

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 11 1995

Returned to applicant for correction. JUN 08 1995

Corrected application filed. Map filed June 29, 1995 under 61232

The applicant. ECHO BAY MINERALS COMPANY

5250 Neil Road, Suite 300 of Reno Nevada 89502

hereby make application for permission to change the Point of Diversion

of water heretofore appropriated under Permit No. 57369

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 (Mine Dewatering)

2. The amount of water to be changed 5.0 cfs

3. The water to be used for Mining, Milling and Domestic

4. The water heretofore permitted for Mining, Milling and Domestic

5. The water is to be diverted at the following point Within the NW 1/4 SE 1/4 Section 36, T29N, R42E, MDM or a point from which the southeast corner of said Section 36 bears, S 47° 40' 26" E a distance of 3054.3 feet

6. The existing permitted point of diversion is located within The SW 1/4 SW 1/4 Section 1, T28N, R42E, MDM at a point from which the northeast corner of said Section 1 bears, N 43° 59' 57" E a distance of 6881.2 feet

7. Proposed place of use. Refer to Exhibit "A" attached hereto, Exhibit "A" Place of Use is identical to that filed with Application 51710

8. Existing place of use. Refer to Exhibit "A" attached hereto. Exhibit "A" Place of Use is identical to that filed with Application 51710

9. Use will be from January 1 to December 31 of each year.

10. Use was permitted from January 1 to December 31 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.) Drilled and cased well, installed submersible pump and electric motor

12. Estimated cost of works \$500,000.00

13. Estimated time required to construct works 1 year

6 years

14. Estimated time required to complete the application of water to beneficial use.....

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

The applicant agrees that the total combined duty of consumptive use under all permits shall not exceed 3000 acre feet annually. The balance of water developed or pumped will be placed in the percolation system pursuant to permits previously granted by the State Engineer and the Nevada Department of Environmental Protection. The previous point of diversion has been abandoned due to cessation of underground mining activities.

By..... s/ Harry R. Ericson
Harry R. Ericson, Agent
950 Industrial Way
Sparks, NV 89431

Compared..... gkl/tdf cl/bk

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 point of diversion of the waters of an underground source as heretofore granted under Permit 57369 is issued subject to the terms and conditions imposed in said Permit 57369 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 permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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.
(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 2,500.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before June 25, 1996
Proof of completion of work shall be filed before July 25, 1996
Application of water to beneficial use shall be made on or before June 25, 1998
Proof of the application of water to beneficial use shall be filed on or before July 25, 1998
Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JUL 10 1998

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 3rd day of June

A.D. 19 96

R. Michael Turnipseed P.E.
State Engineer

WITHDRAWN BY APPLICANT JUL 11 2001

Justinucci P.E. STATE ENGINEER

(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 issuance of this permit will allow the permittee to dewater the pit area. Maximum use of the water for mining, milling and related purposes from all dewatering wells will be made. All of the water from the dewatering wells not used for mining, milling and related purposes will be returned to the groundwater source in the manner authorized under Division of Environmental Protection's Water Pollution Control Permit issued June 7, 1989.

This permit is issued subject to the stipulation between Echo Bay Minerals Company and Lander County, dated May 11, 1993, and with the understanding that no additional consumptive use of water is granted under this permit.

The total combined consumptive use of water under Permits 49249; 51711, Certificate 12515; 51712, Certificate 12516; 52776; 52777; 52778; 53220; 55178; 55179; 55181; 55183; 55186; 55903; 55904; 55905; 56497; 56498; 56894; 57370; 57967; 58410; 58411; 58412; 58413; 58414; 58720; 58721; 61232; 61233; 61234; 61235 and 61236 will not exceed 3,000.0 acre-feet annually.

Monthly reports will be submitted to the State Engineer stating the amount of water pumped from each well; the amount of water used for mining, milling and related purposes; the amount of water placed in the percolation system; the estimated amount of water evaporative losses from the percolation system and the estimated amount of water recharged to the groundwater system.



PLACE OF USE

T30N R42E MDM

Sections 26, 27, 34, 35, 36

T30N R43E MDM

Section 30

T29N R42E MDM

Sections 1, 2, 3, 10, 11, 12, 13, 14, S 1/2 15, E 1/2 16,
23, 24, 25, 26, S 1/2 27, S 1/2 28, S 1/2 29,
SE 1/4 30, E 1/2 31, 32, 33, 34, 35, 36

T29N R43E MDM

Sections 4, SW 1/4 5, 6, 7, W 1/2 8, 10, S 1/2 14, E 1/2 16,
W 1/2 17, 18, 19, 20, 21, 22, W 1/2 23, 24, 25, 26,
27, S 1/2 28, 29, 30, 31, 32, 33, 34,
W 1/2, SE 1/4, SE 1/4 NE 1/4 35, 36

T28N R42E MDM

Sections 1, 2, 3, 4, 5, N 1/2 8, 9, 10, 11, 12, 13, 14, 15,
22, 23, 24

T28N R43E MDM

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27

