AMENDED

TEMPORARY

NO.63491-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 09, 1997

Returned to applicant for correction

Corrected application filed NOV 06, 1997

Map filed DEC 08, 1997

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The applicant **BHP Nevada Mining Company**, hereby makes application for permission to change the **Point of diversion and manner of use of a portion** of water heretofore appropriated under **Permit No. 55913**

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1. The source of water is **underground sources W-7**

2. The amount of water to be changed **0.5 second feet**

3. The water to be used for **mining, milling, domestic, and dewatering**

4. The water heretofore permitted for **mining milling domestic**

5. The water is to be diverted at the following point **NW1/4 of NE1/4, Section 17, T.16N., R.62E., M.D.B.&M., or at a point from which the NE corner of Section 08 T.16N., R.62E., M.D.B.&M., bears N. 20°21'46" E. a distance of 5,746.4 feet.**

6. The existing permitted point of diversion is located within **the NW1/4 of the NW1/4, Section 36 T.17N., R.61E., M.D.B.&M., or at a point from which the NE corner of Section 3, T.16N., R.62E., M.D.B.&M., bears S. 80°23'41" E. a distance of 26,781.36 feet.**

7. Proposed place of use **section 12, 13, 23, 24, 25, and 26, T.16N., R.61E., Section 2 thru 22, 29, and 30, T.16N., R.62E., Section 7, 17, 18, 19, and 20, T.16N., R.63E., and Section 33, T.17N., R.62E., all in M.D.B.&M.**

8. Existing place of use **(same as above)**

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

10. Use was permitted from **January 1st** to **December 31st** of each year.

11. Description of proposed works **Dewatering wells will be drilled, equipped with pumps totalizing flowmeter and a piping system to divert water to a sump and pump to process.**

12. Estimated cost of works **$100,000.00**

13. Estimated time required to construct works **3 years**

14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks:

By **s/K. L. Browne**
P. O. Box 382
Ruth, Nevada 89319

Compared **lw/bk** lw/bk

Protested

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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 and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 55913 is issued subject to the terms and conditions imposed in said Permit 55913 and with the understanding that no other rights on the source will be affected by the change proposed herein. 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. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

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.

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

The total combined duty of Permits 43378, 43379, 43380, 43381, 55906, 55908, 55910, 55911, 55912, 55913, 55915, 58245, 58793, 61745, 62685, 62782-T, 63490-T, 63491-T and 63492-T will not exceed 13,204.0 AFA (acre-feet annually).

The permittee will comply with the monitoring plan approved by the State Engineer which will be subject to revision upon review of the data generated. The data and analysis of the data will be submitted to the State Engineer on a monthly basis, subject to any revision of the frequency of the data collected.

The State Engineer requires that a monthly record shall be kept of: (A) the volume of water pumped from each well, (B) the measurement of pumping water level (drawdown) from each production, dewatering and monitoring well, (C) the volume of water consumptively used for mining and milling uses projectwide, and (D) the volume of water used for dust control purposes projectwide. This record will 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 subject to the conditions set forth in the withdrawal of the City of Ely's protest dated October 28, 1991, under Permit 55906.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on March 9, 1999, at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 2)

(PERMIT TERMS CONTINUED) 63491-T

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.5** cubic feet per second, **but not to exceed 362.0 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 filed 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

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 **March**, A.D. **1998**

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE JUL 24 1998