NO. 72741

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 2005**

Returned to applicant for correction_____

Corrected application filed_____

Map filed **SEP 03 1982 under 45834**

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The applicant **White Pine County** hereby makes application for permission to change the **Place of use** of water heretofore appropriated under **Permit No. 45847**

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1. The source of water is **Underground Sources-Well No. ST 1-9**

2. The amount of water to be changed **3.0 cfs, 2172 acre-feet annually**

3. The water to be used for **Industrial Purposes**

4. The water heretofore permitted for **Industrial Purposes**

5. The water is to be diverted at the following point **in the SW¼ NE¼ of Section 35, T.25N., R.64E., M.D.B.&M., whence the Northeast Corner of said Section 35 bears N.46°56'22"E., 2,828.54 feet distant.**

6. The existing permitted point of diversion is located within

7. Proposed place of use **1) Sections 3, 4, 5, T.19 N., R.64E., M.D.B.&M.; Sections 20, 21, 22, 27, 28, 29, 32, 33, 34, T.20 N., R.64 E., M.D.B.&M.; 2) Sections 4, 5, 6, 7, 8, 9, T.21 N., R.64 E., M. D. B. & M.; Sections 28, 29, 30, 31, 32, 33, T.22 N., R.64 E., M.D.B. & M.; or 3) Sections 1, 2, 3, 4, 9, 10, 11, 12, T.24 N., R.64 E., M.D.B. & M.; Sections 33, 34, 35, 36, T.25 N., R.64 E., M. D. B. & M.**

8. Existing place of use **Sections 2, 3, 4, 9, 10, & 11, T. 24N., R. 64E., M.D.B. & M.; Sections 33, 34, & 35, T.25N., R. 64E., M.D.B. & M.**

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 **A well will be drilled and cased. Pump, electrical equipment and other appurtenances will be installed. Water will be diverted through underground pipelines having a diameter of 12" to 42" inches to the place of use. At the place of use water may be stored in above ground storage tanks.**

12. Estimated cost of works **$45 million (total cost of the works for Permit No. 45834 through 45855, inclusive)**

13. Estimated time required to construct works **5 years**

14. Estimated time required to complete the application of water to beneficial use **10 years**

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15. Remarks: **This application is being filed in conjunction with twenty one (21) other applications for which the total combined consumption of water under Permits 45834 through 45855, inclusive, will not exceed 25,000 acre-feet annually. The water will be utilized by a proposed power generation facility. The power generation facility will be located within one of the three proposed Places of Use. Once the specific location of the power generation facility has been determined, Permittee will notify the State Engineer of this location.**

By **John A. Chachas, Chairman**
s/ **John A. Chachas**
801 Clark St., Suite 4
Ely, Nevada 89301

Compared **mt/gkl lb/**

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 place of use of the waters of an underground source as heretofore granted under Permit 45847 is issued subject to the terms and conditions imposed in said Permit 45847 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

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

The total combined duty of water under Permits 72728 through 72749 shall not exceed 25,000 acre-feet annually.

The issuance of this permit is subject to the terms and conditions of the State Engineer's Ruling issued August 17, 1983.

This permit is issued as a preferred use of the limited resource as authorized by NRS §534.120 (2) and set forth in the State Engineer's Order No. 821 issued on August 23, 1983.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

A monitoring plan must be developed and submitted to the State Engineer for approval prior to diversion of any water authorized under this permit. If information from the monitoring plan, or other study, demonstrates an adverse impact on other rights, mitigation will be required to the satisfaction of the State Engineer.

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(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 **3.0** cubic feet per second, **but not to exceed 2172 acre-feet annually.**

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

December 19, 2006

Proof of completion of work shall be filed before:

January 19, 2007

Water must be placed to beneficial use on or before:

December 19, 2011

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

January 19, 2012

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

NA

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **19th** day of **December**, A.D. **2005**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed **NA**

Certificate No. _____ Issued _____