NO. 72673

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 APR 29 2005

Returned to applicant for correction

Corrected application filed

Map filed APR 28 under 72605-T

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The applicant **Cortez Joint Venture** hereby makes application for permission to change the **point of diversion** of water heretofore appropriated under **Permit #66224**

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1. The source of water is **Underground (Well #DB-27)**

2. The amount of water to be changed **1.24 c.f.s.**

3. The water to be used for **irrigation**

4. The water heretofore permitted for **irrigation**

5. The water is to be diverted at the following point **within the NW¼ NW¼, Section 8, T.27N., R.47E., M.D.M., or at a point from which the SE section corner of Section 32, T.28N., R.47E., M.D.M. bears N. 43°16'E., 7,740 feet distant. (see map under #72605-T)**

6. The existing permitted point of diversion is located within **Lot 10, Section 31, T.28N., R47E., M.D.M. from which the NE corner of said Section bears N.49°51'E., 3,467 ft. distant. (see map under 66217-T)**

7. Proposed place of use **same as existing**

8. Existing place of use **T. 28N., R. 48E.: within SW¼ Section 9, NW¼ Section 16, all Section 17 and E½SE¼, Section 18 M.D.M. (see map under 66217-T)**

9. Use will be from **April 1** to **November 1** of each year.

10. Use was permitted from **April 1** to **November 1** of each year.

11. Description of proposed works **drilled and cased well; submersible or line shaft pump and motor, storage tanks, pipeline system to irrigated land.**

12. Estimated cost of works **estimate $200,000.00**

13. Estimated time required to construct works **one year**

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

15. Remarks: **The existing point of diversion is at a well now retired. The proposed point of diversion is another well in an interconnected group used to dewater a mine, and for other mining and milling uses.**

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

Compared **mt/gkl** **lt/ gkl**

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 of the waters of an underground source as heretofore granted under Permit 66224 is issued subject to the terms and conditions imposed in said Permit 66224 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.

The total combined duty of Permits 72670, 72671, 72672 and 72673 is limited to 2046.21 acre-feet per season for the irrigation of 660 acres.

The issuance of this 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 volume of water pumped from this well and delivered to the irrigation system under this permit. The records will be submitted within 15 days after the end of each month on the monthly report for The Cortez Joint Venture.

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, and to the Pershing County and Lander County Stipulation dated May 21, 1993.

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.

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(PERMIT TERMS CONTINUED)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **1.24** cubic feet per second, **and not to exceed a seasonal duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

March 12, 2007

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

March 12, 2008

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

March 12, 2008

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **26th** day of **October**, A.D. **2006**

Tracy Taylor, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____