Permit No. 81624T

# TEMPORARY

## THE STATE OF NEVADA

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

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|---|---|
| **Name of Permittee:** | **VIDLER WATER COMPANY, INC** |
| **Source:** | **UNDERGROUND** |
| **Basin:** | **DAYTON VALLEY** |
| **Manner of Use:** | **MINING AND MILLING** |
| **Period of Use:** | **ONE YEAR FROM DATE OF ISSUANCE** |
| **Priority Date:** | **07/14/1972** |

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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 the waters of an underground source as heretofore granted under Permit 61066, Certificate 15788 is issued subject to the terms and conditions imposed in said Permit 61066, 15788 and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water 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 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.

Monthly records shall be kept of the amount of water pumped from this well and all other permitted wells and/or ground water sources associated with Plum Mining Company, LLC, Comstock Mining, Inc. and/or The Billy the Kid Project and the records submitted to the State Engineer on a yearly basis within 15 days after the end of each calendar year.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.185 cubic feet per second or 36.2 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, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of **March**, A.D. **2012**

for State Engineer

TEMPORARY Application No. 81624 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 2 8 2012

Returned to applicant for correction _____

Corrected application filed _____ Map filed FEB 14 2012 under 81582

The applicant Vidler Water Company, Inc.

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

NV, 89703 (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 rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 61066, certificate 15788.

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

2. The amount of water to be changed 36.2 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 Quasi-Municipal 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.)

   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., M.D.B.&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 on file under Permit 61066, Certificate 15788.

103-55

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 SW1/2, 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.~~

See Attachment "A" JB Reference map filed 2/14/12 under 81582

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 Attached~~. Refer to map on file under Permit 61066, Certificate 15788.

See Attachment "B" JB

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 no log yet Notice of Intent 66613, one year needs works, well complete JB (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.


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

leann@vidlerwater.com
E-mail Address

775-885-5000 106
Phone No. Ext.


APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

RECEIVED 2012 FEB 28 PM 3:14 STATE ENGINEER'S OFFICE

 $150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Attachment "A"

8162 T

**ATTACHMENT TO THE 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**

**Proposed Place of Use**

Portions of

The NW 1/4 SW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SW 1/4, NE 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4 of Section 6. The SW 1/4 NW 1/4, SW 1/4 SW 1/4, NW 1/4 SW 1/4, SE 1/4 SW 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, SW 1/4 SE 1/4 of Section 5. The NW 1/4 SW 1/4 AND SW 1/4 SW 1/4 of Section 4. The NE 1/4 NW 1/4, SE 1/4 NW 1/4, NW 1/4 NE 1/4, NE 1/4 NE 1/4, SW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, NE 1/4 SE 1/4 of Section 8, all within T. 16 N. R. 21 E. M.D.M.

SWL
SEL
E-mail

The pipeline crosses portions of the SW 1/4 SE 1/4, SE 1/4 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 of Section 6. The NW 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, AND SW 1/4 SW 1/4 of Section ~~7~~ 5, all within T.16 N., R. 21 E., M.D.M.

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ATTACHMENT "B"

8. EXISTING Place of Use

Portions of T.16N., R.22E., M.D.B.& M. as follows:

A portion of the SW ¼ SE ¼, SE ¼ SW ¼, Section 4;

A portion of the N ½ NW ¼, Section 5;

NW ¼, N ½ NE ¼, portions of the S ½ NE ¼, portions of the NW ¼ SE ¼, NW ¼ SW ¼, portions of the NE ¼ SW ¼, portions of the S ½ SW ¼, Section 6;

A portion of the NW ¼ NE ¼, N ½ NW ¼, SW ¼ NW ¼, W ½ SW ¼, Section 9;

NW ¼ Section 16;

All of Sections 17 & 19;

S ½ SW ¼, NE ¼ SW ¼, SE ¼, S ½ NE ¼, Section 18;

Portions of T.16N., R.21E., M.D.B.& M. as follows:

All of Sections 1 & 11;

SE ¼ SE ¼, Section 2;

N ½ NW ¼, SW ¼ NW ¼, portions of the SE ¼ NW ¼, portions of the W ½ SW ¼, portions of the NE ¼, Section 12;

A portion of the NW ¼ NW ¼, Section 13;

W ½ NE ¼, portions of the E ½ NE ¼, SE ¼, 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, portions of the NE ¼ SE ¼, portions of the SE ¼ NE 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;

Portions of T.17N., R.21E., M.D.B.& M. as follows:

SE ¼ SE ¼, Section 36;

Portions of T.17N., R.22E., M.D.B.& M. as follows:

S ½ N ½, S ½, Section 31.

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