGill (City or Town)

Nevada 89318 (State and Zip Code No.) hereby make.... application for permission to change the

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

of water heretofore appropriated under Permit No. 42108-Bird Creek-Certificate No. (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.) 12179

1. The source of water is Bird Creek (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 8.0 c.f.s. (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Industrial and Domestic (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Industrial 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 Section 34, T.19N., R.65E., (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.) M.D.B.&M. or at a point from which the N¼ corner of Section 4, T.18N., R.65E., M.D.B.&M., bears S. 87°25'12" W., a distance of 3,587.57 feet.
6. The existing permitted point of diversion is located within SW¼ SW¼ Section 34, T.19N., R.64E., (If point of diversion is not changed, do not answer.) M.D.B.&M., or at a point from which the N¼ Corner of Section 4, T.18N., R.65E., M.D.B.&M., bears S. 87°25'12" W., a distance of 3,587.57 feet.
7. Proposed place of use See attached sheet. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use lo ated within portions of the NE¼, SE¼, E½ SW¼, E½ NW¼ of Section 28, and the SE¼ of Section 21, T.18N., R.64E., 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 1st (Month and Day) to December 31st (Month and Day) of each year.
10. Use was permitted from January 1st (Month and Day) to December 31st (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.) Sprinkling 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 Approximately $150,000
13. Estimated time required to construct works 5 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:

Water will be used for mine reclamation as required by federal and state law.

By s/Richard E. Fonger
~~Richard E. Fonger~~
#3 Cedar P.O. Box 362
Ruth, Nevada 89319

Compared ~~pm/jk~~ cl/cms

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 place of use of the waters of Bird Creek as heretofore granted under Permit 42108, Certificate 12179 is issued subject to the terms and conditions imposed in said Permit 42108, Certificate 12179 and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 8.0 cubic feet per second, but not to exceed 1,887.25 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before N/A

Proof of completion of work shall be filed before N/A

Application of water to beneficial use shall be made on or before October 21, 2002

Proof of the application of water to beneficial use shall be filed on or before November 21, 2002

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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 21st day of October, A.D. 19 97

R. Michael Turnipseed PE
State Engineer

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

Permit No. 42108-Bird Creek-Certificate No. 12179

7. Proposed place of use:
   Section 7; S½ SW¼
   Section 17; S½ S½, NW¼ SW¼
   Section 18; All
   Section 19; All
   Section 20; All
   Section 21; S½, S½ NW¼, NW¼ NW¼
   Section 28; All
   Section 29; All
   Section 30; NE¼, NW¼, SE¼, N½ SW¼, SE¼ SW¼
   Section 31; N½ NE¼. SE¼ NE¼
   Section 32; NW¼, W½ NE¼, N½ SW¼

   All in Township 18 North, Range 64 East, Mount Diablo Base and Meridian.

   Excepting there from all land inside the Townsite of McGill, Nevada.