

**IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA**

**ORDER**

**#1265**

**ADOPTING RULES TO ALLOW FOR MULTIPLE POINTS OF DIVERSION FOR WATER USE FOR MINING, MILLING AND DEWATERING OPERATIONS WITHIN THE DESIGNATED MAGGIE CREEK AREA HYDROGRAPHIC BASIN (051), ELKO AND EUREKA COUNTIES, NEVADA**

**WHEREAS**, this Order is issued pursuant to the provisions of chapter 534 of the Nevada Revised Statutes (NRS) that authorize the State Engineer to prescribe and adopt rules and regulations for the administration of groundwater. The State Engineer finds that, as a result of the necessities and unique characteristics of mining operations, which includes dewatering and its associated consumptive and non-consumptive uses, the adoption of rules to allow multiple points of diversion to support mining operations at the Gold Quarry and North Area Mines north of Carlin, in Elko and Eureka Counties, Nevada, is warranted. The area is more particularly described as being all or a portion of the following:

**Greater Gold Quarry Area:**

T.33N., R.51E., M.D.B.&M.

Sections 1, 2, 3, 4, 5, 10, 11, 12, 14 and 15 and those portions of Sections 13, 22, 23 and 24 lying within the natural drainage basin of Maggie Creek Area.

T.33N., R.52E., M.D.B.&M.

Sections 3, 4, 5, 6, 7, 8, 9, 10, 15 and 16 and those portions of Sections 2, 11, 14, 17, 18, 21, 22, 23, 26 and 27 lying within the natural drainage basin of Maggie Creek Area.

T.34N., R.51E., M.D.B.&M.

Sections 4, 5, 8, 9, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35 and 36.

T.34N., R.52E., M.D.B.&M.

Sections 28, 29, 30, 31, 32 and 33 and that portion of Section 34 lying within the natural drainage basin of Maggie Creek Area.

T.35N., R.50E., M.D.B.&M.

Section 24 and those portions of Sections 13, 14 and 23 lying within the natural drainage basin of Maggie Creek Area.

T.35N., R.51E., M.D.B.&M.

Sections 19, 29, 30 and 32.

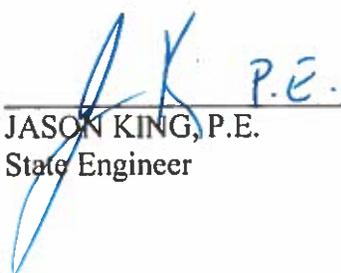
**WHEREAS**, the State Engineer finds that the procedures set forth in this Order effect compliance with NRS 534.050 under authority provided in NRS 534.120.

**IT IS HEREBY ORDERED**, that within the above-described area the following rules shall apply:

1. The operator shall file one application to appropriate water in the amount equal to the total combined annual duty of water presently held for mining and milling purposes within 30 days after issuance of this Order. The proposed point of diversion described in the application will be the surface expression of the approximate centroid of the Gold Quarry Mine as of the date of filing. The application shall be accompanied with a substantially accurate description of the point of diversion by bearing and distance to an established survey corner and by GPS coordinates and a supporting map. The proposed place of use described in the application shall be the Greater Gold Quarry Area, as described above.
2. Upon approval of any such application or subsequent temporary application(s), wells and other underground water diversions may be constructed anywhere within the above-described area as required for mine dewatering purposes and subsequent use for associated mining and milling purposes.
3. Beginning in 2016, and by February 15<sup>th</sup> annually thereafter, the operator shall file a temporary change application requesting a permit for the anticipated water requirement for the forthcoming year. Separate temporary change applications shall be filed annually for each major manner of use.
4. The State Engineer shall review and may approve the above-described application(s) in accordance with the provisions in NRS chapters 533 and 534.
5. Together with the application filed as set forth in (3) above, the operator shall file with the State Engineer an annual report setting forth in detail, each individual well and other site groundwater withdrawals (acre-feet) for dewatering, mining, milling, irrigation, discharge, dust control and domestic purposes as well as documentation of all other distribution of water diverted and infiltrated for the previous year. The annual report must further document the status and location (with GPS coordinates) of each well constructed in the project area together with a description of all other diversions of groundwater from sumps, seeps, horizontal and vertical drain holes.
6. After consideration of the total groundwater withdrawals, injection, infiltration and consumptive use from the previous year, the State Engineer will consider all the evidence and may approve the annual temporary change application(s) for the total amount of water projected to be pumped by the applicant for the forthcoming year.
7. The statutory fees set forth in NRS 533.435 for the temporary permits approval shall be based upon the total amount of water in acre-feet granted in any of the application(s). The applicant cannot exceed the estimated pumping volume approved for the year under the temporary permit(s) without timely filing an additional temporary application(s) to cover additional withdrawals that must be approved prior to any additional withdrawals.

No statutory fee credit will be given for pumping volumes that are less than estimated and filed for in the temporary application.

8. Due to the supplemental nature of these temporary permits, the existing certificated water rights held by the operator within the described area shall remain active during the time this order is in effect and for a period of five years following the date of any repeal or amendment of this order.
9. In addition, all existing unperfected underground water rights held by the operator and subject to this Order shall remain active provided the associated statutory and permit requirements are continually met or may be withdrawn.
10. In conjunction with the filing of the annual report, all wells within the area of this order that have not been used for any permitted purpose within the preceding year shall be plugged in accordance with the provisions of Chapter 534 of the Nevada Administrative Code or a waiver shall be timely filed requesting to not plug an unused well with justification for keeping the unused well open.
11. This order supersedes State Engineer's Order No. 1055.
12. This order will expire and become of no effect five years after the mining or mine dewatering operations cease in the project area. This order may be modified or rescinded at any time by the State Engineer if required to satisfactorily administer the water resources within this designated basin.

  
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JASON KING, P.E.  
State Engineer

Dated at Carson City, Nevada this

1st day of October, 2015.