No. 67509

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 2001

Returned to applicant for correction

Corrected application filed

Map filed MAY 21 2001 under 67500-T

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The applicant **Cortez Joint Venture** hereby makes application for permission to change the **point of diversion and place of use of a portion** of water heretofore appropriated under **Permit #57799**

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1. The source of water is **underground (Well #DB-9)**

2. The amount of water to be changed **6.0 c.f.s.**

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

4. The water heretofore permitted for **mining, milling, dewatering & domestic**

5. The water is to be diverted at the following point **within NW¼ SE¼ Section 31, T.28N., R.47E., M.D.M., from which the SE corner of said Section 31 bears S. 50° 01' E., 3,731 feet distant.**

6. The existing permitted point of diversion is located within **SW¼ SW¼, Section 29, T.28N., R.47E., M.D.M., from which the SE corner of Section 1, T.27N., R.46E., bears S. 31° 14' W., 14,349 feet distant.**

7. Proposed place of use **T.27N., R.46E.: sections 13 and 24 T.27N., R.47E.: sections 5, 6, 7, 8, 18, and unsurveyed section 19 T.28N., R.47E.: sections 13, 15, 21, 22, 27, 29, 30, 31, 32 M.D.M.**

8. Existing place of use **all of unsurveyed sections 5, 6, 7, and 8 in T.27N., R.47E., and all of sections 29, 30, 31 and 32 in T.28N., R.47E., M.D.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 **drilled and cased well (existing), with gravel packing, submersible pump and motor, storage tanks, and pipeline distribution network to mine, mill and infiltration basins**

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

13. Estimated time required to construct works **existing works**

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

15. Remarks:

By **s/William A. Nisbet Agent**
421 Court Street
Elko, NV 89801

Compared dl/dr lb/cmf

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 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 57799 is issued subject to the terms and conditions imposed in said Permit 57799 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 permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit will allow for the dewatering of the pit area. Any water obtained as a result of this dewatering operation shall be used first by the permittee for mining, milling, heap leaching, drilling, road watering, and other related mining and milling uses (hereinafter referred to as mining and milling uses within the described place of use of this permit). The water is limited to an amount not to exceed 3,807.0 acre-feet annually. This limit includes any evaporative and system losses.

Any water produced from this dewatering operation in excess of 3,807.0 acre-feet annually shall be returned to the Crescent Valley Groundwater Basin by shallow infiltration. The design of the infiltration site and the delivery system to the site shall be submitted to the State Engineer prior to any diversion of water to the infiltration site.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the of the disposal of water from the dewatering project.

This permit is issued subject to the Pipeline Gold Project, Groundwater and Surface Water Monitoring Plan submitted to the State Engineer on August 2, 1993.

The State Engineer may require additional monitoring should conditions warrant such modification.

Monthly records will be kept of the following: (a) the volume of water pumped from each well, (b) the rate of diversion pumped from each well, (c) the measurement of pumping water level (drawdown) from each well, (d) the volume of water consumptively used for mining and milling uses, (e) the amount of water diverted to the infiltration site, and (f) the amount of water evaporated both from the infiltration site and the delivery system to the infiltration site. These records will be submitted within 15 days after the end of each month.

This permit also incorporates the provisions of Order Adopting Rules for Well Spacing and Modification of Regulations for Water Well and Related Drilling in the Southern Area of the Heretofore Designated Crescent Valley Ground Water Basin, entered October 6, 1993, Order Number 1082, on file in the Office of the State Engineer.

The issuance of this permit is subject to the Stipulation between Cortez Joint Venture and Lander and Pershing Counties, dated May 21, 1993, on file in the Office of the State Engineer under Permit 57133.

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The total combined diversion rate under Permits 57133; 57134; 57136; 57137; 57138; 57140; 57143; 57144; 57145; 57146; 57147; 57148; 58366; 58368; 58370; 59072; 59073; 59074; 59075; 59787; 61793; 61794; 62723, and 67507 through 67516, inclusive, shall not exceed 67 cubic feet per second (30,072 gallons per minute) and the total combined withdrawal of water under these permits shall not exceed 48,506 acre-feet annually.

The State Engineer recognizes that this appropriation when combined with other permits causes a large cone of depression which may take the water levels many years to return to equilibrium (pre-development).

The State retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights. This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **6.0** cubic feet per second, **but not to exceed 4343.82 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

October 9, 2003

Proof of completion of work shall be filed before:

November 9, 2003

Water must be placed to beneficial use on or before:

October 9, 2005

Proof of the application of water to beneficial use shall be filed on or before:

November 9, 2005

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **9th** day of **October,** A.D. **2002**

Hugh Ricci, P.E.
State Engineer

Completion of work filed NOV 20 2003

Proof of beneficial use filed _____

Cultural map filed **N/A**

Certificate No. _____ Issued _____

Abrogated By: 72617T 5.118 EX 9-15-06