Permit No. 77623T

# 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

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| **Name of applicant:** | **KOBEH VALLEY RANCH LLC** |
| **Source:** | **UNDERGROUND** |
| **Basin:** | **DIAMOND VALLEY** |
| **Manner of Use:** | **CONSTRUCTION** |
| **Period of Use:** | **January 1st to December 31st** |
| **Priority Date:** | **04/22/1960** |

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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 an underground source as heretofore granted under Permit 57838, Certificate 15993, is issued subject to the terms and conditions imposed in said Permit 57838, Certificate 15993 and 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 total combined duty of water under Permits, 71234, 72917, 72918, 73204, 73431, 73432, 74679, 75105, 75107, 77469T, 77621T, 77622T, 77623T, 77624T and 77625T shall not exceed 1127.452 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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The water use for construction purposes under Temporary Permits 77469T, 77621T through 77625T, inclusive, must be metered separately from any other uses.

(Continued on Page 2)

The point of diversion and place of use are as described 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 0.055 cubic feet per second or 10.33 acre-feet annually.**

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| 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 6th day of **March**, A.D. **2009**

K. Hill P.E.
for State Engineer

llb

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Application No. 77623T

# 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 NOV 20 2008

Returned to applicant for correction _____

Corrected application filed _____ Map filed SEP 09 2005 under 72917

The applicant Kobeh Valley Ranch, LLC

1726 Cole Blvd. Suite 115 (Street Address or P.O. Box) of Lakewood (City or Town)

Colorado, 80401 (State and Zip Code), hereby make(s) application for permission to change the

☒ Point of diversion ☒ Place of use ☒ Manner of use ☒ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 57838, Certificate 15993

1. The source of water is Underground (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed ~~82~~ 10.33 acre-feet with a pro rata diversion rate (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Construction (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 and Domestic (If for stock, state number and kind of animals.)
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
   SE1/4 SE1/4 of Section 10, T.19N., R.53E., M.D.B.&M at a point from which the S1/4 corner of said Section 10 bears South 76° 24' West a distance of 2,172 feet. For proposed point of diversion see map filed under Permit 72917.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   NW 1/4 NW 1/4 Section 13, T.23N., R.52E., M.D.B. & M., or at a point from which the NW corner of said Section 13 bears N.85°56' 15" W., a distance of 1,081.80 feet situated in Eureka County, State of Nevada.

[pbl 16620.001 /4 832-4760-1155 (pw4)]

153-EU

77623T

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
Eureka County Assessor Parcel (APN) 001-221-02 and 001-221-05; Eureka Canyon Subdivision, approximately 164.19 acres within SE1/4 NE1/4, NE1/4 NE1/4, E1/2 E1/2 NW1/4 NE1/4, NE1/4 SE1/4 lying easterly of US Highway 50, W1/2 E1/2 SE1/4 SE1/4, E1/2 E1/2 SW1/4 NE1/4 lying easterly of US Highway 50, E1/2 E1/2 NW1/4 SE1/4 lying easterly of US Highway 50, W1/2 SE1/4 SE1/4 lying easterly of US Highway 50, and ~~S1/2 W1/2 SW1/4 NE1/4~~ of section 11, all in T.19N., R.53E., M.D.B.&M. See map filed under Application 77469T as Exhibit A.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
W1/2 SE1/4 NE1/4 Lying east of the highway
15.55 acres within the SE 1/4 NW 1/4 of Section 13, T.23N., R.52E., M.D.B.&M. For existing place of use see map filed under Application 77469T as Exhibit B.
RAL 11/20/08

9. Proposed use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.

10. Existing use permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.

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

12. Estimated cost of works No cost; water will be diverted using existing works.

13. Estimated time required to construct works Well completed; see well log No. 98098. (If well completed, describe well.)

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

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing.)
The water will be used in the preliminary construction phase of the Eureka Canyon Subdivision, which is expected to be substantially completed by December 2009. The well from which water will be diverted is being used with permission from the well owner, Barrick Ruby Hill Mine. Water will be developed from six existing wells and piped to a stand where it will be transported to the the place of use via water trucks. Filed concurrently herewith are four other temporary applications to change 62 acre-feet of permit 57838. In addition, the Applicant previously filed Application 77469T. Applicant requests that the total combined duty of all six applications to change shall be limited to 62 acre-feet.

16. Miscellaneous remarks:

(775) 323-1601
Phone No.

JZimmerman@parsonsbehle.com
E-mail

By John R. Zimmerman
Print or type name clearly

John R. Zimmerman
Signature, applicant or agent

Parsons, Behle & Latimer
Company Name

50 W. Liberty St. Ste. 750
Street Address or P.O. Box

Reno, Nevada 89501
City, State, Zip Code

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STATE ENGINEERS OFFICE

*APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT*

*$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION*