TEMPORARY **No. 73726T**

AMENDED

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 **JAN 19 2006**

Returned to applicant for correction **JAN 31 2006**

Corrected application filed **MAR 06 2006**

Map filed **MAR 06 2006 under 73720T**

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The applicant **Robinson Nevada Mining Company** hereby makes application for permission to change the **Point of diversion of a portion** of water heretofore appropriated under **Permit No. 62807 (Block 16)**

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1. The source of water is **Underground, W-11 (TVW-11)**

2. The amount of water to be changed **0.1 cfs**

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

4. The water heretofore permitted for **Mining, Milling, Domestic and Dewatering**

5. The water is to be diverted at the following point **in the NE¼ SE¼ of Section 7, T.16N., R.62E., M.D.M. or at a point from which the Northeast Corner of Section 3, T.16N., R.62E., M.D.M., Bears N.65°00'47"E., 18,254.98 feet distant**

6. The existing permitted point of diversion is located within **the SE¼ of Section 7, T.16N., R.62E., M.D.M. or at a point from which the Northeast corner of Section 3, T.16N., R.62E., M.D.M. bears N.63°07'40"E., 19,579.73 feet. distant**

7. Proposed place of use **Sections 12, 13, 23, 24, 25, 26 within T.16N., R.61E., M.D.M.; Sections 2-22, 29, 30 within T.16N., R.62 E., M.D.M.; Sections 7, 17-20 within T.16N., R.63E., M.D.M.; Section 33 within T.17N., R.62E., M.D.M**

8. Existing place of use **Sections 12, 13, 23, 24, 25, 26 within T.16N., R.61E., M.D.M.; Sections 2-22, 29, 30 within T.16N., R.62E., M.D.M.; Sections 7, 17-20 within T.16N., R.63E., M.D.M.; Section 33 within T.17N., R.62E., 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 **Existing dewatering well equipped with pump, totalizing flow meter and a piping system to divert the water to the process system.**

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

13. Estimated time required to construct works **Existing dewatering well**

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

15. Remarks:

By Dean Neubauer
s/ Dean Neubauer
824 E. Aultman Street
Ely, Nevada 89301

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 a portion of the waters of an underground source as heretofore granted under Permit 62807 is issued subject to the terms and conditions imposed in said Permit 62807 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 temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This temporary permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

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

The total combined duty of Permits 43378, 43379, 43381, 55906, 55908 and 55910, Certificate 15215; Permits 55915 and 58245, Certificate 15216; Permit 58793, Certificate 15217; Permit 61745, Certificate 15218; Permit 62685, Certificate 15219; Permits 62792 through 62812, inclusive, and Temporary Permits 73720T, 73721T, 73722T, 73723T, 73724T, 73725T, 73726T and 73727T will not exceed 13,204.0 acre-feet annually (AFA).

The permittee will comply with the monitoring plan approved by the State Engineer, which will be subject to revision upon review of the data generated. The data and analysis of the data will be submitted to the State Engineer on a monthly basis, subject to any revision of the frequency of the data collected.

The State Engineer requires that a monthly record shall be kept of: (A) the volume of water pumped from each well, (B) the measurement of pumping water level (drawdown) from each production, dewatering and monitoring well, (C) the volume of water consumptively used for mining and milling uses projectwide, and (D) the volume of water used for dust control purposes projectwide. This record will be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued with the understanding that any application to change the point of diversion must remain within the Steptoe Valley Ground Water Basin as defined by the State Engineer.

This temporary permit is issued with the understanding that an application to change any well drilled under State Engineer's Order No. 1143 must be filed on or before January 15 of the following year in which water was developed from that point of diversion. This application to change must set forth the exact location of the point of diversion and the amount of water pumped for the calendar year.

This temporary permit is issued subject to conditions set forth in State Engineer's Order No. 1143.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **April 20, 2007** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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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 **0.1** cubic feet per second, **but not to exceed 72.4 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 on or 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 **21st** day of **April** A.D. **2006**

State Engineer