TEMPORARY Application No. 81622 T

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 28 2012

Returned to applicant for correction _____

Corrected application filed _____ Map filed _____

The applicant Vidler Water Company, Inc.

3480 GS Richards Blvd. Suite 101 of Carson City
Street Address or PO Box City or Town

NV, 89703 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 62939

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 72.55 acre feet
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 Municipal
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.)
In the NE1/4 SW1/4 Section 6, T16N, R 21E, MDB&M, or to point from when SW corner of said Section 6, T16N, R21E, MDB&M bears South 55°00' West a distance of 2834 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
SW1/4 SW1/4 Section 12, T.16N., R.21E., MDB&M, or at a point from which the SW corner of said Section 12, bears South 68° 31' 29" W, a distance of 476.97 feet. Refer to map filed under Permit 62937.

103-SF

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

A portion of Township 16 North, Range 21 East, M.D.M., further described as: A portion of the W1/2 SW1/4, Section 4; A portion of the W1/2 NW1/4 and NW1/4 SW1/4 and S1/2 SW1/4 and E1/2 SE1/4, Section 5; A portion of the SW1/4 and S1/2 NE1/4, and E1/2 SE1/4 and SW1/4 SE1/4, Section 6; A portion of the E1/2 NW1/4 and NE1/4 SW1/4 and NE1/4 and NW1/4 SE1/4, Section 8.

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.)

See attachment A. Refer to map filed under Permit 62937.

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.)

The Water to be used for Mining and Milling operations.

12. Estimated cost of works $50,000.00

13. Estimated time required to construct works Notice of Intent 66613
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 10 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.)

Comstock Mining is moving forward to production commencing with crushing and leaching. They will need 175 - 200 acre feet for their operations. A new 3,000,000 gallon solution pond is under construction. Breaking ground soon on a 1,000,000 gallon process water storage pond above well WS-3. 85% of the crushing system is on site. The other concern for needing temporary change applications is that Storey County Water Utilities may not be able to provide all necessary water in peak demand times.

16. Miscellaneous remarks:

Reference map filed with the State Engineer with the temporary permit 81031T for the POD and the supporting map submitted with this temporary change application for the POD and POU. Comstock Mining, Inc. has entered into a one year leasing agreement with Vidler Water for 150 acre feet.

leanm@vidler water.com
E-mail Address

775-885-5000 106
Phone No. Ext.

LeAnn Brandt
Type or print name clearly

LeAnn Brandt
Signature, applicant or agent

Vidler Water Company, Inc.
Company Name

3480 GS Richards Blvd. Suite 101
Street Address or PO Box

Carson City, NV 89703
City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

RECEIVED 2012 FEB 28 PM 3:12 STATE ENGINEER'S OFFICE

Revised 07/09 $150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

WITHDRAWN BY APPLICANT FEB 29 2012

P.E. STATE ENGINEER

ATTACHMENT "A"

7. Proposed Place of Use

T.16N., R.21E., M.D.B. & M.:

All of Section 1; SE ¼ SE ¼, Section 2; All of Section 11; SW ¼, W ½ NW ¼, NE ¼ NW ¼, portion of the SE ¼ NW ¼, portion of the W ½ NE ¼, portion of the NE ¼ NE ¼, SW ¼ SE ¼, portion of the NW ¼ SE ¼, ~~portion of NW ¼ SE ¼~~, portion of the E ½ SE ¼, Section 12; Portion of the W ½ NW ¼, portion of the NE ¼ NW ¼, portion of the N ½ NE ¼, Section 13; E ½, Section 14; SE ¼ SW ¼, E ½, Section 23; N ½ Section 24; Portions of the NW ¼, Section 26; SW ¼, W ½ SE ¼, portion of the SE ¼ NE ¼, portion of the NE ¼ SE ¼, Section 27; E ½ SW ¼, SE ¼, Section 28; NE ¼ NW ¼, N ½ NE ¼, Section 33; N ½ NW ¼, Section 34.

T.16N., R.22E., M.D.B. & M.:

All of Section 3; N ½, N ½ SW ¼, SE ¼ SW ¼, portion of the SW ¼ SE ¼, Section 4; Portion of the NW ¼ NW ¼, Section 5; NW ¼, N ½ NE ¼, portion of the S ½ NE ¼, portion of the NW ¼ SE ¼, NW ¼ SW ¼, portion of the NE ¼ SW ¼, portion of the S ½ SW ¼, Section 6; W ½ W ½, NE ¼ NW ¼; portion of the NW ¼, NE ¼, Section 9; NW ¼ Section 16; All of Section 17; S ½ SW ¼, NE ¼ SW ¼, S ½ NE ¼, SE ¼, Section 18; All of Section 19.

T.17N., R.21E., M.D.B. & M.:

SE ¼ SE ¼, Section 36.

T.17N., R.22E., M.D.B. & M.:

S ½ N ½, S ½, Section 31; S ½ S ½, NW ¼ SW ¼, NW ¼ SE ¼, SE ¼ NE ¼ SE ¼, Section 33; SW ¼, S ½ NW ¼, NE ¼ NW ¼, portion of the SW ¼ NE ¼, S ½ SE ¼, Section 34.

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