No.73588-T

TEMPORARY

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 DEC 19 2005

Returned to applicant for correction

Corrected application filed

Map filed DEC 29 2005 under 73585T

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The applicant **Florida Canyon Mining Company** hereby make application for permission to change the **Point of Diversion** of water heretofore appropriated under **Permit 48999, Certificate 13239**

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

2. The amount of water to be changed **0.29 second feet**

3. The water to be used for **Mining, Milling and Domestic**

4. The water heretofore permitted for **Mining, Milling**

5. The water is to be diverted at the following point **NW/4 of the SW/4, Section 34, T.32N., R.33E., MDB&M Or a point from which the southwest corner of said Section 34 bears S26°W a distance of 2,800 feet.**

6. The existing permitted point of diversion is located within **SW/4 NW/4 Section 3, T.31N, R.33E, MDB&M Or a point from which the southwest corner of said Section 3 bears S18°W a distance of 3,420 feet**

7. Proposed place of use **All of sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 37, 38, and 39, T.31N, R.33E MDB&M**

8. Existing place of use **All of sections 2, 3, 4, 9, 10, 11, 14, 15, 16, 37, 38, and 39, T.31N, R.33E MDB&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 **A well, storage tank and water pipe to tie in to the existing water pipeline**

12. Estimated cost of works **$60,000**

13. Estimated time required to construct works **two months**

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

15. Remarks: **14.535 MGA The proposed Place of Use is depicted on the map filed under permit 48996**

By Clay Postlethwaite
s/Clay Postlethwaite
4600 Kietzke Lane, Suite C129
Reno, Nevada 89502

Compared sc/ 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 temporary permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 48999, Certificate 13239 is issued subject to the te39and 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permit 48997, Certificate 13237; Permit 48998, Certificate 13238; Permit 48999, Certificate 13239; Permit 49931, Certificate 13240; Permit 50061, Certificate 13953; Permit 50248, Certificate 14448; Permit 53342, Certificate 13245; Permits 57096, 57097, 57098, 61203, 61643, 61644, 61707, 73131T through 73139T, inclusive, and 73585T through 73588T, inclusive, shall not exceed 2415.21 acre-feet annually.

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 along with the water level (static or pumping) of each permitted well with the pumping report.

Any pumping of water under this temporary permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well unless the holder of this permit and the owner of the domestic well have agreed to alternative measures that mitigate adverse effects.

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This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **February 12, 2007** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.29** cubic feet per second, **but not to exceed 44.6 acre-feet annually.**

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

N/A TEMPORARY

Proof of completion of work shall be filed before:

N/A TEMPORARY

Water must be placed to beneficial use on or before:

N/A TEMPORARY

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

N/A TEMPORARY

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

N/A TEMPORARY

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **13th** day of **February** A.D. **2006**

State Engineer