No. 73266

SECOND AMENDED
APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office **SEP 22 2005**

Returned to applicant for correction **OCT 14 2005**

Corrected application filed **DEC 13 2005**

Map filed **DEC 13 2005**

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The applicant **The Cortez Joint Venture** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. **A joint venture between Placer Cortez Inc. (02/21/1996; Delaware) and Kennecott Explorations (06/17/1987; Foreign), operated by Placer Dome U.S. Inc. (04/17/1956; Foreign)**

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1. The source of the proposed appropriation is **an unnamed spring #1**

2. The amount of water applied for is 0.0155 **c.f.s.** second-feet

(a) If stored in reservoir give number of acre-feet

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

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered **estimated at 500 head of cattle**

(c) Other use (describe fully under No. 12. "Remarks")

(d) Power:
(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point **NW¼ SE¼ of Section 1, T. 26 N., R. 47 E., M.D.M., or at a point from which the SE corner of said Section 1 bears S. 36° 49' E., a distance of 3,225 feet.**

6. Place of Use **within the NW¼ SE¼ of Section 1, T. 26 N., R. 47 E., M.D.M.**

7. Use will begin about **January 1** and end about **December 31 of** each year.

8. Description of proposed works **water will be diverted at the spring source and conducted to a pond or trough.**

9. Estimated cost of works **$1,500.00**

10. Estimated time required to construct works **2 years**

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

12. Remarks: **Applicant will insure the continued availability of water for wildlife, which currently utilize this source.**

Bruce R. Scott, P.E., Resource Concepts, Inc.
By **s/ Bruce R. Scott**
340 North Minnesota Street
Carson City, NV 89703

Compared **mt/bk** **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 is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This 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 73266, 73267, 73268, 73269, 73270, 73271 and 73272 shall not exceed 0.0155 cubic feet per second, or sufficient to water 500 head of cattle.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

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

(CONTINUED ON PAGE 3)

73266

(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 **0.0155** cubic feet per second, **or sufficient to water 500 head of cattle.**

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

May 30, 2008

Proof of completion of work shall be filed on or before:

June 30, 2008

Water must be placed to beneficial use on or before:

May 30, 2011

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

June 30, 2011

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 **30th** day of **May,** A.D. **2006**

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____