TEMPORARY No. 74146T

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 10 2006

Returned to applicant for correction

Corrected application filed

Map filed APR 13 2006

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The applicant **Elko Land and Livestock Company** hereby makes application for permission to change the **Point of Diversion and Manner of Use and Place of Use of a portion** of water heretofore appropriated under **Permit 71424**

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

2. The amount of water to be changed **5.75 cfs**

3. The water to be used for **Dewatering, construction, and infiltration**

4. The water heretofore permitted for **Industrial (Power Generation) Purposes**

5. The water is to be diverted at the following point **TS Power Plant-Coal Unloading Structure dewatering within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M.; see attachment for details.**

6. The existing permitted point of diversion is located within **Barrick Mine-BVI 2 within the NE¼ SW¼, Section 24, T35 N, R48 E, M.D.M., at a point from which the E¼ corner of said Section 24 bears N 87°44'21" E a distance of 2810 feet.**

7. Proposed place of use **S½, Section 11 and N½, Section 14, T33N, R48E, M.D.M.; Eureka County**

8. Existing place of use **Sections 11, 12, 13, 14, 15, 22, 23, and that portion of N½, Section 27 within Boulder Flat (061), T33N, R48E, M.D.M.; Eureka County**

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 **Drilled, cased wells with motors and pumps, totalizing flow meters, and pipelines to the place of use.**

12. Estimated cost of works **$10,000 (ten thousand dollars)**

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

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

15. Remarks: **This application is submitted subject to the terms of dewatering construction waiver DEW-59 and modifications thereto (filed herewith). Water will first be consumed for construction at an average rate of 125 gpm for concrete processing and 100 gpm for dust abatement), the remainder to be infiltrated via unlined ponds of less than 500 square feet each.**

By **Scott Paine Water Rights Administrator**
s/ **Scott Paine**
Environmental Department, PO Box 669
Carlin, Nevada 89822

Compared lt/ gkl dl/ 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, manner of use and place of use of a portion of the waters of an underground source as heretofore granted under Permit 71424 is issued subject to the terms and conditions imposed in said Permit 71424 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.

Monthly records shall be kept of the amount of water consumptively used for construction and the amount of water infiltrated back to the groundwater source. The pumpage records are to be submitted to the State Engineer on a quarterly basis.

The amount of water consumptively used for construction and the amount of water infiltrated back to the groundwater source must be reported separately.

The total combined consumptive duty of water under Permits 74146-T and 74203-T shall not exceed 202 acre-feet. All water diverted in excess of the total combined consumptive duty shall be returned to the source.

The total pumping rate under Permits 74146T and 74203T shall not exceed 11.14 cubic feet per second. The total combined duty under Permits 74146T and 74203T shall not exceed 4171.74 acre-feet annually.

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

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

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **May 8, 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 **5.75** cubic feet per second, but not to exceed a consumptive duty of **202 acre-feet.**

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

9th day of **May,** A.D. **2006**

State Engineer

Attachment to applications to change existing permits 71424 and 71432

Well ID	Proposed point of diversion legal description
TSDW 1	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°53'26" E a distance of 11416 feet.
TSDW 2	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 42°06'16" E a distance of 11453 feet.
TSDW 3	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 42°19'13" E a distance of 11489 feet.
TSDW 4	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 42°32'45" E a distance of 11530 feet.
TSDW 5	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 42°44'18" E a distance of 11570 feet.
TSDW 6	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 42°33'09" E a distance of 11612 feet.
TSDW 7	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 42°22'17" E a distance of 11654 feet.
TSDW 8	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 42°12'44" E a distance of 11688 feet.
TSDW 9	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°56'07" E a distance of 11700 feet.
TSDW 10	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°39'10" E a distance of 11711 feet.
TSDW 11	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°20'38" E a distance of 11653 feet.
TSDW 12	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°21'07" E a distance of 11594 feet.
TSDW 13	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°21'33" E a distance of 11539 feet.
TSDW 14	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°30'43" E a distance of 11503 feet.
TSDW 15	within the SW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E bears S 41°41'49" E a distance of 11461 feet.

April 6, 2006