



## THE STATE OF NEVADA

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

**Name of Permittee:** KOBEB VALLEY RANCH, LLC  
**Source:** UNDERGROUND  
**Basin:** KOBEB VALLEY  
**Manner of Use:** MINING AND MILLING  
**Period of Use:** JANUARY 1ST TO DECEMBER 31ST  
**Priority Date:** 09/08/1972

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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 permit to change the point of diversion, place and manner of use of the waters of an underground source as heretofore granted under Permit 72583 is issued subject to the terms and conditions imposed in said Permit 72583 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

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

The total combined consumptive duty of water under Permits, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76745, 76746, 76989 and 76990 shall not exceed 5,007.64 acre-feet annually.

The total combined duty of water under Permits 72695, 72696, 72697, 72698, 73545, 73546, 73547, 73548, 73549, 73550, 73551, 73552, 74587, 75988, 75989, 75990, 75991, 75992, 75993, 75994 and 75995 shall not exceed 6,292.36 acre-feet annually.

The total combined duty of all of the above listed permits shall not exceed 11,300 acre-feet annually.

(Continued on Page 2)

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.

This permit is approved for the entire 211.25 acre-feet annually as requested. However, pursuant to NRS 533.3703, initially only the net consumptive use amount of the base right, 142.59 acre-feet, can be diverted annually. Additional diversion up to the total 211.25 acre-feet may be granted if it can be shown that the additional diversion will not cause the consumptive use of 142.59 acre-feet to be exceeded.

This permit is subject to the approval of a monitoring, management and mitigation plan by the State Engineer before any water is developed for mining.

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 1.0 cubic feet per second or 211.25 acre-feet annually.**

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

December 1 2012

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

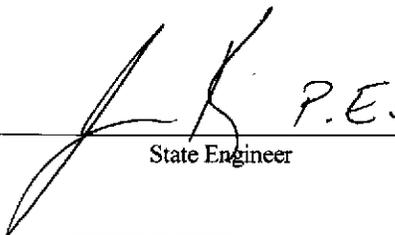
December 1 2012

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 1st day of December, A.D. 2011

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

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

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

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

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



## 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

Name of applicant: KOBEH VALLEY RANCH, LLC  
 Source: UNDERGROUND  
 Basin: KOBEH VALLEY  
 Manner of Use: MINING AND MILLING  
 Period of Use: January 1st to December 31st  
 Priority Date: 09/08/1972

\*\*\*\*\*

~~APPROVAL~~ OF STATE ENGINEER *Vacated by Court Order 4/10/10*

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, place and manner of use of the waters of an underground source as heretofore granted under Permit 72583, is issued subject to the terms and conditions imposed in said Permit 72583 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

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 Permits 73551, 73552, 75988, 75989, 75990, 75991, 75992, 75993, 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76745, 76746, 76989 and 76990 shall not exceed 11,300.00 acre-feet annually.

The total combined duty of water under Permits 75988, 75989, 75990, 75991, 75992, 75993, 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76745, 76746, 76989 and 76990 shall not exceed 5,961 acre-feet annually.

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 groundwater basin.

(Continued on Page 2)

Permits 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003 and 76004 are approved for the entire 6337.32 acre-feet annually as requested. However, pursuant to NRS 533.3703, initially only the net consumptive use amount of the base right, 3643.96 acre-feet, can be diverted annually. Additional diversion up to the total 6337.32 acre-feet may be granted if it can be shown that the additional diversion will not cause the consumptive use of 3643.96 acre-feet to be exceeded.

The issuance of this temporary 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.

A monitoring, management and mitigation plan, approved by the State Engineer, is required prior to the diversion of any water. The State Engineer retains the right to require the applicant to perform additional monitoring. The permittee, on a schedule acceptable to the State Engineer, shall prepare and present an update on the activities of the mine and the monitoring on a periodic basis. The State retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and to protect existing rights.

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 1.0 cubic feet per second or 211.25 acre-feet annually.**

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

July 21, 2012

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

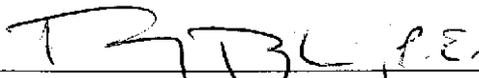
July 21, 2014

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

July 21, 2014

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 21st day of July, A.D. 2009

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

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

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

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

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

llb

**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 JUN 29 2007  
Returned to applicant for correction \_\_\_\_\_  
Corrected application filed \_\_\_\_\_ Map filed JUL 11 2007 under 75979

The applicant Kobeh Valley Ranch LLC

10 North Post Street, Suite 610 of Spokane  
Street and No. or P.O. Box No. City or Town

Washington 99201 hereby makes application for permission to change the  
State and Zip Code No.

**Point of Diversion, Place and Manner of Use**

of water heretofore appropriated under Permit No. 72583  
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.  
\_\_\_\_\_  
\_\_\_\_\_

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

2. The amount of water to be changed 1.0 cfs, 211.25 acre feet annually  
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 Irrigation and Domestic  
If for stock, state number and kind of animals.

5. The water is to be diverted at the following point within the SW 1/4 of the SW 1/4 of Section 21, T.22N.,  
Describe as being within a 40-acre subdivision of public survey and by course

R.51E., M.D.M., or at a point from which the southwest corner of Section 31, T.22N., R.51E., M.D.M.,  
and distance to a section corner. If on unsurveyed land, it should be stated.  
bears South 43°28' West a distance of 15,620 feet. (Well 204)

6. The existing point of diversion is located within the SW 1/4 of the NW 1/4 of Section 23, T.19N., R.47E.,  
If point of diversion is not changed, do not answer.

M.D.M., or at a point which bears South 43°41'48" East, 1908.68 feet from the NW corner of said Section  
23 (Well No. 2). Refer to map supporting Applications 72580 through 72588, filed April 12, 2005, in  
the State Engineer's Office.

139-EL

7. Proposed place of use \_\_\_\_\_  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

**See attached Exhibit "A" and as shown on the map that accompanied Application No. 72695.**

8. Existing place of use within the S 1/2 of Section 15; the S 1/2 N 1/2, a portion of the NW 1/4 NE 1/4, NE 1/4 NE 1/4, and N 1/2 S 1/2 of Section 21; N 1/2 and SW 1/4 of Section 22; N 1/2 of Section 23 and NW 1/4 of Section 24, all in T.19N., R.47E., M.D.M.. Refer to map supporting Applications 72580 through 72588, filed April 12, 2006, in the State Engineer's Office.  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

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

10. Use permitted from January 1 to December 31 of each year.  
Month and Day Month and Day

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

9. Estimated cost of works in excess of \$3,000,000.

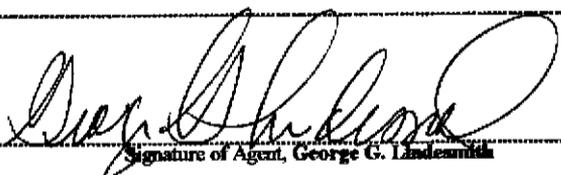
13. Estimated time required to construct works 3 years  
If well completed, describe well.

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

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.  
See attached addendum.

2007 JUN 29 PM 3:15

(775) 358-9491  
Phone No.

By   
Signature of Agent, George G. Lindsmith  
Tri State Surveying 1925 E. Prater Way  
Street and No., or P.O. Box No.  
Sparks, Nevada 89434  
City, State, Zip Code No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

S150 FILING FEE MUST ACCOMPANY APPLICATION (D)-1589A (Rev. 10-05)

Protested by Eureka Co. 8/30/07  
Pro. Overruled 3/26/09 See Ruling #5966 Vacated by Court Order 4/10/10  
Pro. Overruled 7/15/11 See Ruling #6127

## ADDENDUM TO ITEM 15 - "REMARKS"

This application, when granted, is intended to be utilized in conjunction with other Applications to Change filed simultaneously herewith. The Applications to Change are similarly intended to be utilized in conjunction with Applications to Appropriate numbered 72695 through 72698, 73545 through 73552 and 74587, previously filed with the State Engineer.

Water in the maximum annual volume of 16,000 acre feet annually will be utilized for mining, milling and domestic purposes within the place of use. The mining and milling operations will operate 24 hours per day, 365 days per year. The life of the mine is anticipated to be 53 years. When the plant is fully operational, water consumed in the initial stages will be substantially less than 16,000 acre feet annually, increasing to approximately 16,000 acre feet annually for a period commencing in the year 2020 and ending in 2052. Thereafter, the volume of water will gradually decline until the ore body is exhausted and the mining property is reclaimed.

The liquid cycle is fully contained, under NDEP zero discharge permits. Water saving and conservation devices will be fully implemented.

2007 JUN 29 PM 3:46

2007 JUN 29 PM 3:46

## EXHIBIT "A", PROPOSED PLACE OF USE, KOBEH VALLEY RANCH LLC

Division	Section	Township	Range	Meridian
All	1-3	21N	50E	M.D.M.
All	10-15	21N	50E	M.D.M.
All	22-27	21N	50E	M.D.M.
All	34-36	21N	50E	M.D.M.
All	1-36	21N	51E	M.D.M.
All	6 & 7	21N	52E	M.D.M.
All	18 & 19	21N	52E	M.D.M.
All	30 & 31	21N	52E	M.D.M.
All	36	21 1/2N	51 1/2 E	M.D.M.
All	31 - 36	21 1/2N	52E	M.D.M.
All	34-36	22N	50E	M.D.M.
All	1-3	22N	51E	M.D.M.
All	10-15	22N	51E	M.D.M.
All	20-29	22N	51E	M.D.M.
All	31-36	22N	51E	M.D.M.
All	1	22N	51 1/2 E	M.D.M.
All	12 & 13	22N	51 1/2 E	M.D.M.
All	24 & 25	22N	51 1/2 E	M.D.M.
All	36	22N	51 1/2 E	M.D.M.
All	1 - 36	22N	52E	M.D.M.
All	6 & 7	22N	53E	M.D.M.
All	18 & 19	22N	53E	M.D.M.
All	30 & 31	22N	53E	M.D.M.
All	34-36	23N	51E	M.D.M.
All	31	21 1/2 N	53E	M.D.M.

STATE OF MISSISSIPPI  
 2007 JUN 29 PM 3:46