TEMPORARY

NO. 64594-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 NOV 05 1998

Returned to applicant for correction _____

Corrected application filed _____

Map filed AUG 19 1996

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The applicant **Florida Canyon Mining, Inc.**, hereby makes application for permission to change the **Point of Diversion, Place of Use of a portion** of water heretofore appropriated under **Permit # 61644 (PW-7)**

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1. The source of water is **Underground**

2. The amount of water to be changed **0.34 C.F.S or 80 M.G.A**

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 **(Sump) SW ¼ SW ¼ Section 2, T.31N., R.33E., M.D.B. & M. or at a point from which the SW corner of said section 2 bears S.74°17'43"W. a distance of 967.4 feet.**

6. The existing permitted point of diversion is located within **NE ¼ NW ¼ (Lot 2) Section 3, T.31N., R.33E., M.D.B. & M. or at a point from which the SW corner of said section 3, bears S.23°15' W. a distance of 4,460 feet.(PW-7)**

7. Proposed place of use **Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 37, 38, 39, T.31N., R.33E., M.D.B.&M. and Sections 33, 34, and 35, T.32N., R.33E., M.D.B.&M.**

8. Existing place of use **Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 37, 38, 39, T.31N. R.33E., M.D.B.&M. and a portion of S½ Section 34, T.32N., R.33E. M.D.B.&M.**

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 **Water is pumped from a sump to a storage tank for use in dust Suppression and other mining activities. Water will be metered before use.**

12. Estimated cost of works **($10,000) ten thousand dollars**

13. Estimated time required to construct works **completed - sump pumps water out of pit to a storage tank for future use.**

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

15. Remarks: **80,000,000 gallons estimated for annual consumptive use. This change will provide a more uniform distribution of allocated water from both wells and promote pit stability and safety.**

By **s/Frank A. Carr**
P. O. Box 330
Imlay, NV 89418

Compared **dl/cms** dl/cms

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 place of use of a portion of the waters of an underground source as heretofore granted under Permit 61644 is issued subject to the terms and conditions imposed in said Permit 61644 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.

The total combined duty of water under Permits 48997, Certificate 13237; 48998, Certificate 13238; 48999, Certificate 13239; 49931, Certificate 13240; 53342, Certificate 13245; 57096, 57097, 57098, 61203, 61643, 61644, 61707, 64230-T, 64231-T, 64591-T, 64592-T, 64593-T and 64594-T will not exceed 787.0 million gallons annually.

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.

Monthly records will be kept of the following: the volume of water pumped from each well, the volume of water consumptively used for mining and milling purposes projectwide and the amount of water used for reclamation purposes. These records will be submitted within 15 days after the end of each month. Please also submit the water level (static or pumping) of each permitted well with the pumping report.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on January 13, 2000 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)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.34** cubic feet per second, **but not to exceed 80.0 million gallons 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 **14th** day of **January**, A.D. **1999**

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE JAN 1 3 2000