



CORRECTED PERMIT
THE STATE OF NEVADA
PERMIT TO APPROPRIATE WATER

Name of applicant: LIEBHERR MINING EQUIPMENT COMPANY
Source: UNDERGROUND
Basin: ELKO SEGMENT
Manner of Use: COMMERCIAL
Period of Use: January 1st to December 31st
Priority Date: 12/26/2006

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 existing rights. 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 amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 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. The State retains the right to regulate the use of the water herein granted at any and all times.

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 point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this 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 0.01 cubic feet per second, but not to exceed 1.27 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: August 7, 2009
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: August 7, 2012
Map in support of proof of beneficial use shall be filed on or before: N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 14th day of August, A.D. 2007

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____



see Corrected Permit

Permit No. 75214

THE STATE OF NEVADA

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This permit is issued subject to existing rights. 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 amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 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. The State retains the right to regulate the use of the water herein granted at any and all times.

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 point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this 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 1.01 cubic feet per second, but not to exceed 1.27 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: August 7, 2009
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: August 7, 2012
Map in support of proof of beneficial use shall be filed on or before: N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 7th day of August, A.D. 2007

Tracy Taylor, P.E.
State Engineer

Completion of work filed
Proof of beneficial use filed
Cultural map filed
Certificate No. Issued

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

Date of filing in State Engineer's Office _____ DEC 26 2006 _____
Returned to applicant for correction _____ JAN 10 2007 _____
Corrected application filed _____ FEB 01 2007 _____
Map filed _____ FEB 01 2007 _____

The applicant **Liebherr Mining Equipment Company** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. **Virginia, 7 Oct 1970**

1. The source of the proposed appropriation is **Underground**
2. The amount of water applied for is **0.01** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **Commercial**
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
 - (c) Other use (describe fully under No. 12. "Remarks") **Commercial Operation**
 - (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 **within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, T.35N, R.56E., M.D.M. from which the SW corner of said Section 2 bears S. 17°17'W., 404 ft. dist.**
6. Place of Use **Parcel No. 3. of parcel map file no. 456978 on file at the office of the Elko County Recorder Said parcel is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T.35N., R.56E., M.D.M.. A print is enclosed herein.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works **drilled well with submersible pump and fire storage tank of 12,000 gal., fire protection piping, domestic water piping and landscape piping.**
9. Estimated cost of works **\$200,000.00**
10. Estimated time required to construct works **1½ years**
11. Estimated time required to complete the application of water to beneficial use **5 years**

75214

12. Remarks: Primary purpose of business – mining equipment warehousing; estimated amount of use: 14 employees, restrooms, showers, incidental landscaping = 1100 gal/day, plus 12,000 gal. storage for fire suppression. Total: 1.27 AFA. There is the likelihood of dividing this parcel into two parcels and supplying the other parcel with water. The anticipated usage of the other parcel is similar and therefore the usage amount listed in number 2 has been doubled to reflect this.

By William A. Nisbet, Agent
s/William A. Nisbet
421 Court Street
Elko, NV 89801

Compared hk/mt

Protested _____
