Permit No. 76098T

TEMPORARY

THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant:	**BLACK ROCK CITY, LLC**
Source:	**COTTONWOOD CREEK**
Basin:	**HUALAPAI FLAT**
Manner of Use:	**COMMERCIAL**
Period of Use:	**August 1st to October 1st**
Priority Date:	**04/14/1911**

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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, place and manner of use of a portion of the waters of Cottonwood Creek (Middle Fork-Floodwaters) as heretofore granted under Permit 2010, Certificate 13617 is issued subject to the terms and conditions imposed in said Permit 2010, Certificate 13617 and with the understanding that no other rights on the source will be affected by the change proposed herein. A measuring device must be installed and measurements of water use kept.

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 **October 1, 2007** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

During the period of use of this temporary permit, 6.14 acres of Permit 2010, Certificate 13617 and Permit 2579, Certificate 7692 must be removed from irrigation.

The point of diversion and place of use are 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 0.20 cubic feet per second or 18.41 acre-feet seasonally.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:	**N/A**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:	**N/A**
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 27th day of **August**, A.D. **2007**

Tracy Taylor, P.E.

State Engineer

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Serial No. 76098T

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office JUL 2 7 2007

Returned to applicant for correction

Corrected application filed Map filed AUG 0 2 2006 under 74586-T

The applicant **Black Rock City, LLC**

P.O. Box 319 of **Gerlach**

Street and No. or P.O. Box No. City or Town

Nevada 89412, hereby make_application for permission to change the

State and Zip Code No.

Point of Diversion, Place and Manner of Use of a portion

of water heretofore appropriated under, **Permit 2010 / Certificate 13617**

Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

1. The source of water is **Cottonwood Creek (Middle Fork) (Floodwaters)**
   Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed **0.20 c.f.s., not to exceed 6.0 m.g.a.**
   Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for **Commercial – Dust Control**
   Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.
4. The water heretofore used for **Irrigation**
   If for stock state number and kind of animals. RH
5. The water is to be diverted at the following point **NE¼ SW¼ Section 2, T. 34 N., R. 23 ~~N~~ E., M.D.M, or at a**
   Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner If on unsurveyed land, it should be stated.

point S. 36° E. 4350 feet from the NW corner of said Section 2. Applicant proposes to divert water to water trucks from an existing ditch to which Cottonwood Creek is tributary. See supporting map filed under Application 74586T.

6. The existing point of diversion is located within **SW¼ NE¼ Section 3, T. 34 N., R. 22 E., M.D.M.**
   If point of diversion is not changed, do not answer.

See supporting map filed under Permit 2010, Certificate 13617.

24-WD

7. Proposed place of use **See attached description and supporting BLM Closure Map filed under**
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

Application 74586T.

8. Existing place of use **80.0 acres in the SE¼ NW¼, SW¼ NE¼, Section 35, T. 35 N., R. 23 E., less 7.5**
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation
acres in the SW¼ NE¼ Section 35, T. 35 N., R. 23 E. being removed for the purpose of this Application.
permit, describe acreage to be removed from irrigation.
See stripping map filed under Application 74586T.

9. Use will be from **August 1** (Month and Day) to **October 1** (Month and Day) 2007.

10. Use permitted from **April 15** (Month and Day) to **October 15** (Month and Day) of each year.

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) **Pump from open channel into truck tenders**
State manner in which water is to be diverted, i.e. diversion structure, ditches,
pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works **$5,000**

13. Estimated time required to construct works **No construction required.**
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use **N/A**

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

2007 JUL 27 PM 3: 1
STATE ENGINEER'S OFFICE

Bruce R. Scott, Resource Concepts, Inc.
Type or print name clearly

By
Signature, applicant or agent

340 North Minnesota Street
Street and No., or P.O. Box No.

Carson City, Nevada 89703
City, State, Zip Code No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$100 FILING FEE MUST ACCOMPANY APPLICATION

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ITEM #7 – PROPOSED PLACE OF USE

Portion of the S½ Section 34, S½ Section 35, S½ Section 36, all in T. 34 N., R. 24 E.;

Sections 25, 26, 27, portion of the E½ Section 28, portion of the W½, E½, Section 33, Sections 34, 35, 36, all in T. 33½ N., R. 24 E.;

Portion of the S½, N½ Section 1, Sections 2, 3, 4, SE¼ Section 5, N½ Section 10, portion of the N½ Section 11, all in T. 33 N., R. 24 E.;

Portion of the NW¼ Section 4, T. 33 N., R. 25 E.;

Portion of the SW¼ Section 33, T. 34 N., R. 25 E.;

All in the M.D.M.

As shown on the supporting map filed under 74586T.

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STATE ENGINEER'S OFFICE