

## THE STATE OF NEVADA

### PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: M-I, LLC  
Source: UNDERGROUND  
Basin: CARICO LAKE VALLEY  
Manner of Use: MINING AND MILLING  
Period of Use: January 1st to December 31st  
Priority Date: 08/24/1978

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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 permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 76671 is issued subject to the terms and conditions imposed in said Permit 76671 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.

The permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

This 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 Permit 17654, Certificate 5250; Permit 26872, Certificate 8431; Permit 29694, Certificate 9087; Permit 35814, Certificate 10284; Permits 64260, 64261 and 79547 shall not exceed 1076.11 acre-feet annually.

This 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 permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(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 0.194 cubic feet per second or 26.83 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

August 30 2011

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

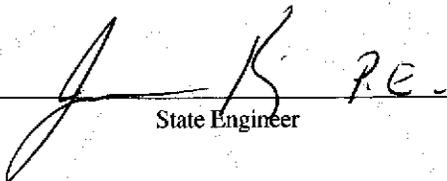
August 30 2012

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 30<sup>th</sup> day of August, A.D. 2010

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

**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 FEB 16 2010

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_ Map filed MAR 13 1997 under \_\_\_\_\_

62899T

The applicant M-1 L.L.C.  
P.O. Box 370 of Battle Mountain  
Street Address or PO Box City or Town  
Nevada, 89820 hereby make(s) application for permission to change the  
State and ZIP Code

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

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

Permit 76671

1. The source of water is underground  
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.194 cfs  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Mining and Milling  
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 Mining and Milling  
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.)  
NE4NE1/4 of Section 26 ( unsurveyed), T.28N.,R.45E., M.D.B.&M. or at a point from which the SE corner of Section 36, T.28N.,R.45E., M.D.B.&M., bears S31°48'56"E, a distance of 11204.0 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)  
NE4NE1/4 of Section 26 ( unsurveyed), T.28N.,R.45E., M.D.B.&M. or at a point from which the SE corner of Section 36, T.28N.,R.45E., M.D.B.&M., bears S28°58'16"E, a distance of 11184.0 feet.

SS-LA

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Section 25, E1/2 of Section 26, NE1/4 Section 35, N1/2 of Section 36, T.28N., R.45E., M.D.B.&M. and Lots 1,2,3,4 and the SE1/4SW1/4 of Section 30, Lots 1,2 and the E1/2NW1/4 of Section 31, T.28N., R.46E., M.D.B.&M.

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.)

Section 25, E1/2 of Section 26, NE1/4 Section 35, N1/2 of Section 36, T.28N., R.45E., M.D.B.&M. and Lots 1,2,3,4 and the SE1/4SW1/4 of Section 30, Lots 1,2 and the E1/2NW1/4 of Section 31, T.28N., R.46E., M.D.B.&M.

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

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

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.)

A drilled well and water distribution system.

12. Estimated cost of works \$20,000.00±

13. Estimated time required to construct works Complete (see well log filed under permit 64260 Cert 17458)

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 2 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

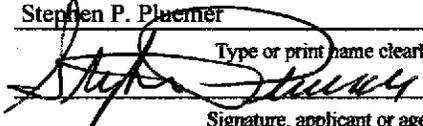
The well under Permit 76671 is not producing water in the permitted amount, the permittee wishes to change the point of diversion to the point of diversion for Permit 64260 Cert. 17458.

16. Miscellaneous remarks:

Please use the supporting map for Permit 76671 to show the existing point of diversion and place of use and use the supporting map for Permit 64260 Cert. 17458 to show the proposed point of diversion and place of use.

spluemer@miswaco.com  
E-mail Address  
775-635-5135  
Phone No.

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

Stephen P. Pluemer  
Type or print name clearly  
  
Signature, applicant or agent  
MI-SWACO  
Company Name  
P.O. Box 370  
Street Address or PO Box  
Battle Mountain, Nevada, 89820  
City, State, ZIP Code