

## THE STATE OF NEVADA

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

**Name of Permittee:** ATNA RESOURCES INC.  
**Source:** UNDERGROUND (BPW5)  
**Basin:** KELLY CREEK AREA  
**Manner of Use:** MINING, MILLING, AND DEWATERING  
**Period of Use:** JANUARY 1ST THROUGH DECEMBER 31ST  
**Priority Date:** 10/07/2008

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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 a portion of the waters of an underground source as heretofore granted under Permit 77459, is issued subject to the terms and conditions imposed in said Permit 77459 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 total combined diversion of water under Permit 43130, Certificate 13070; Permit 48037, Certificate 14221; Permit 51388, Certificate 14222; Permit 51427, Certificate 14224; Permits 57885, 57887, 65629, 65630, 65631, 65632, 77459, 78956, 85178 and 85179 shall not exceed 13.61 cubic feet per second or 6,109 gallons per minute or 9,853 acre-feet annually.

The total combined consumptive use of water under Permit 43130, Certificate 13070; Permit 48037, Certificate 14221; Permit 51388, Certificate 14222; Permit 51427, Certificate 14224; Permits 57885, 57887, 65629, 65630, 65631, 65632, 77459, 78956, 85178 and 85179 shall not exceed 1,149 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.

This permit will allow the permittee to dewater the pit area and underground mining operations. Any water obtained as a result of the dewatering operation will be used first for mining, milling, heap leaching, drilling, road watering and other related mining and milling uses.

(Continued on Page 2)

This permit is also subject to the provisions of "Order Adopting Rules For Well Spacing and Modification of Regulations For Water Well and Related Drilling In the Northern Portion of the Designated Kelly Creek Groundwater Basin (4-66) entered December 30, 1993, Order 1087, on file in the office of the State Engineer.

Monthly records shall be kept of the following and reported within 10 days after the end of each month:

- A. The total volume of water pumped from each diversion in acre-feet.
- B. The maximum flow rate from each diversion in cubic feet per second or gallons per minute.
- C. The pumping water level from each well in feet above mean sea level.
- D. The volume of water consumptively used for mining and milling in acre-feet.
- E. The amount of water diverted to the infiltration sites in acre-feet.
- F. The amount of water diverted to other consumptive uses, if any, in acre-feet.
- G. The amount of water lost through evaporation or other system losses project wide.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies, and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

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 0.6 cubic feet per second or 434.38 acre-feet annually.**

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

April 26 2018

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

April 26 2021

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 26<sup>th</sup> day of **April, 2016**

  
 \_\_\_\_\_  
 State Engineer

**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 MAY 15 2015

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

Corrected application filed \_\_\_\_\_ Map filed MAY 15 2015 Under 85178

The applicant Atna Resources Inc.

P.O. Box 969 of Winnemucca  
Street Address or P.O. Box City or Town

Nevada 89446-0969, 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 right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree)

Permit 77459

1. The source of water is Underground BPW5  
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.60 cfs 434.38 acre feet annually  
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Mining, Milling & Dewatering  
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, Milling & Dewatering  
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 so stated.)  
SW1/4 SW1/4 of Section 28, T.38 N., R.42 E., M.D.B. & M., at a point from which the Southeast corner of said Section 28 bears S 77° 59' 54" E, 4951.34 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer)  
NW1/4 NW1/4 of Section 33, T.38 N., R.42 E., M.D.B. & M., at a point from which the Northeast corner of said Section 33 bears N 70° 49' 48" E, 4171.66 feet.

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7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)  
All of Sections 27 and 28, SE1/4 of Section 29, all of Sections 32 and 33, N1/2 N1/2 of Section 34,  
NW1/4 NW1/4 of Section 35, all in T.38 N., R.42 E., 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.)  
All of Sections 27 and 28, SE1/4 of Section 29, all of Sections 32 and 33, N1/2 N1/2 of Section 34,  
NW1/4 NW1/4 of Section 35, all in T.38 N., R.42 E., M.D.B. & M. (Same as proposed place of use  
in Item 7 above.)

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

10. Existing use permitted from January 1 to December 31 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.)  
Drilled well, pump, motor, totalizing meter, pipelines and storage ponds.

12. Estimated cost of works \$50,000

13. Estimated time required to construct works 3 years  
If well completed, describe well.

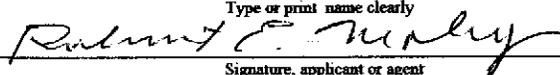
14. Estimated time required to complete the application of water to beneficial use 5 years

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)  
Atna Resources Inc. owns and operates an active underground mining operation permitted to  
extract 400,000 tons of gold ore per year. For mining activities to proceed, the water table must be  
lowered to ensure safe and stable underground mining conditions. This application, an additional  
application being filed concurrently changing the point of diversion of Permit 77459 and other permits  
controlled by the applicant will allow the mine dewatering to continue at a rate necessary for safe and  
stable mining operations. The annual duty under this application will be 434.38 acre feet and the  
total consumptive use under any permit subsequently issued from this application combined with other  
permits controlled by the applicant at the site will not exceed 1149 acre feet annually.

16. Miscellaneous remarks:  
In addition to the applicant and agent, please send copies of all correspondence regarding this permit  
to Atna Resources Inc., 14142 Denver West Parkway, Suite 250, Golden, CO 80401-3119 and  
Lewis Environmental Consulting, LLC, P.O. Box 189, Winnemucca, NV 89446-0189.

remorley@frontiernet.net  
E-mail Address  
(775) 738-4053  
Phone No. Ext

APPLICATION MUST BE SIGNED  
BY THE APPLICANT OR AGENT

Robert E. Morley  
Type or print name clearly  
  
Signature, applicant or agent  
High Desert Engineering, LLC  
Company Name  
640 Idaho Street  
Street address or P.O. Box  
Elko, Nevada 89801  
City, State, Zip Code