CERTIFICATE OF RECORD

STATE OF NEVADA)
) ss
CARSON CITY)

I, Kristen Geddes, Chief Hearing Officer of the Division of Water Resources, State of Nevada, duly appointed and qualified, having full charge of the records and files of the Office of the State Engineer, do hereby certify that any copies of originals provided herein are true copies as appear in the records and files of the Office of the State Engineer of Nevada.

Kristen Geddes

Chief, Hearings Section

Data

SUBSCRIBED AND SWORN to before me by Kristen Geddes this

24 day of January

2018

Notary Public

CATHERINE ORPILLA
NOTARY PUBLIC
STATE OF NEVADA
No. 15-1778-3 My Appt Exp. June 3, 2019

Record on Review

In the matter of the Nevada State Engineer's Granting Extensions of Time Regarding Permits 52918, 52919, 52920 and 52921

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SEE APPLICATION 860297 10 CHANGE
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No. 5 29 1	8 1	Date File	d FEB 09	1989				
Indexe	d under					Well	Log 1/6 (-	06 <u> </u>
Name of applicant		×						
Map			Basin CLAY	TON VAL	LEY			
Stream				- 143				
Township / S. R	lange $40 \mathcal{E}$					Coı	inty ESMER	ALDA
Point of diversion N	W 1/4 SE 1/4	Section	ı <i>19</i>					
Applicant F	DOTE MINE	ERAL	COMPANY				ASSI	BUELL
Source of Water U								
Returned for correct				Abrogate	ed by 86029	T 1.0	port.	·
Corrected application	n received							
Map filed /2/8/8				SHEET # 3	OF 5)			
Sent for publication	MAR	1989						
Proof of publication	n filed AP	R10	1989					
Investigated on grou	and by							
Protested								
Ready for action Approved	MAY 6	1989 3	5,0	cfs	mining	y dom	restic	
1-1	PROOF (OF	PROO	F OF	PROOF	OF		
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2 OF 2

No. 52918		Date	Filed							-		
Application to appropri	iate		A	pplica	ation to ch	ange		POU	MOU	J Port. of		
Basin 10 - 143	CLA	OTY	VAI	LLEY	,					County ESMERALDA		
POD 1/4	1/4	Secti	on		Township)	R	ange				
Applicant FOOTE MINERAL COMPANY												
Source of Water UND	ERG	ROU	ND									
Return for Correction					Cor	rected	dqA t	licatio	n Red	ceived		
Maps Prop. POD			Under	•		Exis	t. PO)		Under		
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Sent for Publication						Rea	ady fo	r Action	on			
Protested												
Approved / Denied												
Due Dates							D	ate Fil	ed	Well Logs		
Proof of Completion												
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Proof of Beneficial Use	€								Issued			
	_				<u>-</u>		Amount			Amount		
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Other Dates												
Change Applications	POD		hange MOU		Abr	ogatio	on Am	ount	or Act	tion on Application to Change		
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SEE FILE #I FOR MORE INFORMATION

Review App. Map Record DB Entry File Pub. PerSE ROALB	Map Table App. Map F	Book DB Entry Fil	e Pub.	PerSE ROALB
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DIVISION OF WATER RESOURCES

CARSON CITY, NEVADA

TRANSMITTAL OF COPIES

	FEB 2 4 1980 Date
The following xerox copies were forwarded to Office, Division of Water Resources, this date:	o the Las Wegas Branch
NO. 52918	,
Application	FEB 2 4 1989 KK
Amended Application	
Мар	3-1-89 JSF
Publication	MAR 1 1989 ()
Ready for Action Card	3-14-89-)
Permit	8-31-93 aB
Pinal Notice	10-2-97 Kg
Final Notice	
Proof of Completion	9/28/98 03
Extension of Time	10-4-96 cms 5-19-98 DB
Proof of Beneficial Use	
Cultural Map	
Extension of Time	11/16/28 08. 10/24/00 08 9/30/09 2 2004 L
Cultural Map	
Certificate	
Assignment Sheet	1-28-42 Cet
Cancellation	,

THIS SHEET TO BE KEPT AT THE TOP OF THIS FILE FOR BASSY REFERENCE

Form 22 (Rev. 12-88)

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

:	THIS SPACE FOR OFFICE USE ONLY
	Date of filing in State Engineer's Office FFB 0.9 1989
	Returned to applicant for correction.
	Corrected application filed
The	applicant FOOTE MINERAL COMPANY
•••••	Street and No. or P.O. Box No. Of Silver Peak City or Town
N	evada 89047 , hereby makes application for permission to appropriate State and Zip Code No.
the	public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of
inco	rporation; if a copartnership or association give names of members.)
	ncorporated in the State of Pennsylvania on September 30, 1964.
1.	The source of the proposed appropriation is underground. Name of stream, lake, spring, underground or other source.
2.	The amount of water applied for is
	(a) If stored in reservoir give number of acre-feet.
3.	The water to be used for Mining and domestic purposes. Irrigation, power, mining, commercial, domestic or other use. Must limit to one major use.
4.	If use is for:
	(a) Irrigation, state number of acres to be irrigated:
	(b) Stockwater, state number and kind of animals:
	(c) Other use (describe fully under "No. 12. Remarks")
	(d) Power:
	(1) Horsepower developed.
	(2) Point of return of water to stream SE ROA 5



5.	The water is to be diverted from its source at the following point within the NW2 SE4 Section 19. Describe as being within a 40-acre subdivision of public
	Township 1 South, Range 40 East, MDB&M, at a point from which the southwest survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
	corner of Section 22, Township 2 South, Range 39 East, MDB&M bears South
	34°30'39" West a distance of 41,163 feet.
6.	Place of useRefer to Exhibit "A" attached hereto. Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7.	Use will begin about January 1 and end about December 31 of each year. Month and Day Month and Day
8.	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 and cased well, distribution system, State manner in which water is to be diverted, i.e. diversion structure,
	delivery_to_evaporation_pondsditches and flumes, drilled well with pump and motor, etc.
9.	Estimated cost of works \$30,000
10.	Estimated time required to construct works. Five years If well completed, describe works.
11.	Estimated time required to complete the application of water to beneficial use
12.	Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.
	The brine pump pursuant to this application contains the mineral, lithium.
	The area which includes the point of diversion and place of use is appurtenant
	is located pursuant to the Mining Laws of 1872, as found in 30 USC Sec 22,
	et seq. The brine solution is pumped to evaporation ponds, where the
	lithium is recovered from the dehydrated solution. This water right will be
	utilized in conjunction with others held by the applicant. Use map on file under Permit 44264(3) SHORNING BLVIS
	By Signature, applicant or agent
	Vと O V O つ はは
	PLICATION MUST BE SIGNED Reno, NV 89505 THE APPLICANT OR AGENT

2888 (Rev. 4-82) SE ROA 6

EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 23 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

* On December 16, 1933, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1933 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.

- 1 OF 2

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

	Date of filing in State Engineer's OfficeFEB 0 9 1989
	Returned to applicant for correction
	Corrected application filed
	Map filed
	The applicant FOOTE MINERAL COMPANY
	Street and No. or P.O. Box No. Of Silver Peak City or Town
	Nevada 89047 State and Zip Code No. hereby make. Sapplication for permission to appropriate the public
١	waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
	opartnership or association, give names of members.)
	Incorporated in the State of Pennsylvania on September 30, 1964.
	1. The source of the proposed appropriation is
	2. The amount of water applied for is 5.0 cfs One second-four equals 448.83 gals. per min. second-feet
	One second-foot equals 448.83 gals. per min
	3. The water to be used for Mining and domestic purposes. Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
	Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use. 4. If use is for:
	(a) Irrigation, state number of acres to be irrigated.
	(b) Stockwater, state number and kinds of animals to be watered.
	(c) Other use (describe fully under "No. 12. Remarks")
	(d) Power:
	(1) Horsepower developed
	(2) Point of return of water to stream
5	. The water is to be diverted from its source at the following point. Within the NW SE's Section 19.
	Township 1 South, Range 40 East, MDB&M, at a point from which the southwest survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
	corner of Section 22, Township 2 South, Range 39 East, MDB&M bears South 34°30'39" West a distance of 41,163 feet.
6	i. Place of use Refer to Exhibit "A" attached hereto. Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7.	. Use will begin about January 1 and end about December 31 of each year. Month and Day Month and Day
	Month and Day Month and Day Month and Day Month and Day 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 and cased well, distribution, system, State manner in which water is to be diversed, i.e. diversion structure, ditches and delivery to evaporation ponds. flumes, drilled well with pump and motor, etc.
0	flumes, drilled well with pump and motor, etc. Estimated cost of works \$30,000
7.	Committee Cost of Works

10. Estimated time required to construct works	Five years
	a well completed, describe works.
11. Estimated time required to complete the applic	cation of water to beneficial use Ten years
 Remarks: For use other than irrigation or ste consumptive use. 	ock watering, state number and type of units to be served or annual
pursuant to the Mining Laws of 18 solution is pumped to evaporation	pplication contains the mineral, lithium. The areasion and place of use is appurtenant is located 72, as found in 30 USC Sec 22, et seq. The brine ponds, where the lithium is recovered from the right will be utilized in conjunction with others n file under Permit 44264.
	/s/ Ross E. de Lipkau
	By Ross E. de Lipkau P.O. Box 2790
Compared kh/ ps ab/se	Reno, Nv 89505
Protested	
ADDROVAL	
AFFROVAL	OF STATE ENGINEER
This is to certify that I have examined the foregoi limitations and conditions:	ing application, and do hereby grant the same, subject to the following
placed to beneficial use. It is all reasonable lowering of the static wa two (2) inch opening for measuring demust be installed and maintained the talled and maintained in the discurate measurements must be kept of water must be installed before any Completion of Work is filed. This permit does not extend the public, private or corporate lands. The total combined duty of water Certificate 12771; 44253, Certificate Certificate 12774; 44257, Certificate (CONTINUED ON PAGE 2) The amount of water to be appropriated shall be limit	a temporary allowance and that the final water be dependent upon the amount of water actually lso understood that this right must allow for a ater level. This well shall be equipped with a epth to water. If the well is flowing, a valve to prevent waste. A totalizing meter must be charge pipeline near the point of diversion and water placed to beneficial use. The totalizing use of water begins or before the Proof of the permittee the right of ingress and egress on under Permits 44251, Certificate 12770; 44252, the 12772; 44255, Certificate 12773; 44256, the 12775; 44258, Certificate 12776; 44260, the dot the amount which can be applied to beneficial use, and not to
exceed 5.0	cubic feet per second but not to exceed 3619.85
	and be completed on or before August 30, 1995
Proof of completion of work shall be filed on or befo	oreSeptember 30, 1995
	on or before August 30, 1998
	all be filed on or before <u>September 30, 1998</u>
	ed on or before
	TESTIMONY WHEREOF, IR. MICHAEL TURNIPSEED, P.E.
Proof of beneficial use filed	State Engineer of Nevada, have hereunto set my hand and the seal of my
Cultural map filed	office, this30thday of
	A.D. 1993
Certificate NoIssued	Manufacture Since Since
(0):5314 (Rec)	State Engineer



Page 2 52918

(PERMIT TERMS CONTINUED)

Certificate 12777; 44261, Certificate 12778; 44267, Certificate 12779; 44268, Certificate 12780; 44269, Certificate 12781; 44270, Certificate 12782, 49988, 52918, 52919, 52920 and 52921 shall not exceed 17.86 million gallons per day or 20,000 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 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.



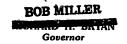


EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 23 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

* On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1983 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.







PETER G. MORROS, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex
201 S. Fall Street
Carson City, Nevada 89710
(702) 885-4380
March 6, 1989

RE: 52918 through 52921

Foote Mineral Company Silver Peak, Nevada 89047

Ladies and Gentlemen:

The above referenced applications to appropriate water for mining, and domestic purposes have been reviewed by this office. Before further consideration can be given towards the issuance of any permit should the applications become ready-for-action, it will be necessary for you to submit additional justification data and information concerning the annual consumptive use of water for mining and milling purposes under your applications. Therefore, the following information is hereby requested (please answer all applicable items):

- 1. The number of hours per day and days per year of plant operation that water will be consumed.
- 2. The number of tons of ore to be processed on a daily basis.
- 3. The amount of water in gallons per ton of ore required by your plant operation.
- 4. Accurate description of all plant operation components utilizing water along with the hourly/daily volume of water (i.e. gallons per hour) required for each component.
- 5. Minimum total volume of water required for plant operations on a daily basis.
- 6. Total annual volume of water calculated to be recycled or the % Recycle Factor of Item (5) above, and description of recycling method(s).
- 7. Projected total annual consumptive use, including plant losses, dust control and domestic use.

Page 2 RE: 52918 through 52921 March 6, 1989

Your earliest response would be greatly appreciated. Should you have any questions regarding this matter, please contact this office.

Sincerely,

Diana Jean Lefler Hydraulic Engineer II

DJL/kh

Certified Mail No. P 965 007 659

cc: Ross E. de Lipkau, Certified Mail No. P 965 007 660

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

RE: 44249 et al

May 4, 1989

Lee T. Gaskins
Cyprus Minerals Company
Property Management Department
P.O. Box 3299
Englewood, CO 80155

Subject: Copies of Foote Mineral Company's water right files.

Dear Mr. Gaskins:

Enclosed are the remaining copies you requested of Foote Mineral Company's water right files; numbers 44249, 44252, 44253, 44255 thru 44269, 49993 and 52917 thru 52921.

Permit 44250 was unavailable at the time of copying and will be forwarded to you in the near future. We are charging you the copying fees for 44250 at this time.

The fees for the copies of the above referenced permits and applications are broken down as follows:

There are a total of 525 copies representing 25 files. The charge for the first ten pages of each file is \$5.50, equaling \$137.50 for 25 files. The charge for the remaining 275 pages is \$0.06 each, equaling \$16.50. The total amount due is \$154.00. The billing statement is enclosed.

If you have any questions please contact this office.

Sincerely,

Kris A. B. Stenz

Engineering Technician IV

KABS/pas

Enclosure

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

June 26, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Gentlemen:

The referenced ready for action applications have once again been reviewed and to date this office has not received the required information requested in our last letter of March 6, 1989, a copy of which is enclosed. Justification of consumptive use is imperative before further consideration can be given to the issuance of any permit.

Further action will be withheld on these applications for a period of thirty (30) days from the date of this letter. At that time, we will assume you are no longer interested in pursuing these applications and appropriate actions will be considered for their denial.

Should you so desire, NRS 533.370, Subsection 2.(a) provides "Action can be postponed by the state engineer upon written authorization to do so by the applicant..." This office would require a written authorization from the applicant to the State Engineer requesting postponement of further action for a period of up to one year.

Should you have any questions regarding this matter, please contact this office.

Sincerely,

Diana Jean Lefler

Hydraulic Engineer II

Dar/lu

Certified Mail No. P 179 142 879

Enclosure

cc: Ross E. deLipkau

Certified Mail No. P 179 142 880

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

July 17, 1989

WITH OFFICES IN:

DENVER, COLORADO Sherman & Howard

3000 FIRST INTERSTATE TOWER NORTH 633 SEVENTEENTH STREET DENVER. COLORADO 60202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

Suite 700, Stanford Place 3 4582 South Ulster Street Denver, Colorado 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER 102 SOUTE TEJON COLORADO SPRINGS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

TELEPHONE: 702 323-1601 TELECOPIER: 702 348-7250 TELEX: 6971967

ROSS E. DELIPKAU

Ms. Diana Jean Lefler Hydraulic Engineer II Division of Water Resources 201 South Fall Street Carson City, Nevada 89710

Applications 52918-52921, Inclusive

Dear Ms. Lefler:

This is to acknowledge receipt of your letter dated June 26, Pursuant to NRS 533.370(2)(a), request is hereby made that you postpone action on the above referred to applications for a period of one year.

Should you wish to discuss the matter, please contact me.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

REd/lbe 33593.003

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

August 8, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Ladies & Gentlemen:

As requested on your behalf by agent Ross E. deLipkau, and pursuant to NRS 533.370, 2(a), a one-year postponement of further action from the date of this certified letter is hereby granted for Application No.'s 52918 through 52921, inclusive.

Sincerely,

Diana Jean Lefler Hydraulic Engineer II

Dian fran lifter

DJL/jm

Certified Mail No. P 965 008 306

cc: Ross E. deLipkau

Certified Mail No. P 965 008 307

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

WITH OFFICES IN:

DENVER, COLORADO

Sherman & Howard 3000 FIRST INTERSTATE TOWER NORTH

633 SEVENTRENTH STREET DENVER, COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET PARKWAY DENVER, COLORADO 60237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

August 24, 1989

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER 102 SOUTH TEJON COLORADO SPRINGS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

Honorable Peter Morros Nevada State Engineer 201 South Fall Street Carson City, Nevada 89710

Foote Mineral Company; Application Nos. 52917-52921

Dear Mr. Morros:

TELEPHONE: 702 323-1601

TELECOPIER: 702 348-7250

Ross E. deLipkau

6971967

TELEX:

This is to confirm our conversation of August 23, 1989. Under Item 12, entitled "Remarks", I wish to make it quite clear that the four above-entitled applications seek to appropriate new water, and are not to be included within the annual limitation of 16,800 acre feet annually as permitted in Permit Nos. 44251-44270, inclusive, and Permit Nos. 49988-49996, inclusive.

Should you, or other members of your staff have any questions, please call.

Very truly yours,

HILL CASSAS de LIPKAU AND ERWIN

RED/kb

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

September 14, 1989

WITH OFFICES IN:

DENVER, COLORADO Sherman & Howard

3000 FIRST INTERSTATE TOWER NORTH DENVER, COLORADO 80202

TELEPHONE 303 297-2900

TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET DENVER, COLORADO 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER COLORADO SPRINGS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4376

TELEX:

TELEPHONE: 702 323-1601

TELECOPIER: 702 348-7250

6971967

Ross E. deLipkau

Ms. Marilyn Meyer Division of Water Resources 201 South Fall Street Carson City, Nevada 89710

Re: Clayton Valley Groundwater Basin (10-143)

Applications 52918-52921, Inclusive

Dear Marilyn:

Enclosed herewith is our check in the amount of \$4.00 to cover the groundwater abstract. I note that Applications 52918-52921, inclusive, do not contain an annual duty set forth under that column. It is the intention of the applicant, as affirmed by my letter of August 24, 1989, that the applications seek to appropriate "new water" as contrasted to being supplemental to the other permits held by permittee. Accordingly, would you kindly change your records to reflect a duty of 3618.97 acre-feet annually for each application.

If you have any questions, please advise.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

By Ross E. de Lipkau

REd/lbe Enclosure 33593.003



PETER G. MORROS State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710 (702) 885-4380

52918, 52919, 52920, 52921

February 13, 1990

Ross E. deLipkau Hill, Cassas, deLipkau & Erwin P.O. Box 2790 Reno, NV 89505

Dear Mr. deLipkau:

In a letter dated September 14, 1989 you advised this office that applications 52918, 52919 52920 and 52921 in the name of Foote Mineral Company were filed to appropriate additional water than previously appropriated by the applicant. This office has incorporated that information into the record on the above referenced applications and will review the applications as requests for additional appropriation at the described locations.

If you have any questions on this matter, feel free to call me.

Sincerely,

Christine Thiel, P.E.

Chief, Office Engineering Section

CT/bc

cc: Foote Mineral Company

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WAFER RESOURCES

OFFICE MEMORANDUM

To: 529/8-21

Date: 5 MAR 90

From: HUGH RICCI

Subject: Action on above applicution

A court case is on young between Foute and
the U.S Government in regard to some of the
mining claims in which the place of use of
the above applications corev.
A letter date & Aug & allowed for a one year
post ponement for taking action.

In Tricic

(O)-4745 activities





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 (702) 687-4380

October 10, 1991

RE: Foote Mineral Company

Ross deLipkau Hill Cassas deLipkau & Irwin P.O. Box 2790 Reno, NV 89505

Dear Mr. deLipkau:

This will acknowledge receipt of the 2 certified copies of Certificate of Amendments changing the name of Foote Mineral Co. to Cyprus Foote Mineral Company.

Before an assignment of water rights can be completed we require statutory filing fees in the amount of \$410.00 be submitted to this office.

All documents and fees that have been submitted will be held for 30 days awaiting a response from you.

If you have any questions please contact this office at (702) 687-4381.

Sincerely,

Rich Robinson

Engineering Technician III

RR/js

cc: Cyprus Foote Mineral Co. Silver Peak Operations





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 (702) 687-4380

December 20, 1991

RE: Water Rights Assignment

Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, NV 89047 Attn: C.B. Loundagin

Dear Mr. Loundagin:

Please be advised that the attached list of water rights have been assigned to show Cyprus Foote Mineral Co. as current owner of record.

This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions please contact this office.

Sincerely,

Rich Robinson

Engineering Technician III

RR/js

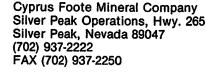
cc: Ross De Lipkau

S'ATUS REPURT

PERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	A.C.
10036	Cyrpus Foote Mineral Company	Cert #2627	0.334		MM
15847	Cyprus Foote Mineral Company	Cert #4838	0.530		MM
24382	Cyprus Foote Mineral Company	Cert #7234	1.0	235.9 MGA	ММ
44248	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
44249	Cyprus Foote Mineral Company	Abr. By 4980	1.0	6.57 MGA	QM
44250	Cyprus Foote Mineral Company	Cert #11268	0.003	100 Cattle	Stk
44251	Cyprus Foote Mineral Company	Cert #12770	1.0	723.97	MM
44252	Cyprus Foote Mineral Company	Cert #12771	0.430	311.3 AFA	MM
44253	Cyprus Foote Mineral Company	Cert #12772	0.84	608.13 AFA	ММ
44254	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	
44255	Cyprus Foote Mineral Company	Cert #12773	0.39	282.35 AFA	
14256	Cyprus Foote Mineral Company	Cert #12774	0.22	159.27 AFA	
14257	Cyprus Foote Mineral Company	Cert #12775	0.35	253.39 AFA	MM
14258	Cyprus Foote Mineral Company	Cert #12776	0.27	195.47 AFA	
14259	Cyprus Foote Mineral Company	Abr. By 49990		1086.0 AFA	MM MM
1426	Cyprus Foote Mineral Company	Cert #12777	0.20	144.79 AFA	MM
.4261	Cyprus Foote Mineral Company	Cert #12778	0.22	159.27 AFA	MM
4262	Cyprus Foote Mineral Company	Abr. By 49995 Abr. By 49996	1.5	1086.0 AFA	MM
4263	Cyprus Foote Mineral Company	Abr. By 49992 Abr. By 49993			
4264	Cyprus Foote Mineral Company	Abr. By 49989	1.5	1086.0 AFA	MM
4265	Cyprus Foote Mineral Company	Abr. By 49994	1.5	1086.0 AFA	MM
4266	Cyprus Foote Mineral Company	Abr. By 49991	1.5	1086.0 AFA	MM
4267	Cyprus Foote Mineral Company	Cert #12779	0.44	1086.0 AFA	MM
4268	Cyprus Foote Mineral Company	Cert #12779	0.44	318.5 AFA	MM
		3021 #12/8U	0.402	334.47 AFA	MM
		TOTALS			
			\$	E ROA 25	
'		. f	İ	1	

STATUS REPORT

ERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	A C.
4269	Cyrpus Foote Mineral Company	Cert #12781	0.26	188.23 AFA	ММ
4270	Cyprus Foote Mineral Company	Cert #12782	1.0	723.97 AFA	MM
9805	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
9988	Cyprus Foote Mineral Company	Permit	2.0	1448.0 AFA	ММ
9989	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	мм
9990	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	мм ·
9991	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	ММ
9992	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	мм
9993	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	мм
9994	Cyrrus Foote Mineral Company	Permit	1.5	1086.0 AFA	мм
995	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	мм
9996	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	мм
2917	Cyprus Foote Mineral Company	RFA	2.0		QM
<u>1918</u>	Cyprus Foote Mineral Company	RFA	5.0		мм
1919	Cyrpus Foote Mineral Company	RFA	5.0		ММ
:920	Cyprus Foote Mineral Company	RFA	5.0		ММ
:921	Cyprus Foote Mineral Company	RFA	5.0		мм
					
					
		TOTALS			
			(E ROA 26	





May 7, 1992

Mr. Hugh Ricci, P.E. Deputy State Engineer 123 W. Nye Lane, Room 246 Carson City, Nevada 89710

Dear Mr. Ricci,

I would first like to thank you and Ms. Thiel for taking the time to help us with our unique situation in Silver Peak.

Pertaining to our meeting on April 15, 1992, in Carson City, a draft agreement and attachments has been prepared by Bart Loundagin and Ross deLipkau which provides our interpretation for a resolution of our water permitting and certification process. You should receive Ross' report in the next few days.

I look forward to your response on this matter and Bart and I are available at your convenience for any subsequent meetings that may arise. I would also like to reiterate my invitation to you or any of the staff associated with this project to schedule a tour of our facilities.

Again, thank you for your time and consideration and should you have any questions or concerns please contact me or Ross.

Sincerely

E. J. Christophersen Operations Manager

EJC/dr

cc:

C. B. Loundagin Ross deLipkau

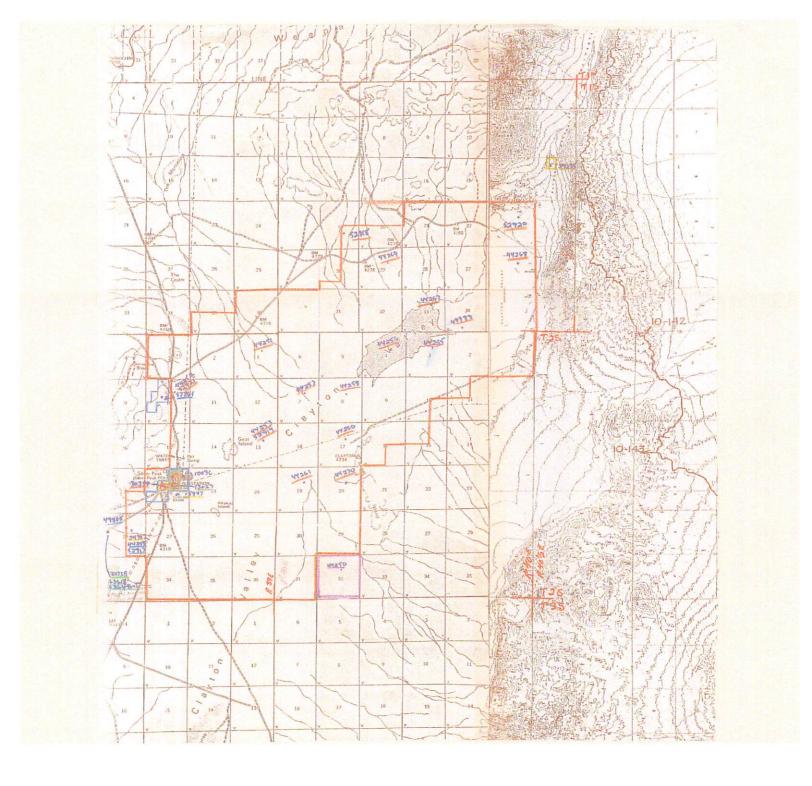
Kathleen Gormley, M/C 125S, Englewood



CYPRUS FOOTE MINERALS

SOURCE	PERMIT	CERT.	DIV	DUTY	TCD	MOU
			(CFS)	(AFA)	(AFA)	MOO
UG	44248	PERMIT	1.000	20.16	20.16	QM
UG	49805	PERMIT	1.000	20.16	20.10	QM
UG	44250	11268	0.003	20.10		STK
UG	52917	RFA	2.000	1448.00		QM
				1440.00		CIVI
SPRING	10036	2627	0.334			
SPRING	15847	4838	0.530			
UG	24382	7234	1.000	723.97		ММ
						141141
UG	44251	12770	1.000	723.97		MM
UG	44252	12771	0.430	311.30		141141
UG	44253	12772	0.840	608.13		
UG	44255	12773	0.390	282.35		
UG	44256	12774	0.220	159.27		
UG	44257	12775	0.350	253.39		
UG	44258	12776	0.270	195.47	16800	
UG	44260	12777	0.200	144.79		
UG	44261	12778	0.220	159.27		
UG	44267	12779	0.440	318.50		
UG	44268	12780	0.462	334.47		
UG	44269	12731	0.260	188.23		
UG	44270	12782	1.00 0	723.97		
			•			4403.11
UG	49988	PERMIT	2.000	1448.00		
			-			1448.00
UG	52918	RFA	5.000	3619.85		
UG	52919	RFA	5.000	3619.85		
UG	52920	RFA	5.000	3619.85	20000	
UG	52921	RFA	5.000	3619.85		
		-				14479.40

20330.51



PERMIT PLAT KEY

CHANGE	APPL.	STATUS	OWNER OF RECORD	SOURCE	VTUQ	UNITS	CES	COM DITTY
	13027		SHIRLY, CHIATOVICH & HUMPHI	SPRING		SWS	0.013	
	29235	0	I.C.CATTLE CO.	UG		500 COWS STK	0.00446	
	29728	0	ESMERALDA COUNTY	NG	36.50 MGA	MUN	0.300	
	30399	O	TOWN OF SILVERPEAK	UG	13.70 MGA	QM	1.000	
	57761	RFA	CARL W. VARNER	UG	500.00 AFA	MM&D	1.350	
	0,0							
	44248	-	CYPRUS FOOTE MINERALS	NG	20.16 AFA	QM	1.000	20.16 AFA
1	49805		CYPRUS FOOTE MINERALS	ng	20.16 AFA	OM	1.000	
	44250	O	CYPRUS FOOTE MINERALS	UG		STK	0.003	
	52917	RFA	CYPRUS FOOTE MINERALS	ne	1448.00 AFA	OM	2.000	
3.0 DeG	!	4						
L 410	10036	0	CYPRUS FOOTE MINERALS	SPRING		MM	0.334	
	15847	0	CYPRUS FOOTE MINERALS	SPRING		MM	0.530	
	24382	C 7234	CYPRUS FOOTE MINERALS	DO.	723.97 AFA	MM	1.000	
		-						•
	44251		CYPRUS FOOTE MINERALS	NG	723.97 AFA	MM	1.000	
0.00	44252		CYPRUS FOOTE MINERALS	NG	311.30 AFA	MM	0.430	
	44253		CYPRUS FOOTE MINERALS	UG	608.13 AFA	MM	0.840	
	44255	C 12773	CYPRUS FOOTE MINERALS	NG	282.35 AFA	MM	0.390	
(P)(P) (G)	44256	_	CYPRUS FOOTE MINERALS	UG	159.27 AFA	MM	0.220	
od see hi	44257		CYPRUS FOOTE MINERALS	NG	253.39 AFA	MM	0.350	
	44258			UG	195.47 AFA	MM	0.270	
	44260		CYPRUS FOOTE MINERALS	NG	144.79 AFA	MM	0.200	
	44261	C 12778	CYPRUS FOOTE MINERALS	NG	159.27 AFA	MM	0.220	20000 AFA
i i de la como	44267	C 12779	CYPRUS FOOTE MINERALS	UG	318.50 AFA	MM	0.440	
Pina William	44268			UG	334.47 AFA	MM	0.462	
escillate and the second	44269	-		NG	188.23 AFA	MM	0.260	-
	44270	C 12782	CYPRUS FOOTE MINERALS	NG	723.97 AFA	MM	1.000	
15.00 E.	49988	PERMIT	CYPRUS FOOTE MINERALS	NG	1448.00 AFA	MM	2.000	
	52918	RFA		NG	3619.85	MM	5.000	
	52919	RFA		UG	3619.85	MM	5.000	
	52920	RFA	CYPRUS FOOTE MINERALS	UG	3619.85	MM	5.000	-
	52921	RFA	CYPRUS FOOTE MINERALS	UG	3619.85	MM	5.000	
Pob 60035	63613		MINERAL RIDGE RESOURCESINGAR	nG	537.1 AFA ComB.		1	SAMEWELL
Pol 60035	63648	TEMP	11	971	537.1 AFA DUTY			43 24/28 "
				*,				

EARL M. HILL
FRANK CASSAS
ROSS E. de LIPKAU
MARGARET M. CROWLEY
ROBERT E. MCCARTHY
OF COUNSEL

300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2780
RENO, NEVADA 89505

TELEPHONE (702) 323-1601

FACSIMILE (702) 348-7250

September 29, 1992

Hugh Ricci, P.E.
Deputy State Engineer
Division of Water Resources
123 West Nye Lane
Carson City, NV 89710

Re: Cyprus Foote Water Rights

Dear Mr. Ricci:

Enclosed is a copy of my letter to you dated May 8, 1992, together with a copy of the draft Agreement. We have heard nothing from either you or Christine Thiel. Cyprus Foote Mineral Company is most anxious to conclude its entire water rights program as previously discussed. At your earliest convenience, would you kindly advise as to the method whereby both the State Engineer's office and Cyprus Foote may achieve their desired results.

Your prompt attention would be appreciated.

Very truly yours,

HILL CASSAS & de LIPKAU

Ross E. de Lipkau

REd/lbe Enclosure

pc w/enc: Bart Loundagin

Kathleen Gormley

33593.003

EARL M. HILL
FRANK CASSAS
ROSS E. do LIPKAU
MARGARET M. CROWLEY
ROBERT E. MCCARTHY
OF COUNSEL

300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

TELEPHONE (702) 323-1601

FACSIMILE (702) 348-7250

February 25, 1993

Hugh Ricci, P.E.
Deputy State Engineer
Division of Water Resources
123 West Nye Lane
Carson City, NV 89710

Re: Cyprus Foote / Clayton Valley Water Rights

Dear Mr. Ricci:

On May 8, 1992 I sent you a letter and draft Agreement. Cyprus Foote, the permittee, is desirous of concluding and perfecting its water rights at the earliest possible time. Accordingly, it would be appreciated if you would review the matter and advise accordingly. In the event a meeting is requested or desirable, please advise.

Very truly yours,

HILL CASSAS & de LIPKAU

Ross E. de Lipkau

REd/lbe

pc: Bart Loundagin

Kathleen Gormley

33593.003

EARL M. HILL
FRANK CASSAS
ROSS E. de LIPRAU
MARGARET M. CROWLEY
ROBERT E. MCCARTHY
OF COUNSEL

300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

TELEPHONE
(702) 323-1601

FACSIMILE
(702) 348-7250

July 2, 1993

Hugh Ricci, P.E.
Deputy State Engineer
Division of Water Resources
123 West Nye Lane
Carson City, NV 89710

Re: Cyprus Foote Water Rights

Dear Mr. Ricci:

This is to confirm the results of our recent meeting with you, Steve Brown, Bart Loundigan, E. J. Christophersen and me. It is the request of Cyprus Foote Mineral Company (hereinafter "Cyprus") that the State Engineer's office take the following action:

1. Applicatoins 52918 - 52921, inclusive, be granted, in due course, with permit language basically as follows:

Cyprus Foote Mineral Company shall be authorized to develop a daily volume of lithium brine, not to exceed 18 million gallons from all sources pursuant to all permits. The total volume developed by Cyprus Foote Mineral Company from all sources pursuant to all permits will not exceed 20,000 acre-feet annually.

There is no current urgency for approval of these applications. Pursuant to NRS 533.380(1), request is hereby that you issue the above permits with as long a period of time for filing the Proofs of Completion of Work and Proofs of Beneficial Use as authorized by statute.

- 2. Cyprus desires to retain Permit 49988, granted with a rate of diversion of 2.0 cfs, and with an annual duty of 14.48 acre-feet.
 - 3. Cyprus desires to withdraw Permits 44254 and 49989 49996, inclusive. Original

Original
given to
Tracy for
with drawal

SE ROA 33

This request is based on the following:

- a. Existing certificated rights for brine production held by Cyprus total 4403 acre-feet annually.
- b. Applications 52918 52921, inclusive, when granted, will equal 14,476 acre-feet annually.
- c. Permit 49988 is granted for an annual diversion of 1448 acre-feet annually.

The total, therefore, is slightly more than 20,000 acre-feet annually, rounded to 20,000 acre-feet.

Should you or Steve Brown wish to discuss the contents herein, please advise.

Very truly yours,

HILL CASSAS & de LIPKAU

Ross E. de Lipkau

REd/lbe

pc: Bart Loundagin

E. J. Christophersen

Kathleen Gormley

33593.003

EARL M. HILL
FRANK CASSAS
ROSS E. de LIPRAU
MARGARET M. CROWLEY
ROBERT E. McCARTHY
OF COUNSEL

300 HOLCOME PROFESSIONAL CENTER
333 HOLCOME AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

TELEPHONE (702) 323-1601

FACSIMILE (702) 348-7250

July 12, 1993

Hugh Ricci, P.E.
Deputy State Engineer
Division of Water Resources
123 West Nye Lane
Carson City, NV 89710

Re: Cyprus Foote Water Rights

Dear Hugh:

My letter to you dated July 2, 1993 contains an error (item #2, page 1). The figure of 14.48 is incorrect; the figure should be 1,448. Enclosed is a reprint of the same letter and contains the correct information.

It would be appreciated if you would discard the July 2 letter.

Very truly yours,

HILL CASSAS & de LIPKAU

Ross E. de Lipkau

REd/lbe

pc: Bart Loundagin

E. J. Christophersen Kathleen Gormley

33593.003

EARL M. HILL
FRANK CASSAS
ROSS E. de LIPKAU
MARGARET M. CROWLEY
ROBERT E. McCARTHY
OF COUNSEL

300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

TELEPHONE (702) 323-1601

FACSIMILE (702) 348-7250

July 12, 1993

Hugh Ricci, P.E. Deputy State Engineer Division of Water Resources 123 West Nye Lane Carson City, NV 89710

Re: Cyprus Foote Water Rights

Dear Mr. Ricci:

This is to confirm the results of our recent meeting with you, Steve Brown, Bart Loundigan, E. J. Christophersen and me. It is the request of Cyprus Foote Mineral Company (hereinafter "Cyprus") that the State Engineer's office take the following action:

1. Applications 52918 - 52921, inclusive, be granted, in due course, with permit language basically as follows:

Cyprus Foote Mineral Company shall be authorized to develop a daily volume of lithium brine, not to exceed 18 million gallons from all sources pursuant to all permits. The total volume developed by Cyprus Foote Mineral Company from all sources pursuant to all permits will not exceed 20,000 acre-feet annually.

There is no current urgency for approval of these applications. Pursuant to NRS 533.380(1), request is hereby that you issue the above permits with as long a period of time for filing the Proofs of Completion of Work and Proofs of Beneficial Use as authorized by statute.

- 2. Cyprus desires to retain Permit 49988, granted with a rate of diversion of 2.0 cfs, and with an annual duty of 1,448 acre-feet.
 - 3. Cyprus desires to withdraw Permits 44254 and 49989 49996, inclusive.

July 12, 1993 Page 2

This request is based on the following:

- a. Existing certificated rights for brine production held by Cyprus total 4403 acre-feet annually.
- b. Applications 52918 52921, inclusive, when granted, will equal 14,476 acre-feet annually.
- c. Permit 49988 is granted for an annual diversion of 1448 acre-feet annually.

The total, therefore, is slightly more than 20,000 acre-feet annually, rounded to 20,000 acre-feet.

Should you or Steve Brown wish to discuss the contents herein, please advise.

Very truly yours,

HILL CASSAS & de LIPKAU

Ross E. de Lipkau

REd/lbe

pc:

Bart Loundagin

E. J. Christophersen

Kathleen Gormley

33593.003

	PERMIT TERM	IS SHEET				
a.	APPLICATION NOi.	. Statu	s of Basin: De	sig. (lon-Desig.)
b.	Ready for Action May 6, 1980 j.	. Basir	NameCLAY	Tool 1A	129	
	Source Dadorgrand k.	. Basin	Number	10-143		
			wed: Office Er			
e.	No. of Units, Cattle, Acres, etc.	<u>··1</u>	- 35-5) By "	T. 7		
			wed: Groundwat		er	
f.	Manner of Use Maran and Courstie	30	Tus 93 By	<u> </u>		
g.	Period of Use TANK - Dec 31	Revie	wed: Surface W	later Engi	ineer	
h.	Fees		Ву			
	ice Notes: (2/36/7.85) = 3739	0				
	Ser a Harched sheet For how muc			· Par	Cer	
	is a new appropraction			44251 44252	12770 12771	
	mit Plat Filed 1/2, 2			44253	12772	
	*********			44255	12773 12774	
				44256 44257	12775	
rer	mit terms: <u>A(c)</u>			44258	12776	
	5/3		-	44260 44261	12777 12778	
				44267	12779	
				44268	12780	
	17.86 milliongallers	. /		44269 44270	12731 12762	
	,			•		
	0 × 2	.		49988	PERMIT	
	5 (M)B			52918	RFA	
	5 (11)			52919	RFA RFA	
				52920 - 52921	RFA	
The	e amount of water to be appropriated shall be	9	Completion		15	
	nited to the amount which can be applied to peficial use, and not to exceed		PBU	3 y ,	rs .	
	cubic feet per second, (a)		Cultural Map			
<u>_ 2</u>	on the secret Butter of Market Scatter	Date	: 228 2 <u>2</u>			
		-, ,				

Form 17 Revised 3/84 Trans

CYPRUS FOOTE MINERALS

	SOURCE	PERMIT	CERT.	CERT. DIV		TCD	MOU
			(CFS)	(AFA)	(AFA)		
	UG	44248	PERMIT	1.000	20.16	20.16	QM
	UG 49805 PERMIT UG 44250 11268		1.000	20.16		QM	
			0.003			STK	
	UG	52917	RFA	2.000	1448.00		QM
	SPRING	10036	2627	0.334			
	SPRING	15847	4838	0.530			
	UG	24382	7234	1.000	723.97		MM
	UG	44251	12770	1.000	72 3.97		MM
4	UG	44252	12771	0.430	311.30		
	UG	44253	12772	0.840	608.13		
	UG	44255	12773	0.390	282.35		
A. Carlot	UG	44256	12774	0.220	159.27		
Í	UG	44257	12775	0.350	253 .39		
j	UG	44258	12776	0.270	195.47	16800	
:	UG	44260	12777	0.200	144.79		
	UG	44261	12778	0.220	159.27		
	UG	44267	12779	0.440	318.50		
	UG	44268	12780	0.462	334.47		
١.	UG	44269	12781	0.260	188.23		
	UG	44270	12782	1.000	723.97		
				-			4403.11
1	UG	49988	PERMIT	2.000	1448.00		
- 1				-		· · · · · · · · · · · · · · · · · · ·	1448.00
	UG	52918	RFA	5.000	3619.85		
	UG	52919	RFA	5.000	3619.85		
	UG	52920	RFA	5.000	3619.85	20000	
	UG	52921	RFA	5.000	3619.85	-	
- -	The man to a superior			_			14479.40

20330.51

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44254 -

49989

49990

1992

49223

SE ROA 39

The new appropriate

15 20,000 -16'800 3200 AF



Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

Certified P 001 093 200 Return Receipt Requested

August 19, 1993

Department of Conservation and Natural Resources Division of Water Resources Capitol Complex 123 West Nye Lane Carson City, Nevada 89710

RE: Permit Numbers 52918, 52919, 52920, 52921

Please find enclosed the application for permits 52918, 52919, 52920, and 52921 per agreement dated July 12, 1993 (Mr. Ross deLipkau to Mr. Hugh Ricci).

If your office requires further information, please do not hesitate to call me.

Sincerely,

C. B. Loundagin

Wellfield Superintendent

Cyprus Foote Mineral Company

CBL/dr

Attachment

pc: E. J. Christophersen

Ross deLipkau

cbl\memo0893.01





R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710

Re: 52918 through 52921 (702) 687-4380

August 31, 1993

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak, NV 89407

Dear Gentlemen:

Enclosed herewith you will find Permits Nos. 52918 through 52921 for the waters of an underground source.

You are advised that if the various proofs thereunder, together with any map which may be required, are not filed in this office prior to the dates set for such filings, the permits will be subject to cancellation. For your assistance a sheet is enclosed which will advise you of the requirements to fulfill the terms of your permits.

Sincerely,

R. Michael Turnipseed, P.E.

State Engineer

RMT/ab

Enclosures

cc: Ross de Lipkau

Southern Nevada Branch Office



Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

September 13, 1995

Department of Conservation and Natural Resources Division of Water Resources Capitol Complex 123 West Nye Lane Carson City, Nevada 89710

RE: Permit Numbers 52918, 52919, 52920, and 52921.

Enclosed are applications for Extension of Time for Completion of Work pertaining to permits 52918, 52919, 52920, and 52921.

If your office requires any further information, please do not hesitate to call me.

Very truly yours,

M. W. Hardy

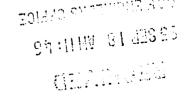
Geologist

Cyprus Foote Mineral Company

MWH/cg Attachments

Certified Mail # P 001 093 283 Return Receipt

cc: Ross de Lipkau





BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

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_	ACCUSE CONTRACTOR OF THE CONTR
Owner of Record Cyprus Foote Mine	ral Company
	FILED TO APPROPRIATE / CHANGE THE WATERS OF
Underground Sour	Ce
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	ing, eroer ground of other source)
THIS THE MEATING IS RESPECTIVELY DUBNITIED.	
Comes now. Michael Hardy	Agent Permittee or Agent
	rst duly sworn and answering to the best of their knowledge the
 If this permit has multiple owners, is this request for a YES	an extension of time submitted on behalf of all the owners?
2. If "NO", on whose behalf is this extension being filed	7 Cyprus Foote Mineral Company
1 F 1 1 F 2 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	
3. How much time is needed to finish this project?	1 year Completion of Work
4. To date, what is the total expenditure on this project?	\$170,000
• • •	
5. In order to complete this project as set forth in the perr	mit terms, what additional funds will be spent? \$1,400,000
6. The permittee requests an extension of time for	1 yearwithin which to comply
	Proof of Completion of Work
with the provisions for filing the	oof of completion of work and or proof of beneficial use)
Explain in detail why this request for an extension of ti	ime is being submitted (Use additional sheets if necessary):
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9 min 200 min and and and and and an as 2 min as	
	Signed.
Subscribed and sworn to before me this day of	P. O. Box 98, Silver Peak, NV 89047 Address Street No. 60 P.O. Box No.
	Street No. or P.O. Bax Na.
	Cliy, Sum, Zip Code No.
and the state of t	Phone 702-937-2222, ext. 226
Notary Public in and for the County of Anna Land,	OFFICIAL SEAL MARILYN E. COLE
State of	NOTARY FUBLIC - STATE OF NEVADA
My commission expires (12) 17 19 16	ESMERALDA COUNTY, NEVADA My appointment expires Apr. 2, 1986



Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

ATTACHMENT "A"

1. Permittee is actively constructing an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant is scheduled for the second quarter of 1996. Due to the large capital expenditure incurred for this plant expansion, the \$1,400,000 production drilling program has tentatively been rescheduled to begin the second quarter of 1996. To date, \$170,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work of aforementioned permits.



PETER G. MORROS, Director

L.H. DODGION, Administrator

(702) 687-4670 TDD 687-4678

Administration
Mining Regulation and Reclamation
Water Pollution Control
Facsimile 687-5856

Address Reply to:

Capitol Complex
Carson City, NV 89710

STATE OF NEVADA BOB MILLER Governor



Waste Management Corrective Actions Federal Facilities Faccimile 885-0868

Air Quality
Water Quality Planning
Facsimile 687-6396

Located at: 333 W. Nye Lane Carson City, NV 89710

N33-91-003Y

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL PROTECTION

Capitol Complex
Carson City, Nevada 89710

11 October, 1995

Attn: Mr. David Outsen Mine Superintendent Cyprus Foote Mineral Company P.O. Box 98, Hwy. 295 Silver Peak, Nevada 89047

RE: Silver Peak Operations - Reclamation Permit

Dear Mr. Outsen:

The Reclamation Branch has completed review of the Plan of Operations for Cyprus Foote Mineral Company Silver Peak Operations dated March, 1993 Reclamation Permit Application submitted by Cyprus Foote Mineral Company. Enclosed is the form entitled "CHECKLIST TO EVALUATE RECLAMATION PERMIT APPLICATIONS FOR MINING OPERATIONS" which outlines regulatory requirements and contains our review. This review determined that additional information is required to complete the application.

To facilitate Cyprus Foote Mineral Company's submittal of the additional information the areas of concern have been highlighted on the enclosed checklist. We request that Cyprus Foote Mineral Company provide our office with this requested information no later than 1 January, 1996. If the required additional information is not provided within this time frame, a reclamation permit will be issued with the required additional information contained within a schedule of compliance. This reclamation permit will be public noticed.

If you should have any questions and/or comments regarding this matter, please contact me at (702) 687-4670, ext. 3136.

Kurt F. Kolbe

Environmental Management Specialist Bureau of Mining Regulation and Reclamation

KFK/tms
G:\..\CYPRUSFT\REVIEW.LTR

cc: Gordon Pine, BLM

Chairperson, Esmeralda Co. Board of Commissioners w/o
Glenn Miller, Sierra Club w/o

- Carlos H. Mendoza, U.S. Fish and Wildlife w/o

Russ Fields, DOM w/o

.Terri Berntson, NDOW w/o

Applicant:

CYPRUS FOOTE MINERAL COMPANY

Project:

SILVER PEAK OPERATIONS

Document Reviewed:

PLAN OF OPERATIONS FOR CYPRUS FOOTE MINERAL COMPANY SILVER PEAK OPERATIONS SILVER PEAK, NEVADA **MARCH 1993**

Date Evaluated by NDEP:

11 OCTOBER, 1995 - KURT F. KOLBE

CHECKLIST TO EVALUATE RECLAMATION PERMIT APPLICATIONS FOR MINING OPERATIONS

The following information represents the Nevada Division of Environmental Protection's comments regarding the application received by our office. Please note that the comments entitled, "Requirements" are items which are mandated by the Reclamation Regulations.

- 1. Applicant Information;
 - Claim/Claimant Information; A.
 - B. Individual Completing Application;
 - C.
 - Business Address of Individual Completing Application; Telephone Number of Individual Completing Application; D.
 - Corporation Information, if Applicable; E.
 - Partnership Information, if Applicable; F.
 - G. Registered Resident Agent Information;
 - H. Authorized Field Representative Information;

Requirements as per NAC 519A.140: NONE

- 2. Operating Plan;
 - Provide a Topographic Map(s) depicting;
 - Boundaries of Project Area;
 - Surface Ownership Within Project Area; b.
 - aa. Private;
 - bb. BLM;
 - USFS; cc.
 - dd. State;
 - Areas and Description to Be Disturbed Showing Location and c. Layout of the Area of Operation. Include Names and Locations of any Streams, Creeks, and Springs. Describe and Explain on the Map the Type of Operation, Method or Techniques you Propose (Example: Drilling, Open Pit Mining, Dredging, Milling, Include Location, Capacity, Size and Amounts). Show on the Map and Describe the Size and Kind of all Surface Disturbances, such as Trenches, Pits, Settling Ponds, Stream Channel and Runoff Diversions, Waste Dumps, Drill Pads, Tailing Impoundments, Leach Pads, Buildings and Facilities;
 - d. Areas Previously Disturbed by Previous Operator and Inactive. Provide a map showing the Claim or Project Boundaries and All Access Needs, on and off the Claim or Project. Specify what Existing Roads will be Used, Where Maintenance or Reconstruction is Proposed and where any new Construction is Necessary. For new Construction, Include Construction Specifications such as Widths, Grades, and Lengths. Show Location and Size of Culverts. Describe Maintenance Plans. Describe the Type and Size of Vehicles and Equipment that will be Traveling the Access Routes;
 - Areas Disturbed by Current Operator Prior to January 1, 1981 e. and Inactive;

- Areas Disturbed by Current Operator Prior to January 1, 1981 f. and Still Active;
- Disturbed by Current Operator After January 1, 1981, But g. Prior to October 1, 1990 and Inactive;
- Disturbed by Current Operator After January 1, 1981, But h. Prior to October 1, 1990 and Active;
- Areas Which Are Active on or After October 1, 1990; i.
- j.
- Location of Access Roads Existing Prior to January 1, 1981; Location of Any Surface Water Bodies Within One-half Mile Down Gradient of the Disturbance;

Requirements per NAC 519A.270:

UNDER 2.A.a. ABOVE: SEVERAL MAPS WERE PROVIDED WITH THE APPLICATION BUT IT WOULD APPEAR THAT NONE OF THEM CONTAIN THE PROJECT BOUNDARY. THE APPLICATION REFERENCES EXHIBIT B, CYPRUS FOOTE MINERAL COMPANY, SILVER PEAK PLAYA OPERATIONS, BUT A PROJECT BOUNDARY IS NOT CONTAINED WITHIN THIS MAP. THE PROJECT BOUNDARY SHOULD CONTAIN ALL EXISTING AND PLANNED FUTURE COMPONENTS (OFFICE BUILDINGS, POWER SUBSTATIONS, ROADS, PROCESS COMPONENTS, PONDS, PIPELINES, POWERLINES, SALT STORAGE AREAS, ALL WELLS, ETC). PLEASE RESUBMIT A MAP CONTAINING THE PROJECT BOUNDARY. PLEASE INCLUDE A BREAKOUT OF ALL PROJECT ACREAGE AND OWNERSHIP CURRENTLY DISTURBED, AND ANY PROPOSED DISTURBANCES WITHIN THE PROJECT **BOUNDARY.**

UNDER 2.A.c. ABOVE: ALL MINE COMPONENTS NEED TO BE BROKEN OUT AND THE AMOUNT OF DISTURBED ACREAGE ASSOCIATED WITH EACH COMPONENT LISTED. PLEASE PROVIDE A TABLE LISTING COMPONENTS WITH THEIR EXISTING AND PROPOSED FUTURE ACREAGE DISTURBANCES. PLEASE INDICATE WHETHER THE COMPONENT IS ON PUBLIC OR PATENTED LANDS.

UNDER 2.A.d. ABOVE: DEPENDING ON THE BOUNDARY MAP SUBMITTAL MENTIONED ABOVE, AREAS DISTURBED BY PREVIOUS OPERATORS (NOT NECESSARILY LITHIUM PRODUCERS) MAY NEED UPDATING.

UNDER 2.A.e. ABOVE: WHAT ARE AREAS R1, R2, AND R3 ? WHAT ARE THE SIZE AND NUMBER OF FACILITY BUILDINGS ASSOCIATED WITH THE LIME SLAKING PLANT ? HOW MANY AND OF WHAT CONSTRUCTION ARE STRUCTURES ASSOCIATED WITH THE MAINTENANCE BUILDINGS ? WHAT IS THE STATUS OF THE FRESH WATER WELL WEST OF THE SITE ? (FIGURE 3.2 OF EXHIBIT C) IS WATER FROM THIS WELL USED IN ANY MINING PROCESS ? WHERE ARE THE MAIN OFFICE BUILDINGS FOR THE SITE ?

Provide an Estimate of the Acreage of the Proposed Disturbance(s); В. Public Land; 630 ACRES Private Land and/or State Land; 4901 ACRES

Requirements per NAC 519A.270-#4.: NONE

- 3. Reclamation Plan;
 - Provide a Written Description of the Measures to be Taken to A. Prevent Unnecessary or Undue Degradation and the Proposed Activities for Reclamation to be Undertaken During and After Completion of the Mining Operation. The Items in the Attached Mine Plan of Operations - Reclamation Bond Checklist must be competed, as Applicable.

Requirements per NAC 519A.270: NONE

В. Provide a Description of Other Reclamation Activities to be performed, such as Reclamation of Historic Disturbances (Not part of Cost Estimate Calculation) if Applicable; Public Land; Private Land and/or State Land;

Requirements: NONE

C. Provide a Proposed Schedule of the Time for Initiation and Completion of Activities for Reclamation and Initiation of Surface Disturbance Activities;

Requirements per NAC 519A.270-#6.:

NAC 519A.270 REQUIRES A RECLAMATION SCHEDULE THAT DEMONSTRATES WHEN AN AREA WILL BE DISTURBED AS WELL AS WHEN THE RECLAMATION IS ANTICIPATED AND PROPOSED TO BE COMPLETED. THIS SCHEDULE SHOULD INCLUDE ALL MAJOR COMPONENTS ASSOCIATED WITH THIS APPLICATION. THE SCHEDULE SHOULD DEMONSTRATE DISCRETE RECLAMATION ACTIVITIES BY YEAR FOR EACH MAJOR COMPONENT. A BAR CHART OR SIMILAR IS USUALLY SUFFICIENT. NDEP REALIZES THAT MINING IS DYNAMIC IN NATURE HOWEVER A "BEST ESTIMATE" SHOULD BE PROVIDED. THE SCHEDULE CAN BE AMENDED (CHANGED THROUGH NAC 519A.050, MINOR MODIFICATION PROCESS) AS IS NECESSARY WITH NDEP CONCURRENCE.

THE BUREAU ACKNOWLEDGES THAT RECLAMATION MAY BE SUBJECT TO VARIOUS FACTORS NOT TOTALLY WITHIN THE CONTROL OF THE OPERATOR. THE UNPREDICTABILITY OF NATURAL PHENOMENA IS AN INHERENT RISK IN THE MINING BUSINESS. HOWEVER, OUR STATE REGULATIONS DO REQUIRE CONSIDERATION OF THE SEED MIX, TOPSOIL SALVAGE, FERTILIZATION, SLOPE STABILITY, EROSION AND OTHER "CONTROLLABLE" FACTORS IN ORDER TO FACILITATE SUCCESSFUL RECLAMATION. WE ARE NOT OBLIGED TO ACCEPT CYPRUS FOOTE'S DISCLAIMER AND IT WILL NOT BE INCLUDED AS PART OF THE APPROVED RECLAMATION PLAN OR PERMIT. OPERATORS WHO FEEL THAT "UNCONTROLLABLE" CIRCUMSTANCES PREVENT COMPLETE RECLAMATION IN ACCORDANCE WITH THE APPROVED PLAN MAY SEEK REDRESS UNDER NAC 519A.275.3.

D. Provide a Description of the Proposed Productive Post-mining Land Use;

Requirements per NAC 519A.270-#5.: NONE

E. Provide a Contour map of the Post-mining Topography (at a scale which provides sufficient detail);

Requirements per NAC 519A.270-#7.:

THE MAP PROVIDED, <u>SILVER PEAK OPERATIONS LOCATION MAP</u>, DOES NOT PROVIDE DETAIL. PLEASE RESUBMIT A MAP(S) AT A SCALE (1":500' RECOMMENDED) THAT PROVIDES FOR DETAIL. PLEASE INCLUDE THE ENTIRE PROJECT AREA. PLEASE INDICATE CLEARLY ON THIS MAP ANY ROADS, POWER LINES, BUILDINGS, ETC, THAT WILL REMAIN AS PART OF THE POSTMINING LAND USE. PLEASE INCLUDE TOWNSHIP, RANGE, AND SECTION.

F. Provide the Technical Criteria Used to Determine the Final Gradient and Stability of Slopes Created or Affected by the Mining Operation;

Requirements per NAC 519A.270-#8.:

THE APPLICATION MENTIONS THAT "DIKE CONSTRUCTION DESIGNS ARE CURRENTLY UNDER REVIEW" (PAGE 20). DOES OR HAS THIS REVIEW NECESSITATE A REVIEW OF RECLAMATION PLANS OR COSTS ?

BASED ON THE POST-MINING LAND USE, COMPLETE RECLAMATION OF THE DIKES AND ROADS, <u>WITHIN THE PLAYA AREA ONLY</u>, WILL NOT BE REQUIRED. THE PLAN STATES THAT CYPRUS FOOTE WILL BREACH DIKES AS NECESSARY, BREACH ROADS AS NECESSARY, AND OTHERWISE PROVIDE FOR PUBLIC SAFETY.

- G. Provide the Proposed Methods to be Used in Reclaiming Any Impoundments Used During the Operation;
 - a. Regrading to Promote Runoff and Reduce Infiltration;
 - b. Covering with Waste Rock, Topsoil or Growth Medium;
 - c. Revegetation;
 - d. Diverting Run-on;

Requirements per Nac 519A.270-#9.: NONE

- H. Provide the Proposed Methods to be Used in Reclaiming Any Waste and Development Rock Piles;
 - a. Regrading to Round Off Sharp Edges, Enhance the Stability, Reduce Susceptibility to Erosion and Facilitate Efforts for Revegetation;
 - b. Revegetation;
 - c. Diverting Run-on;

Requirements per NAC 519A.345-#3:

IT IS THE BUREAU'S UNDERSTANDING THAT THE GRAVEL OPERATION LOCATED ON THE SOUTH END OF GOAT ISLAND IS TO PROVIDE MATERIAL FOR DIKE/MINE CONSTRUCTION. IF THIS IS THE CASE, THEN THIS GRAVEL OPERATION IS PART OF THE OVERALL MINE OPERATION AND FALLS WITHIN THE STATE'S CHAPTER 519A AUTHORITY. THERE IS A BLM GRAVEL SALE PERMIT FOR THIS SITE AND A PERFORMANCE BOND OF \$760.00 POSTED. UPON THE RECALCULATION OF THE OVERALL MINING SURETY AMOUNT, PLEASE INCLUDE THIS AREA. PLEASE PROVIDE A DESCRIPTION OF PLANNED RECLAMATION (THE POSTED \$760.00 SHOULD BE ANNOTATED AND MAY BE DEDUCTED FROM THE EARTHWORK PORTION OF THE SURETY AMOUNT). PLEASE INCLUDE A BREAKOUT OF OWNERSHIP AND ACREAGE AND INCLUDE AS PER 2.A.C. ABOVE.

- I. Provide the Proposed Methods to be Used in Reclaiming any Dams for Tailings Ponds by;
 - a. Covering with Waste Rock, Topsoil or Growth Medium;
 - b. Revegetation;
 - c. Rendering the Dam Incapable of Storing any Mobile Fluid in a Quantity Which Could Pose a Threat to the Stability of the Dam or to Public Safety;
 - d. If Applicable, Water Treatment Plants and Overflow Basins (Applicable Water Quality Permit May be Referenced);

Requirements per NAC 519A.345-#4.: N/A

- J. Provide the Proposed Methods to be Used in Reclaiming any Heaps From Leaching by;
 - a. Regrading to Enhance Structural Stability, Promote Run-off, Reduce Infiltration and Control Erosion;
 - b. Covering with Waste Rock, Topsoil, or Growth Medium;
 - c. Revegetation;
 - d. Soil Stabilization;
 - e. Diverting Run-on;
 - f. Cyanide Stabilization/Neutralization (Applicable Water Quality Permit May be Referenced);
 - g. Treatments of Outflows, Residual Chemicals or Fluids in the Heaps (Applicable Water Quality Permit May be Referenced);

Requirements per NAC 519A.345-#6.: N/A

- K. Provide the Proposed Methods to be Used in Reclaiming any Solution Ponds, Settling Ponds and Other Non-Tailing impoundments by;
 - a. Backfilling and Regrading in Accordance with the Designated Post-Mining Land Use;
 - Restoring the Pre-disturbance Surface Water in Accordance with the Designated Post-Mining Land Use;
 - c. Cyanide Stabilization/Neutralization;



Requirements per NAC 519A.345-#7.:

THE BUREAU IS CONCERNED ABOUT THE LIME SOLIDS POND. HOW LONG WILL THIS POND PROVIDE A HAZARD TO PUBLIC SAFETY? CAN THE POND BE CAPPED? IN GENERAL, THE BUREAU RECOMMENDS CAPS AND BERMING AS OPPOSED TO FENCING AS CAPS AND BERMS REQUIRE LITTLE MAINTENANCE. THE SURETY DETERMINED IN THE APPLICATION IS FOR CONSTRUCTION OF THE FENCE IN 1993 DOLLARS. THIS APPROACH IS CORRECT AS THE LIFE OF OPERATION IS RELATIVELY LONG. AT THE TIME OF OPERATIONS CLOSURE, AND IF CYPRUS FOOTE DETERMINES THAT THE POND WILL NOT SOLIDIFY, AND THAT LONG TERM FENCING IS THE ONLY ALTERNATIVE, 519A.360.4.e REQUIRES THAT CYPRUS FOOTE PROVIDE A SURETY THAT PROVIDES FOR FENCE MAINTENANCE FOR HOWEVER LONG A FENCE IS REQUIRED. THIS WILL PROBABLY ENTAIL POSTING OF A PRINCIPAL WITH THE INTEREST USED FOR MAINTENANCE, MISCELLANEOUS COSTS, AND FENCE REMOVAL.

L. Provide A Written Statement of any Constraints on the Estimated Time to Complete Reclamation Caused by the Residual Moisture Content or Physical or Chemical Qualities of Impoundments;

Requirements per NAC 519A.270-#10: NONE

- M. Provide a Written Description of the Proposed Reclamation Techniques and Locations of the Following Road Features, if Applicable;
 - a. Recontouring or Regrading to Round Off, Cut and Fill Slopes to the Original Contour or to Approximate the Form of the Land before Disturbance;
 - b. Removing Culverts;
 - c. Ripping/Scarifying;
 - d. Waterbars;
 - e. Revegetation;
 - f. Restoring or Stabilizing Drainage Areas or Streambeds;
 - g. Other Road Reclamation Activities;

Requirements per NAC 519A.345-#1.:

THE APPLICATION STATES ALL ROADS IN THE WELLFIELDS WILL BE RECLAIMED. ARE THERE ANY ROADS WITHIN THE PROJECT BOUNDARY THAT WILL NOT BE RECLAIMED?

N. Provide a Description of the Measures Used to Minimize Loading of Sediment to Surface Waters During Operation, if Applicable;

Requirements per NAC 519A.270-#12.: N/A

- O. Provide a Description of the Proposed Disposition of Buildings, Equipment, Piping, Scrap, Underground Storage Tanks, Reagents and Other Materials, if Applicable;
 - a. Demolishing to the Level of the Foundation and Burying the Demolished Items on the Site in Conformance with Applicable Solid Waste Disposal Requirements;
 - b. Salvaging and Sale;
 - c. Disposal Off of the Site in Conformance with Applicable Solid Waste Disposal Requirements;
 - d. Continuing Use in a Manner Consistent With the Post-mining Use of the Land;

Requirements per NAC 519A.345-#8.:

PLEASE PROVIDE A BREAKOUT OF ALL BUILDINGS, ELECTRICAL DISTRIBUTION EQUIPMENT, LOCATION AND TYPES OF PIPELINES (TO INCLUDE ALL RECENT CONSTRUCTION ACTIVITIES). AS MENTIONED ABOVE, ALL COMPONENTS MUST BE BONDED FOR DEMOLITION AND/OR SITE REMOVAL UNTIL AN ACCEPTABLE POST-MINING USE IS DETERMINED. ANY COMPONENTS

LOCATED ON PUBLIC LANDS PROPOSED TO BE LEFT FOLLOWING MINING WILL NEED THE LAND OWNERS (BLM) CONCURRENCE FOR ANY POST-MINING USES.

P. Provide a Description of Any Surface Facilities Such as Buildings or Roads Which will Not Be Subject to Reclamation to Achieve the Proposed Post-mining Use, if Applicable;

Requirements per NAC 519A.270-#15.:

UNLESS THERE IS A DEFINITE USE FOR EACH MINE COMPONENT (ROADS, BUILDINGS, ELECTRICAL FACILITIES, ETC) FOLLOWING ACTIVE MINING, THEN EACH COMPONENT WILL NEED TO BE BONDED FOR DEMOLITION AND DISPOSAL. AS AN ACCEPTABLE POST-MINING USE IS DETERMINED FOR EACH COMPONENT, SURETY MONIES WILL THEN BE RETURNED FOR THAT COMPONENT.

WHO WILL MAINTAIN THE SILVER PEAK TO GOLDFIELD ROAD FOLLOWING CESSATION OF MINING ACTIVITIES ?

- Q. Provide a Description of the Methods to be Used in Reclaiming Any Open Pit Mines by;
 - a. Performing Activities that Will Provide for Public Safety;
 - b. Stabilizing Pit Walls or Rock Faces Where Required for Public Safety;
 - c. Constructing and Maintaining Berms, Fences or Other Means of Restricting Access;
 - d. Creating a Lake for Recreational, Wildlife or Other Use;
 - e. Revegetation;

Requirements per NAC 519A.345-#9.: N/A

- R. Provide a Description of the Methods to be Used in Reclaiming Underground Mines by;
 - a. Sealing Shafts, Adits, Portals and Tunnels to Prevent Access;
 - b. Constructing and Maintaining Berms, Fences or Other Means of Restricting Access;

Requirements per NAC 519A.345-#10.: N/A

S. Provide a Description of Any Necessary Monitoring and Maintenance of Fences, Signs, and Other Structures to be Performed by the Operator on the Reclaimed Land, if Applicable;

Requirements per NAC 519A.270-#16.:

SEE 3.K. ABOVE.

T. Provide a Description of any Reclamation which is Necessary Because of Instream Mining;

Requirements per NAC 519A.270-#17.: N/A

U. Provide a Written Statement of the Effect that the Proposed Reclamation will Have on Future Mining in the Area;

Requirements per NAC 519A.270-#18.: N/A

V. Provide a Description of Drill Hole Plugging Procedures in accordance with NRS 534.425 through 534.428, if Applicable;

Requirements per NAC 519A.345-#2.:

THE MAJOR RECLAMATION COST PROVIDED WITHIN THE APPLICATION WAS FOR PLUGGING ABANDONED WELLS. WHAT IS THE STATUS OF WELL PLUGGING ?

W. Provide a Description of Concurrent Reclamation, if Applicable;

Requirements per NAC 519A.285-#1.: NONE

X. Provide a Description of Measures to be Taken During Extended Periods of Nonoperation to Maintain the Area in a Safe and Clean Manner and to Reclaim the Land to Avoid Erosion and Other Adverse Impacts. If not Filed at the Time of Plan Submittal, this Information Shall be Filled whenever the Operator Anticipates a Period of Nonoperation, if Applicable;

Requirements per NAC 519A.320: NONE

4. Provide a Statement That the Applicant Agrees to Assume Responsibility for the Reclamation of any Surface Area Affected by the Mining Operation;

Requirements per NAC 519A.140-#2e.: NONE

- 5. Provide an Estimate of the Reclamation Cost per NAC 519A.360;
 - A. The Cost of Equipment Rental, Operation and Labor Appropriate for the Geographic Area, or;

Requirements per NAC 519A.360-#3.a.:

B. The Estimate of Cost from an Outside Contractor, or;

Requirements per NAC 519A.360-#3.b.:

C. Any Other Method which is Acceptable to the Administrator, the Bureau of Land Management, the United States Forest Service or Another Federal Land Management Agency, if Appropriate;

Requirements per NAC 519A.360-#3.c.:

ON A RECENT VISIT TO THE SITE, CONSTRUCTION WAS OBSERVED NEAR THE MAIN OFFICE AND PROCESS BUILDINGS. PLEASE PROVIDE A DISCUSSION OF ALL CONSTRUCTION EITHER COMPLETED, IN PROGRESS, OR PLANNED SINCE THIS APPLICATION WAS SUBMITTED.

PLEASE UPDATE THE SURETY CALCULATION TO INCLUDE: DEMOLITION AND TRANSPORTATION COSTS FOR ALL CONSTRUCTION COMPLETED OR IN PROGRESS; THE COSTS OF REVEGETATION ON THOSE APPLICABLE SITES; RECLAMATION COSTS ASSOCIATED WITH THE GRAVEL OPERATION.

- D. Provide a Narrative Description of the Following Proposed Reclamation Activities, per NAC 519A.360-#4, if Applicable;
 - a. Earthwork;
 - b. Revegetation;
 - c. Removal/Disposal/Salvage of Structures and Equipment;
 - d. Post Reclamation Maintenance;
 - e. Equipment Mobilization/Demobilization;
 - f. Cyanide Stabilization/Neutralization Measures, or Provide Reference to the Permit Issued Pursuant to NAC 445.242 through 445.24388;
 - g. Agency Administrative/Management Costs;

Requirements per NAC 519A.360-#4.:

UNDER 5.b. ABOVE: NO DISCUSSION NOR BOND COSTS WERE PROVIDED FOR REVEGETATION OF NON-PLAYA DISTURBANCE. WHILE REVEGETATION IS NOT NECESSARY FOR DISTURBANCES ON THE PLAYA, OTHER AREAS CONTAIN ESTABLISHED VEGETATION COMMUNITIES AND CAN BE REVEGETATED (OFFICE SITE, BORROW PIT AREAS, ETC). PLEASE PROVIDE A DISCUSSION AND BOND COSTS FOR REVEGETATION OF NON-PLAYA DISTURBANCES. (SEE ATTACHMENT B PROVIDED). THE BUREAU, BASED ON THE LIFE OF THIS MINING OPERATION, FEELS THAT THERE ARE TWO APPROACHES TO



REVEGETATION ON THIS SITE. THE FIRST IS TO PROVIDE A DISCUSSION AND BOND AS MENTIONED ABOVE. THE SECOND IS TO PROVIDE A DISCUSSION OF REVEGETATION AND A STATEMENT TO AGREE IN PRINCIPAL TO REVEGETATION AND TO PROVIDE A STATEMENT TO THE EFFECT THAT IF NATURAL REVEGETATION DOES NOT 'TAKE', CYPRUS FOOTE WILL 'ACT' TO PROVIDE FOR REVEGETATION.

CYPRUS FOOTE MINERALS, IN A LETTER WITH A MAP DATED 20 JUNE, 1994, DISCUSSED SEVEN ACRES OF EARTHWORK RECLAMATION WORK DONE ON A BORROW PIT. AFTER A SITE VISIT ON 13 SEPT., 1995 BY THE BUREAU TOGETHER WITH THE BLM, THE BUREAU AND THE BLM AGREE THAT THE MAJORITY OF EARTHWORK DONE IS SATISFACTORY. MINOR REGRADING IS STILL REQUIRED ON SOME OF THE FLATTER AREAS. PLEASE COORDINATE THIS WORK WITH THE BLM.

CYPRUS FOOTE'S RECLAMATION ANNUAL REPORT DATED 4-15-1991 LISTED 5,741 ACRES OF PRIVATE LAND AS AFFECTED. THE RECLAMATION ANNUAL REPORT DATED 3-30-92 LISTED 4,901 ACRES AS AFFECTED AND 840 ACRES OF PRIVATE LAND AS RECLAIMED. THE BUREAU HAS NO PAPERWORK NOR MAP(S) REGARDING THIS RECLAIMED AREA. PLEASE PROVIDE THE BUREAU COPIES OF DOCUMENTS REGARDING RECLAMATION ON THIS 840 ACRES. (PROVIDED IS ATTACHMENT A - DOCUMENTATION OF RECLAMATION ACTIVITIES FOR SURETY RELEASE AND ANNUAL FEE REPORTING, WHICH PROVIDES THE BUREAU REQUIREMENTS REGARDING RECLAMATION DOCUMENTATION)

E. Provide an Reclamation Cost Estimate Submitted on NDEP Form or Equal;

Requirements per NAC 519A.365:

6. Provide an Attached Application Permit Fee;

Provide the Following Applicant Fee Calculation for Affected and Unreclaimed Land included in the Plan for Reclamation.

630	Acres	of	Public I	Land	X	\$1.	50	= .	\$945.00	
			Private					=]	\$12,252.50	
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Note: A check or money order representing the total amount of this calculated fee must be enclosed with the Permit Application which is submitted to NDEP. Make the Check or Money Order Payable to the State of Nevada, Division of Environmental Protection.

Requirements per NAC 519A.225.:

\$13,197.50 CHECK FOR RECLAMATION APPLICATION WAS DATED 3/30/93.

7. Provide A Written Statement Setting Forth the Effect that the Proposed Reclamation Will Have on Public Safety. (NAC Chapter 513 may be obtained from Nevada Department of Minerals which provides safety requirements for abandonment of mines.)

Requirements per NAC 519A.270-#19.: NONE

8. Acknowledgement:

Requirements: NONE

ATTACHMENT A

Documentation of Reclamation Activities for Surety Release and Annual Fee Reporting

An operator may request surety release in accordance with NAC 519A.385. The following documentation must be submitted to NDEP:

- 1. Map(s) clearly identifying the area, noting specific treatments and sampling locations (as applicable).
- 2. Description of the following activities:
 - A. Earthwork:
 - 1) The number of acres regraded.
 - Final slope angles left after regrading.
 - Methodology used to check final slope angles (e.g., clinometer, transit, etc.).
 - 4) The number of acres that received topsoil/growth medium.
 - 5) Depth of topsoil/growth medium and application method.
 - 6) Dates of completion of activities.
 - B. Revegetation Activities:
 - 1) The number of acres that were seeded and/or planted.
 - 2) Seed bed preparation methods utilized.
 - Seeding/planting methods used (e.g., broadcast seeding, etc.).
 - 4) Seed mix and seeding rate (PLS).
 - 5) The number of acres that received fertilization, mulch or amendments.
 - 6) Fertilizer (N-P-K, type, application rate, application method).
 - 7) Mulches and soil amendments (type, application rate, and application method).
 - 8) Date of completion of activities.
 - C. Final Revegetation Sampling:
 - 1) Adjacent undisturbed vegetation type or range site description (baseline data).
 - Sampling method (e.g., line intercept).
 - Number of samples taken (disturbed and adjacent undisturbed sites).
 - 4) Statement of methodology demonstrating sample size adequacy and how the location of representative sites were determined.
 - 5) Results of sampling (copy of sampling worksheet) for disturbed and undisturbed areas. Indicate all perennial species located.
 - Dates of sampling.
 - D. Other reclamation activities such as; structure removal, safety feature installation, erosion control treatment, equipment removal or other permit requirements.
- 3. A. Prior to release, a field inspection may be required to verify that reclamation has been performed in accordance with the approved reclamation plan and permit.
 - B. Areas requiring revegetation are not reclaimed nor released from annual fees until the Nevada Interim Standards for Successful Revegetation have been met and accepted by NDEP. Areas not requiring revegetation are not considered reclaimed nor released from annual fees until all reclamation plan and/or permit requirements for the area have been met and accepted by NDEP. All required documentation as described above must be submitted to NDEP for review and approval.

ATTACHMENT B

NEVADA INTERIM STANDARDS FOR SUCCESSFUL REVEGETATION

I. MINING PLANS-OF-OPERATIONS

A. Reclaimed Desired Plant Communities for Mining Operation Disturbances

Reclamation goals for mining disturbances are 1) stabilize the site, and 2) establish a productive vegetative community based on the applicable land use plan and designated postmining land uses. To meet these goals, a Reclaimed Desired Plant Community (RDPC) should be selected for use on the disturbed mine sites. A RDPC is defined as:

"A perennial plant community established on a disturbed site which provides stability though management and land treatment, and which produces the type and amount of vegetation necessary to meet or exceed both the land use and activity plan objective established for the site".

Several RDPC's may be selected based on site-specific revegetation goals and variable site characteristics of the mining disturbances. When selecting RDPC's, major alterations in reconstructed soils and the subsequent effect of this on the site's capability to establish and sustain the desired vegetation must be considered. A RDPC must have a reasonable chance for success when making the selection.

The plant mix for the RDPC should be diverse, and when appropriate for the site, should include grasses, forbs, shrubs or trees. The RDPC should be comprised of species native to the area, or introduced species where desirable and necessary to achieve the approved postmining land use. Plants within the RDPC must meet the requirements of applicable State and Federal seed, poisonous and noxious plant, and introduced species laws or regulations. All RDPC's must be approved by the agencies. Plant mixes for RDPC's may be selected using the following methods.

- 1. Select existing vegetation types around the mine site to represent the varied RDPC's.
- 2. Use test-plots, demonstration areas, or areas concurrently reclaimed within the mine site or within similar representative areas from adjacent mines to serve as the RDPC's as long as they meet the reclamation goal.
- 3. For areas where existing vegetative types adjacent to the mine area are severely disturbed or where test-plots or demonstration areas are not reasonable alternatives, RDPC's may be selected using ecological or range site descriptions.

B. Standards for Successful Revegetation

The revegetation release criteria for reclaimed mine sites will be to achieve as close to 100 percent of the perennial plant cover of selected vegetation communities or reference areas as possible. The vegetation communities or reference areas will be selected from representative, undisturbed plant communities adjacent to the mine site, or, as appropriate, representative ecological or range site descriptions. The selected plant communities or reference areas must have a reasonable chance for success on the mine site. Each plan-of-operations should identify the release criteria in the reclamation plan or permit. For plant communities which are unique or are critical to the ecology of sensitive animal species, the agency may also require specific release



standards for individual plant species or vegetative types (grasses, forbs, shrubs, trees). Unless extreme site conditions exist at the mine site, the release criteria should not normally be lower than 50 percent and would normally be expected to be 100 percent of the perennial plant cover for the selected vegetation communities.

Cover would be estimated using foliar and basal cover measured by the line intercept method as described in the BLM Rangeland and Monitoring Technical Reference 4400-4, page 42. Other applicable methods may be substituted for the line intercept method by the agencies. The sampling scheme for the location and number of samples needed on mine disturbances or RDPC's should be specified within the reclamation plan.

The determination of successful revegetation of mining disturbances will require an evaluation of the data by the agencies on a site-specific basis. When making this evaluation, the following guidelines shall also be considered:

- 1. Have desirable species been successfully established?
- Is there evidence of vegetative reproduction processes (e.g. rhizomes or seed production)?
- 3. Is there evidence of overall site stability?
- 4. Has the revegetation goal in the reclamation plan been met?

C. Timeframes

The agencies will evaluate the success of the vegetative growth of a reclaimed mine site after three full growing seasons have elapsed since earthwork and planting have been completed. Final bond release may be considered at that time. Interim progress of reclamation will be monitored as appropriate by the agency and operator. Where it has been determined that revegetation success has no been met, the agencies and the operator will meet to decide on the best course of actions necessary to meet the reclamation goal.

D. Surety Release

Partial release of the bond may be granted prior to completion of a mining project. Sixty percent of the calculated bond amount may be released upon completion of earthwork. An additional twenty-five percent may be released after revegetation requirements have been satisfied. When all requirements of the reclamation plan have been satisfied, the entire reclamation bond may be released if no other activities (fencing, removal of fencing, signing, etc.) are proposed for the area. Portions of the reclamation bond may also be released for discrete parts of the mining operation (waste pile, heap leach pad, tailings impoundment, etc.) if the reclamation requirements for these discrete parts have been met.

II. EXPLORATION PLANS-OF-OPERATIONS

The same guidelines for bond release as described above can be used to evaluate the success of the RDPC's for Plan level exploration disturbances. The agencies may also decide depending on the size and scope of the project, to evaluate revegetation and reclamation success based on general ground reconnaissance and professional judgement.

Extenuating circumstances such as multiple use impacts (grazing) and/or deficient precipitation shall be considered when evaluating the success of the revegetation effort. If the regulatory agencies determine that remedial seeding is required

on a site, the operator and agencies will meet to determine the procedure and seed mix for the seeding. Upon completion of the remedial reseeding, the operator may request that the entire surety be released if no other reclamation activities are proposed for the area and there is evidence of overall site stability.

III. NOTICE LEVEL ACTIVITIES

A notice may be closed when reclamation is competed to the satisfaction of the responsible agency.

For operators who continue to do work annually under the same notice the following applies. If earthwork and seeding have been completed on a project area to the satisfaction of the agencies, this acreage will not count in the total surface disturbance. This will be called monitored reclamation. The monitored reclamation will not be released until overall site stability and acceptable revegetation have been met. The operator may create additional disturbance as long as the active unreclaimed disturbance does not exceed five acres and the total monitored reclamation does not exceed ten acres.





September 1, 1993 G:\FORMS\ATTACHME.B in reply refer to

No.

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710

52918

November 30, 1995

Address All Communications to the State Engineer, Division of Water Rescurces

Telephone (702) 687-4380

FOOTE MINERAL COMPANY SILVER PEAK OPERATIONS, HWY 265 SILVER PEAK NV 89047

This is to inform you that Application for Extension of Time

has been granted to,	19
for filing of the	

has been granted toSEPIEMBER 30,	1996
with the provision that no further extensions will be granted	
for filing of the PROOF OF COMPLETION OF WORK	************

except for good cause shown as provided under NRS 533 390 and 533 410	n

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/gkl cc: SNBO

Ross de Lipkau

PETER G. MORROS, Director

L.H. DODGION, Administrator

(702) 687-4670 TDD 687-4678

Administration
Mining Regulation and Reclamation
Water Pollution Control
Facsimile 687-5856

Address Reply to: Capitol Complex Carson City, NV 89710 STATE OF NEVADA BOB MILLER Governor



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL PROTECTION

Capitol Complex

Carson City, Nevada 89710

16 January, 1996

Notice of Proposed Action

by the

State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for a Mining Reclamation Permit has been properly filed with the Division of Environmental Protection in Carson City. The applicant for Permit #0092 is:

CYPRUS FOOTE MINERAL COMPANY P.O.BOX 98 SILVER PEAK, NV 89047



This project, known as the SILVER PEAK OPERATION, is located in Esmeralda County, Nevada and is in portions of:

TOWNSHIP 1 SOUTH, RANGE 39 EAST, SECTIONS 35 & 36

TOWNSHIP 1 SOUTH, RANGE 40 EAST, SECTIONS 20-36

TOWNSHIP 2 SOUTH, RANGE 39 EAST, SECTIONS 1-3, 10-15,

22-28, & 34-36

TOWNSHIP 2 SOUTH, RANGE 40 EAST, SECTIONS 1-12, 15-21, & 29-32

TOWNSHIP 3 SOUTH, RANGE 39 EAST, SECTIONS 1-3, 10-12

TOWNSHIP 3 SOUTH, RANGE 40 EAST, SECTION 6

The Administrator is constrained to issue a permit for the mining project or to deny the application. The Administrator has made the tentative determination to issue the reclamation permit.

Persons wishing to comment upon the proposed permit, or who request a public hearing pursuant to the Nevada Administrative Code, NAC Chapter 519A, must submit their comments, objections, or

Waste Management

Facsimile 885-0868

Water Quality Planning

Facsimile 687-6396

Carson City, NV 89710

Corrective Actions

Federal Facilities

Air Quality

Located at:

333 W. Nye Lane

requests in writing no later than 30 calendar days following the date of publication of this notice in the "Tonopah Times-Bonanza", Tonopah, Nevada to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation Capitol Complex 333 W. Nye Lane Carson City, Nevada 89710

All comments or objections received during the 30-day period, reserved for public participation will be considered in the final determination regarding this application. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 519A.200.

The application and all documents subsequent thereto are on file and are available for public inspection and copying pursuant to NRS Chapter 239.010. Please submit all questions and inquires regarding these documents, in writing to the above address or call Kurt Kolbe at (702) 687-4670, ext. 3136 or toll free in Nevada (800) 992-0900, ext. 4670.

Please bring this notice of proposed action to the attention of any person whom you believe would be interested in this matter.



MAILING LIST Reclamation Permit

CYPRUS FOOTE - SILVER PEAK (Permit and Public Notice)

Attn: Mr. David Outsen Cyprus Foote Mineral Company P.O.Box 98 Silver Peak, NV 89047

Nevada Mining Association 5250 S. Virginia St., Suite 220 Corporate Pointe Reno, NV 89502

Attn: Deputy State Dir. Bureau of Land Management Mineral Resources NV-920 P.O. Box 12000 Reno, NV 89520-0006

Mary Beth Marks
U.S. Forest Service
Humboldt National Forest
2035 Last Chance Road
Elko, NV 89801

Carlos H. Mendoza State Supervisor U.S. Fish & Wildlife Service 4600 Kietzke Lane, Bldg. C-125 Reno, NV 89502-5093

U.S. Forest Service Toiyabe National Forest 1200 Franklin Way Sparks, NV 89431

Linda Wells
Division of Minerals
INTERDEPARTMENTAL MAIL

Tracy Taylor
Division of Water Resources
INTERDEPARTMENTAL MAIL

Attn: Habitat Section Nevada Division of Wildlife P.O. Box 10678 Reno, NV 89510 INTERDEPARTMENTAL MAIL

Attn: Ms. Terri Berntson Field Mine Biologist Nevada Division of Wildlife

Attn: Mr. Gordon Pine Bureau of Land Management Tonopah Resource Area Bldg. 102, Old Radar Base P.O.Box 911 Tonopah, NV 89445



(Public Notice)

Citizen Alert P.O. Box 5339 Reno, Nevada 89513-5339

Sierra Club P.O. Box 8096 Reno, Nevada 89507

Attn: Chairperson Esmeralda County Commissioner

Nevada Indian Commission Bldg. B, Suite 116 4600 Kietzke Lane Reno, NV 89502

James Holtkamp Stoel, Rives, Boley, Jones and Grey 201 S. Main, Suite 1100 Salt Lake City, UT 84111

Keith Dangelo Nelson International P.O. Box 815 Fernley, NV 89408

Jerry Millett, Chairman Duckwater Reservation P.O. Box 68 Duckwater, NV 89314

Alvin Moyle, Tribal Chairman Fallon Reservation 8955 Mission Road Fallon, NV 89406

Edmund Steele, Chairman Goshute Reservation P.O. Box 6104 Ibapah, UT 84034

Alfred Happy, Chairman Lovelock Colony P.O. Box 878 Lovelock, NV 89419 Joseph Ely, Chairman Pyramid Lake Reservation P.O. Box 256 Nixon, NV 89424

Consumer Health Prot. Service 500 East King Street Carson City, NV 89710 INTERDEPARTMENTAL MAIL

Hugh Ingle
Nevada Miners and
Prospectors Association
P.O. Box 4179
Carson City, NV 89702

Welsh Engineering, Inc. 5250 Neil Road, Suite 300 Reno, NV 89502

James Paiva, Chairman Duck Valley Reservation P.O. Box 219 Owyhee, Nevada 89832

Bennie Reilley, Chairman Ely Colony 16 Shoshone Circle Ely, Nevada 89301

Arnold Sam, Chairman Ft. McDermitt Reservation P.O. Box 457 McDermitt, NV 89421

Margaret Henry, Chairman Las Vegas Colony 1 Paiute Drive Las Vegas, NV 89102

Wallace Kay, Chairman Moapa River Reservation P.O. Box 340 Moapa, NV 89025

11/16/95 J:\WFDATA\MINING\RECLAMAT\FORMS\MAILING.LST Page 2

Robert Shaw, Chairman Reno/Sparks Colony 98 Colony Road Reno, NV 89502

Summit Lake Reservation 655 Anderson Street Winnemucca, NV 89445-3657

Delores Conklin, Chairman Battle Mountain Band 35 Mountain View Dr., #138-13 Battle Mountain, NV 89820

Gordon Healy, Chairman South Fork Bank P.O. Box B-13 Lee, NV 89829

Anita Collins, Chairman Walker River Reservation P.O. Box 220 Schurz, NV 89427

Jim Bender, Chairman Carson Community 2900 S. Curry Street Carson City, NV 89703-6216

M. Kevin Jones, Chairman Woodsfords Community 95 Dutch Valley Drive Markleeville, CA 96120

Linda Howard, Chairman Yerington Colony 171 Campbell Lane Yerington, NV 89447

Nevada Urban Indians 2100 Capurro Way, Suite C Sparks, NV 89431-1036

Inter-Tribal Council of Nevada, Inc. P.O. Box 7440 Reno, NV 89510

Joe Milbourne Partraco P.O. Box 55002 Hayward, CA 94545 Anthony Tom, Chairman Te-Moak Tribes 535 Sunset Street Elko, NV 89801

Davis Gonzales, Chairman Elko Bank P.O. Box 748 Elko, NV 89801

Gracie Begay, Chairman Wells Bank P.O. Box 809 Wells, NV 89835

Vernon Wyatt, Chairman Washoe Tribes 919 Highway 395 South Gardnerville, NV 89410

Attn: Chairman
Dresslerville Community
1535 Watasheamu Road
Gardnerville, NV 89410

Glenn Wasson, Chairman Winnemucca Colony c/o 1745 Auborn Way Reno, NV 89502

Levi Hooper, Chairman Yomba Reservation Route 1, Box 24-A Austin, NV 89310

Las Vegas Indian Center, Inc. 2300 W. Bonanza Road Las Vegas, NV 89106

Nancy Scott Nevada League of Women Voters 241 Heidi Circle Carson City, NV 89701

Mrs. Annette Mills, President Nevada League of Women Voters 4413 Mark Avenue Las Vegas, NV 89108

11/16/95 J:\WPDATA\MINING\RECLAMAT\FORMS\MAILING.LST Page 3

Carl D. Savely Lionel, Sawyer and Collins 1700 Valley Bank Plaza 300 South Fourth Street Las Vegas, NV 89101

Connie Stathes P.O. Box 21238 Reno, NV 89515

Peter Kraatz SRK, Inc. 1755 E. Plumb Lane, #241 Reno, NV 89502

Channel 21 News Dept. KAME TV 4920 Brookside Court Reno, NV 89502

Douglas J. Rather, Editor Midwest Media Group P.O. Box 146 Wilmette, IL 60091-0146

James Cooper 2861 Monte Verde Sparks, NV 89434

Theresa Schroeder Building Dept. Humboldt County 25 W. 4th Street Winnemucca, NV 89445

Jennifer Larson Scarpello & Alling 600 E. Williams, Suite 300 Carson City, Nv 89701

Jim & Mary Casey P.O. Box 596 Silver Springs, NV 89429

Mark & Peggy Thomas P.O. Box 696 Dayton, NV 89403

Daryl Jozwik
Eastgate Mine
American Colloid Company
HCR 69, Box 135
Belle Fourche, SD 57717

Mahmood Azad P.E.

JBR Environmental Consultants
5365 Mae Anne Avenue, Suite B-2
Reno, NV 89523

David Cowperthwaite Environmental Commission

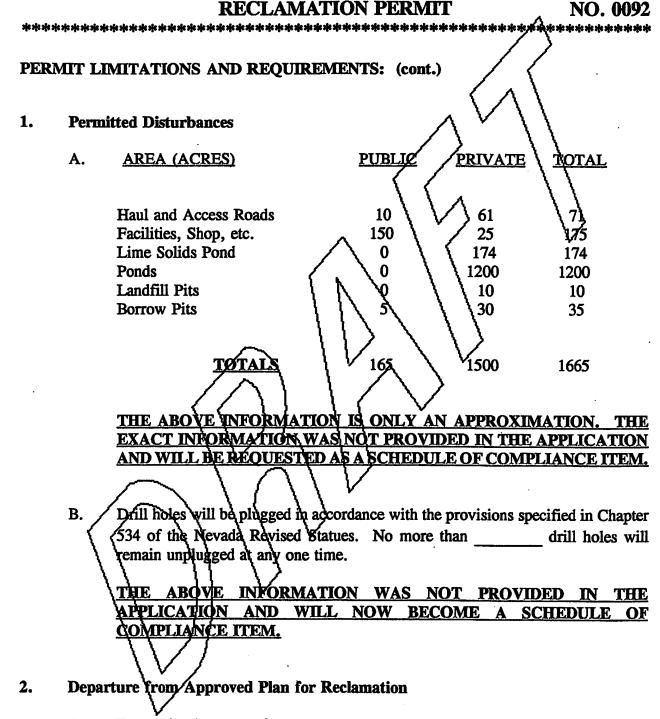
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STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF ENVIRONMENTAL PROTECTION BUREAU OF MINING REGULATION AND RECLAMATION

BOREAU OF	WIND REGULATION AND RECLAMATION
	RECLAMATION PERMIT
********	**********************************
PERMITTEE:	CYPRUS FOOTE MINERAL COMPANY P.O.BOX 98 SILVER PEAK, NV 89047
PROJECT LOCATION:	T1S, R39E, SECTIONS 35 & 36 T1S, R40E, SECTIONS 20-36 T2S, R39E, SECTIONS 1-3, 10-15, 22-28, & 34-36 T2S, R40E, SECTIONS 1-12, 15-21, & 29-32 T3S, R39E, SECTIONS 1-3, 10-12 T3S, R40E, SECTION 6 ALL IN ESMERALDA COUNTY
PERMIT NUMBER:	9092 BLM CASE NUMBER: N33-91-003Y
PROJECT TYPE:	Mining Operation AMENDMENTS: None
Protection (bereinafter the COMPANY to reclaim the Spermit and the reclamation FOR CYPRUS FOOTE M This permit issued this effect for the life of the protection of any mining claim to whice Doug Zimmerman, Chief	
Bureau of Mining Regulation	n and Reclamation

Page 1 of 5



- A. Except in the case of an emergency, the operator may not depart from the approved plan for reclamation without a modification approved by the Division.
- B. When an operator submits an amended plan of operation to the federal agency, a copy shall also be filed with the Division.

PERMIT LIMITATIONS AND REQUIREMENTS: (cont.)

3. Fees

- A. On or before April 15 of each year submit the fees as required by NAC 519A.235.
- B. On or before April 15 of each year submit the fees as required by NRS 519A.260.

4. Reports

A. On or before April 15 of each year, the operator shall submit a report (NRS 519A.260), in a format specified by the Division, relating to the status and production of the operation and identifying each acre of land affected and land reclaimed by the operation.

5. Project Completion, Abandonment or Suspension of Work

- A. The Division shall be notified in writing within 90 days after an operation is complete or abandoned. The notice must state the date on which the activities for reclamation will begin as specified in NAC \$19A.320.
- B. The Division shall be notified in writing within 90 days after work is suspended at the operation for more than 120 days. The notice must state the nature and reason for the suspension; the anticipated duration of the suspension; and any event which would reasonably be expected to result in either the resumption of activities or the abandonment of the operation. The Operator is not required to notify the Division of a temporary closure caused by weather conditions.

6. Surety

A. The operator shall file and maintain an acceptable surety as specified in NAC 519A.350 to ensure that reclamation will be completed. If the surety is a Corporate Guarantee, the financial warrantor shall submit to the Division on a yearly basis, a certified financial statement for the financial warrantor's most recent fiscal year and a verification by a Certified Public Accountant (CPA) that the Corporation meets the requirements for Corporate Guarantee.



PERMIT LIMITATIONS AND REQUIREMENTS: (cont.)

- B. Within 3 years after the effective date of this permit and at least every 3 years thereafter, the operator shall review the surety amount to determine whether it is still adequate to execute the approved reclamation plan. Inflation must be considered.
- C. The operator shall notify the Division and the appropriate Federal Land Management Agency(s) of the results of the surety review, and within 120 days of its completion, verify that the current surety is adequate, increase the surety, or request a decrease in the surety.
- D. The operator must provide documentation on reclamation work completed, before any portion of the surety may be released. (See Attachment A).

7. Inspection of Exploration-Project and/dr Mining Operation

A. The operator shall allow authorized representatives of the Division, and the appropriate federal land management agency(s) to inspect the operation, during normal business hours, to determine dompliance with the terms and conditions of this permit and the status of reclamation activities.

8. General Requirements

- A. The operator shall maintain a copy of this permit and all modifications at the permitted project or operation at all times.
- B. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit, shall not be affected.
- C. Any noncompliance with this permit shall be reported orally to the Division within 48 hours of the time the operator has knowledge of the circumstances. A written summary shall be provided within 10 days after the oral report is made.
- D. Any changes in the Operator's name or address shall be reported within 30 days to the Division in writing, and must indicate the permit number and appropriate changes.



PERMIT LIMITATIONS AND REQUIREMENTS: (cont.)

- E. Any changes in Corporation/Partnership/Proprietorship name, officers, or address shall be reported within 30 days to the Division in writing, and must indicate the permit number and appropriate changes.
- F. The operator shall meet the revegetation shandards as set forth in Attachment B.
- G. An operator who initiates reclamation activities prior to meeting chemical stabilization (closure) requirements will be responsible to provide a surety for and to repair any reclaimed areas which may be re-affected by closure activities.

9. Schedule of Compliance

The permittee shall achieve compliance in accordance with the following schedule:

- 1. CYPRUS FOOTE MINERAL COMPANY TO PROVIDE THE REQUESTED INFORMATION OUTLINED IN THE NDEP DOCUMENT DATED 11 OCTOBER, 1995, NO LATER THAN 1 MAY, 1996. (ATTACHED)
- 2. CYPRUS FOOTE MINERAL COMPANY TO POST SURETY NO LATER THAN JUNE, 1996.



VERSION 10/95
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ATTACHMENT A

Documentation of Reclamation Activities for Surety Release and Annual Fee Reporting

An operator may request surety release in accordance with NAC 519A.385. The following documentation must be submitted to NDEP:

- 1. Map(s) clearly identifying the area, noting specific treatments and sampling locations (as applicable).
- 2. Description of the following activities:
 - A. Earthwork:
 - 1) The number of acres regraded.
 - 2) Final slope angles left after regrading.
 - 3) Methodology used to check final slope angles (e.g., clinometer, transit, etc.).
 - 4) The number of acres that received topsoil/growth medium.
 - 5) Depth of topsoil/growth medium and application method.
 - 6) Dates of completion of activities.

B. Revegetation Activities:

- 1) The number of acres that were seeded and/or planted.
- 2) Seed bed preparation methods utilized.
- 3) Seeding/planting methods used (e.g., broadcast seeding, etc.).
- 4) Seed mix and seeding rate (PLS).
- 5) The number of acres that received fertilization, mulch or amendments.
- 6) Fertilizer (N-P-K, type, application rate, application method).
- 7) Mulches and soil amendments (type, application rate, and application method).
- 8) Date of completion of activities.

C. Final Revegetation Sampling:

- 1) Adjacent undisturbed vegetation type or range site description (baseline data).
- 2) Sampling method (e.g., line intercept).
- 3) Number of samples taken (disturbed and adjacent undisturbed sites).
- 4) Statement of methodology demonstrating sample size adequacy and how the location of representative sites were determined.
- Sesults of sampling (copy of sampling worksheet) for disturbed and undisturbed areas. Indicate all perennial species located.
- 6) Dates of sampling.
- D. Other reclamation activities such as; structure removal, safety feature installation, erosion control treatment, equipment removal or other permit requirements.
- 3. A. Prior to release, a field inspection may be required to verify that reclamation has been performed in accordance with the approved reclamation plan and permit.
 - B. Areas requiring revegetation are not reclaimed nor released from annual fees until the Nevada Interim Standards for Successful Revegetation have been met and accepted by NDEP. Areas not requiring revegetation are not considered reclaimed nor released from annual fees until all reclamation plan and/or permit requirements for the area have been met and accepted by NDEP. All required documentation as described above must be submitted to NDEP for review and approval.







ATTACHMENT B

NEVADA INTERIM STANDARDS FOR SUCCESSFUL REVEGETATION

I. MINING PLANS-OF-OPERATIONS

A. Reclaimed Desired Plant Communities for Mining Operation Disturbances

Reclamation goals for mining disturbances are 1) stabilize the site, and 2) establish a productive vegetative community based on the applicable land use plan and designated postmining land uses. To meet these goals, a Reclaimed Desired Plant Community (RDPC) should be selected for use on the disturbed mine sites. A RDPC is defined as:

"A perennial plant community established on a disturbed site which provides stability though management and land treatment, and which produces the type and amount of vegetation necessary to meet or exceed both the land use and activity plan objective established for the site".

Several RDPC's may be selected based on site-specific revegetation goals and variable site characteristics of the mining disturbances. When selecting RDPC's, major alterations in reconstructed soils and the subsequent effect of this on the site's capability to establish and sustain the desired vegetation must be considered. A RDPC must have a reasonable chance for success when making the selection.

The plant mix for the RDPC should be diverse, and when appropriate for the site, should include grasses, forbs, shrubs or trees. The RDPC should be comprised of species native to the area, or introduced species where desirable and necessary to achieve the approved postmining land use. Plants within the RDPC must meet the requirements of applicable State and Federal seed, poisonous and noxious plant, and introduced species laws or regulations. All RDPC's must be approved by the agencies. Plant mixes for RDPC's may be selected using the following methods.

- 1. Select existing vegetation types around the mine site to represent the varied RDPC's.
- 2. Use test-plots, demonstration areas, or areas concurrently reclaimed within the mine site or within similar representative areas from adjacent mines to serve as the RDPC's as long as they meet the reclamation goal.
- 3. For areas where existing vegetative types adjacent to the mine area are severely disturbed or where test-plots or demonstration areas are not reasonable alternatives, RDPC's may be selected using ecological or range site descriptions.

B. Standards for Successful Revegetation

The revegetation release criteria for reclaimed mine sites will be to achieve as close to 100 percent of the perennial plant cover of selected vegetation communities or reference areas as possible. The vegetation communities or reference areas will be selected from representative, undisturbed plant communities adjacent to the mine site, or, as appropriate, representative ecological or range site descriptions. The selected plant communities or reference areas must have a reasonable chance for success on the mine site. Each plan-of-operations should identify the release criteria in the reclamation plan or permit. For plant communities which are unique or are critical to the ecology of sensitive animal species, the agency may also require specific release

standards for individual plant species or vegetative types (grasses, forbs, shrubs, trees). Unless extreme site conditions exist at the mine site, the release criteria should not normally be lower than 50 percent and would normally be expected to be 100 percent of the perennial plant cover for the selected vegetation communities.

Cover would be estimated using foliar and basal cover measured by the line intercept method as described in the BLM Rangeland and Monitoring Technical Reference 4400-4, page 42. Other applicable methods may be substituted for the line intercept method by the agencies. The sampling scheme for the location and number of samples needed on mine disturbances or RDPC's should be specified within the reclamation plan.

The determination of successful revegetation of mining disturbances will require an evaluation of the data by the agencies on a site-specific basis. When making this evaluation, the following guidelines shall also be considered:

- 1. Have desirable species been successfully established?
- Is there evidence of vegetative reproduction processes (e.g. rhizomes or seed production)?
- 3. Is there evidence of overall site stability?
- 4. Has the revegetation goal in the reclamation plan been met?

C. Timeframes

The agencies will evaluate the success of the vegetative growth of a reclaimed mine site after three full growing seasons have elapsed since earthwork and planting have been completed. Final bond release may be considered at that time. Interim progress of reclamation will be monitored as appropriate by the agency and operator. Where it has been determined that revegetation success has no been met, the agencies and the operator will meet to decide on the best course of actions necessary to meet the reclamation goal.

D. Surety Release

Partial release of the bond may be granted prior to completion of a mining project. Sixty percent of the calculated bond amount may be released upon completion of earthwork. An additional twenty-five percent may be released after revegetation requirements have been satisfied. When all requirements of the reclamation plan have been satisfied, the entire reclamation bond may be released if no other activities (fencing, removal of fencing, signing, etc.) are proposed for the area. Portions of the reclamation bond may also be released for discrete parts of the mining operation (waste pile, heap leach pad, tailings impoundment, etc.) if the reclamation requirements for these discrete parts have been met.

II. EXPLORATION PLANS-OF-OPERATIONS

The same guidelines for bond release as described above can be used to evaluate the success of the RDPC's for Plan level exploration disturbances. The agencies may also decide depending on the size and scope of the project, to evaluate revegetation and reclamation success based on general ground reconnaissance and professional judgement.

Extenuating circumstances such as multiple use impacts (grazing) and/or deficient precipitation shall be considered when evaluating the success of the revegetation effort. If the regulatory agencies determine that remedial seeding is required



on a site, the operator and agencies will meet to determine the procedure and seed mix for the seeding. Upon completion of the remedial reseeding, the operator may request that the entire surety be released if no other reclamation activities are proposed for the area and there is evidence of overall site stability.

III. NOTICE LEVEL ACTIVITIES

A notice may be closed when reclamation is competed to the satisfaction of the responsible agency.

For operators who continue to do work annually under the same notice the following applies. If earthwork and seeding have been completed on a project area to the satisfaction of the agencies, this acreage will not count in the total surface disturbance. This will be called monitored reclamation. The monitored reclamation will not be released until overall site stability and acceptable revegetation have been met. The operator may create additional disturbance as long as the active unreclaimed disturbance does not exceed five acres and the total monitored reclamation does not exceed ten acres.





September 1, 1993 G:\FORMS\ATTACHME.B PETER G. MORROS, Director

L.H. DODGION, Administrator

(702) 687-4670 TDD 687-4678

Administration Mining Regulation and Reclamation Water Pollution Control Facsimile 687-5856

Address Reply to: Capitol Complex Carson City, NV 89710 STATE OF NEVADA **BOB MILLER** Covernor



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF ENVIRONMENTAL PROTECTION

Capitol Complex Carson City, Nevada 89710

26 FEBRUARY, 1996

NOTICE OF DECISION

RECLAMATION PERMIT NO. 0092

CYPRUS FOOTE MINERAL COMPANY

SILVER PEAK OPERATION

The Nevada Division of Environmental Protection (NDEP) has decided to issue Reclamation Permit No.0092 for a Mining Project to CYPRUS FOOTE MINERAL COMPANY.

This permit authorizes CYPRUS FOOTE MINERAL COMPANY to reclaim the SILVER PEAK OPERATION. This Project is located in Esmeralda The Division has been provided with an application, in County. accordance with Revised Nevada Statute (NRS) and Administrative Code (NAC) 519A to assure the Division that CYPRUS FOOTE MINERAL COMPANY will leave the project site safe, stable, and capable of providing for a productive post-mining land use.

This permit will become effective 13 March, 1996. determination of the Administrator may be appealed to the State Environmental Commission pursuant to NAC 519A.415. The appeal must be requested within ten (10) days of notification of this decision and in accordance with Administrative rules of the Environmental Commission.

No comments were received during the public comment period.

Waste Management Corrective Actions Federal Facilities Facsimile 885-0868

Air Quality Water Quality Planning Facsimile 687-6396

Located at: 333 W. Nye Lane Carson City, NV 89710



THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Michael W. Hardy, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source through drilled wells, pumps and a distribution system for Mining purposes. The point of diversion of water from the source is as follows:

SE4 SW# Section 34, T.1S., R.40R., M.D.B.&M., or at a point from which the SW corner of Section 22, T.2S., R.39E., M.D.B.&M., bears S.60°12'09"W., a distance of 44,209.0 feet situated in Esmeralda County, State of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Hamo of appropriator: Cyprus Foote Mineral Company

Source: Underground

Nammer of Use: Mining

Amount of appropriation: *2.00 c.f.s., but not to exceed

1,448.0 acre-feet annually

The ind of use: January 1st to December 31st of each

year

Pate of priority of oppropriation: July 15, 1986

Description of the works of diversion, manner and place of use:

Water is developed by means of several drilled wells in the surrounding area, well depths and casing size vary, via pumps through 11,000 feet of 24 inch Drisco pipe collector line to several evaporative ponds, thence to a mill where lithium is extracted from the brine; the spent brine is returned to the evaporative ponds. The place of use is the following:

The Sł of Section 35 and all of Section 36, both in T.1S., R.39E., M.D.B.&M., and the Rł of Section 10, the Bł of Section 15, the SBł of Section 21. the Bł of Section 28 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35 and 36 all in T.2S., R.39E., M.D.B.&M., the SBł of Section 19, the Sł of Section 20, the Eł and Lots 23 and 24, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T.1S., R.40E., M.D.B.&M., the NWł of Section 11, the Nł and the SWł of Section 10, the NWł of Section 15, the Nł and the SWł of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T.2S., R.40E., M.D.B.&M., clayton Valley, Esmeralda County, Nevada.

Certificate 12770, Permit 44252 Certificate 12771, Permit 44253 Certificate 12772, Permit 44255 Certificate 12733, Permit 44256 Certificate 12774, Permit 44257 Certificate 12775, Permit 44256 Certificate 12776, Permit 44257 Certificate 12775, Permit 44258 Certificate 12776, Permit 44260 Certificate 12777, Permit 44261 Certificate 12778, Permit 44267 Certificate 12779, Permit 44268 Certificate 12780, Permit 44269 Certificate 12781 and Permit 44270 Certificate 12782 shall not exceed 5851.11 acre-feet annually.

continued....

*The total combined duty under this certificate and Permit 44251 Certificate 12770, Permit 44252 Certificate 12771, Permit 44253 Certificate 12772, Permit 44255 Certificate 12773, Permit 44256 Certificate 12774, Permit 44257 Certificate 12775, Permit 44258 Certificate 12776, Permit 44260 Certificate 12777, Permit 44261 Certificate 12778, Permit 44267 Certificate 12779, Permit 44268 Certificate 12780, Permit 44269 Certificate 12781, Permit 44270 Certificate 12782 and any certificates issued under Permits 52918, 52919, 52920 and 52921 shall not exceed 17.86 million gallons per day or 20,000 acre-feet annually.

This certificate is issued subject to the terms of the permit.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

'II TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, State

Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 7th day of MARCH

, A,D. 19 96 _-

State Engineer

ama/sb

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF ENVIRONMENTAL PROTECTION BUREAU OF MINING REGULATION AND RECLAMATION

RECLAMATION PERMIT

PERMITTEE:

CYPRUS FOOTE MINERAL COMPANY

P.O.BOX 98

SILVER PEAK, NV 89047

PROJECT LOCATION:

T1S, R39E, SECTIONS 35 & 36

T1S, R40E, SECTIONS 20-36

T2S, R39E, SECTIONS 1-3, 10-15,

22-28, & 34-36

T2S, R40E, SECTIONS 1-12, 15-21, & 29-32

T3S, R39E, SECTIONS 1-3, 10-12

T3S, R40E, SECTION 6

ALL IN ESMERALDA COUNTY

PERMIT NUMBER:

0092

BLM CASE NUMBER: N33-91-003Y

PROJECT TYPE:

Mining Operation

AMENDMENTS: None

Pursuant to Nevada Revised Statutes (NRS) 519A.010 to 519A.280, inclusive, and regulations promulgated thereunder by the State Environmental Commission as Nevada Administrative Code (NAC) 519A.010 to 519A.415, inclusive, and implemented by the Division of Environmental Protection (hereinafter the Division), this permit authorizes CYPRUS FOOTE MINERAL COMPANY to reclaim the SILVER PEAK OPERATION consistent with the conditions of this permit and the reclamation plan dated MARCH, 1993, entitled, "PLAN OF OPERATIONS FOR CYPRUS FOOTE MINERAL COMPANY SILVER PEAK OPERATIONS".

This permit issued this 13th day of March, 1996, shall remain in effect for the life of the project unless it is modified, suspended or revoked by the Division. This permit will not now or in the future serve as a determination of ownership or the validity of any mining claim to which it might relate.

Doug Zimmerman, Chief

Bureau of Mining Regulation and Reclamation

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Page 1 of 5

PERMIT LIMITATIONS AND REQUIREMENTS: (cont.)

1. **Permitted Disturbances**

A.	AREA (ACRES)	<u>PUBLIC</u>	PRIVATE	<u>TOTAL</u>
	Haul and Access Roads	10	61	71
	Facilities, Shop, etc.	150	25	175
	Lime Solids Pond	0	174	174
	Ponds	0	1200	1200
	Landfill Pits	0	10	10
	Borrow Pits	5	30	35
	TOTALS	165	1500	1665

THE ABOVE INFORMATION IS ONLY AN APPROXIMATION. THE **EXACT INFORMATION WAS NOT PROVIDED IN THE APPLICATION** AND WILL BE REQUESTED AS A SCHEDULE OF COMPLIANCE ITEM.

Drill holes will be plugged in accordance with the provisions specified in Chapter B. 534 of the Nevada Revised Statues. No more than _____ drill holes will remain unplugged at any one time.

THE ABOVE INFORMATION WAS NOT PROVIDED IN THE APPLICATION AND WILL NOW BECOME A SCHEDULE OF **COMPLIANCE ITEM.**

2. Departure from Approved Plan for Reclamation

- Except in the case of an emergency, the operator may not depart from the approved plan for reclamation without a modification approved by the Division.
- When an operator submits an amended plan of operation to the federal agency. a copy shall also be filed with the Division.

Page 2 of 5



PERMIT LIMITATIONS AND REQUIREMENTS: (cont.)

3. Fees

- A. On or before April 15 of each year submit the fees as required by NAC 519A.235.
- B. On or before April 15 of each year submit the fees as required by NRS 519A.260.

4. Reports

A. On or before April 15 of each year, the operator shall submit a report (NRS 519A.260), in a format specified by the Division, relating to the status and production of the operation and identifying each acre of land affected and land reclaimed by the operation.

5. Project Completion, Abandonment or Suspension of Work

- A. The Division shall be notified in writing within 90 days after an operation is complete or abandoned. The notice must state the date on which the activities for reclamation will begin as specified in NAC 519A.320.
- B. The Division shall be notified in writing within 90 days after work is suspended at the operation for more than 120 days. The notice must state the nature and reason for the suspension; the anticipated duration of the suspension; and any event which would reasonably be expected to result in either the resumption of activities or the abandonment of the operation. The Operator is not required to notify the Division of a temporary closure caused by weather conditions.

6. Surety

A. The operator shall file and maintain an acceptable surety as specified in NAC 519A.350 to ensure that reclamation will be completed. If the surety is a Corporate Guarantee, the financial warrantor shall submit to the Division on a yearly basis, a certified financial statement for the financial warrantor's most recent fiscal year and a verification by a Certified Public Accountant (CPA) that the Corporation meets the requirements for Corporate Guarantee.



PERMIT LIMITATIONS AND REQUIREMENTS: (cont.)

- B. Within 3 years after the effective date of this permit and at least every 3 years thereafter, the operator shall review the surety amount to determine whether it is still adequate to execute the approved reclamation plan. Inflation must be considered.
- C. The operator shall notify the Division and the appropriate Federal Land Management Agency(s) of the results of the surety review, and within 120 days of its completion, verify that the current surety is adequate, increase the surety, or request a decrease in the surety.
- D. The operator must provide documentation on reclamation work completed, before any portion of the surety may be released. (See Attachment A).

7. Inspection of Exploration Project and/or Mining Operation

A. The operator shall allow authorized representatives of the Division, and the appropriate federal land management agency(s) to inspect the operation, during normal business hours, to determine compliance with the terms and conditions of this permit and the status of reclamation activities.

8. General Requirements

- A. The operator shall maintain a copy of this permit and all modifications at the permitted project or operation at all times.
- B. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit, shall not be affected.
- C. Any noncompliance with this permit shall be reported orally to the Division within 48 hours of the time the operator has knowledge of the circumstances. A written summary shall be provided within 10 days after the oral report is made.
- D. Any changes in the Operator's name or address shall be reported within 30 days to the Division in writing, and must indicate the permit number and appropriate changes.





PERMIT LIMITATIONS AND REQUIREMENTS: (cont.)

- E. Any changes in Corporation/Partnership/Proprietorship name, officers, or address shall be reported within 30 days to the Division in writing, and must indicate the permit number and appropriate changes.
- F. The operator shall meet the revegetation standards as set forth in Attachment B.
- An operator who initiates reclamation activities prior to meeting chemical stabilization (closure) requirements will be responsible to provide a surety for and to repair any reclaimed areas which may be re-affected by closure activities.

9. Schedule of Compliance

The permittee shall achieve compliance in accordance with the following schedule:

- 1. CYPRUS FOOTE MINERAL COMPANY TO PROVIDE THE REQUESTED INFORMATION OUTLINED IN THE NDEP DOCUMENT DATED 11 OCTOBER. 1995, NO LATER THAN 1 MAY, 1996. (ATTACHED)
- 2. CYPRUS FOOTE MINERAL COMPANY TO POST SURETY NO LATER THAN 1 JUNE, 1996.



VERSION 10/95 J:\...\RECLAMAT\RECLAMAT.PMT

ATTACHMENT A

Documentation of Reclamation Activities for Surety Release and Annual Fee Reporting

An operator may request surety release in accordance with NAC 519A.385. The following documentation must be submitted to NDEP:

- 1. Map(s) clearly identifying the area, noting specific treatments and sampling locations (as applicable).
- 2. Description of the following activities:
 - A. Earthwork:
 - 1) The number of acres regraded.
 - 2) Final slope angles left after regrading.
 - 3) Methodology used to check final slope angles (e.g., clinometer, transit, etc.).
 - 4) The number of acres that received topsoil/growth medium.
 - 5) Depth of topsoil/growth medium and application method.
 - 6) Dates of completion of activities.

B. Revegetation Activities:

- 1) The number of acres that were seeded and/or planted.
- 2) Seed bed preparation methods utilized.
- 3) Seeding/planting methods used (e.g., broadcast seeding, etc.).
- 4) Seed mix and seeding rate (PLS).
- 5) The number of acres that received fertilization, mulch or amendments.
- 6) Fertilizer (N-P-K, type, application rate, application method).
- 7) Mulches and soil amendments (type, application rate, and application method).
- 8) Date of completion of activities.

C. Final Revegetation Sampling:

- 1) Adjacent undisturbed vegetation type or range site description (baseline data).
- 2) Sampling method (e.g., line intercept).
- 3) Number of samples taken (disturbed and adjacent undisturbed sites).
- 4) Statement of methodology demonstrating sample size adequacy and how the location of representative sites were determined.
- Results of sampling (copy of sampling worksheet) for disturbed and undisturbed areas. Indicate all perennial species located.
- 6) Dates of sampling.
- D. Other reclamation activities such as; structure removal, safety feature installation, erosion control treatment, equipment removal or other permit requirements.
- 3. A. Prior to release, a field inspection may be required to verify that reclamation has been performed in accordance with the approved reclamation plan and permit.
 - B. Areas requiring revegetation are not reclaimed nor released from annual fees until the Nevada Interim Standards for Successful Revegetation have been met and accepted by NDEP. Areas not requiring revegetation are not considered reclaimed nor released from annual fees until all reclamation plan and/or permit requirements for the area have been met and accepted by NDEP. All required documentation as described above must be submitted to NDEP for review and approval.







ATTACHMENT B

NEVADA INTERIM STANDARDS FOR SUCCESSFUL REVEGETATION

I. MINING PLANS-OF-OPERATIONS

A. Reclaimed Desired Plant Communities for Mining Operation Disturbances

Reclamation goals for mining disturbances are 1) stabilize the site, and 2) establish a productive vegetative community based on the applicable land use plan and designated postmining land uses. To meet these goals, a Reclaimed Desired Plant Community (RDPC) should be selected for use on the disturbed mine sites. A RDPC is defined as:

"A perennial plant community established on a disturbed site which provides stability though management and land treatment, and which produces the type and amount of vegetation necessary to meet or exceed both the land use and activity plan objective established for the site".

Several RDPC's may be selected based on site-specific revegetation goals and variable site characteristics of the mining disturbances. When selecting RDPC's, major alterations in reconstructed soils and the subsequent effect of this on the site's capability to establish and sustain the desired vegetation must be considered. A RDPC must have a reasonable chance for success when making the selection.

The plant mix for the RDPC should be diverse, and when appropriate for the site, should include grasses, forbs, shrubs or trees. The RDPC should be comprised of species native to the area, or introduced species where desirable and necessary to achieve the approved postmining land use. Plants within the RDPC must meet the requirements of applicable State and Federal seed, poisonous and noxious plant, and introduced species laws or regulations. All RDPC's must be approved by the agencies. Plant mixes for RDPC's may be selected using the following methods.

- Select existing vegetation types around the mine site to represent the varied RDPC's.
- 2. Use test-plots, demonstration areas, or areas concurrently reclaimed within the mine site or within similar representative areas from adjacent mines to serve as the RDPC's as long as they meet the reclamation goal.
- 3. For areas where existing vegetative types adjacent to the mine area are severely disturbed or where test-plots or demonstration areas are not reasonable alternatives, RDPC's may be selected using ecological or range site descriptions.

B. Standards for Successful Revegetation

The revegetation release criteria for reclaimed mine sites will be to achieve as close to 100 percent of the perennial plant cover of selected vegetation communities or reference areas as possible. The vegetation communities or reference areas will be selected from representative, undisturbed plant communities adjacent to the mine site, or, as appropriate, representative ecological or range site descriptions. The selected plant communities or reference areas must have a reasonable chance for success on the mine site. Each plan-of-operations should identify the release criteria in the reclamation plan or permit. For plant communities which are unique or are critical to the ecology of sensitive animal species, the agency may also require specific release

standards for individual plant species or vegetative types (grasses, forbs, shrubs, trees). Unless extreme site conditions exist at the mine site, the release criteria should not normally be lower than 50 percent and would normally be expected to be 100 percent of the perennial plant cover for the selected vegetation communities.

Cover would be estimated using foliar and basal cover measured by the line intercept method as described in the BLM Rangeland and Monitoring Technical Reference 4400-4, page 42. Other applicable methods may be substituted for the line intercept method by the agencies. The sampling scheme for the location and number of samples needed on mine disturbances or RDPC's should be specified within the reclamation plan.

The determination of successful revegetation of mining disturbances will require an evaluation of the data by the agencies on a site-specific basis. When making this evaluation, the following guidelines shall also be considered:

- 1. Have desirable species been successfully established?
- Is there evidence of vegetative reproduction processes (e.g. rhizomes or seed production)?
- 3. Is there evidence of overall site stability?
- 4. Has the revegetation goal in the reclamation plan been met?

C. Timeframes

The agencies will evaluate the success of the vegetative growth of a reclaimed mine site after three full growing seasons have elapsed since earthwork and planting have been completed. Final bond release may be considered at that time. Interim progress of reclamation will be monitored as appropriate by the agency and operator. Where it has been determined that revegetation success has no been met, the agencies and the operator will meet to decide on the best course of actions necessary to meet the reclamation goal.

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Partial release of the bond may be granted prior to completion of a mining project. Sixty percent of the calculated bond amount may be released upon completion of earthwork. An additional twenty-five percent may be released after revegetation requirements have been satisfied. When all requirements of the reclamation plan have been satisfied, the entire reclamation bond may be released if no other activities (fencing, removal of fencing, signing, etc.) are proposed for the area. Portions of the reclamation bond may also be released for discrete parts of the mining operation (waste pile, heap leach pad, tailings impoundment, etc.) if the reclamation requirements for these discrete parts have been met.

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The same guidelines for bond release as described above can be used to evaluate the success of the RDPC's for Plan level exploration disturbances. The agencies may also decide depending on the size and scope of the project, to evaluate revegetation and reclamation success based on general ground reconnaissance and professional judgement.

Extenuating circumstances such as multiple use impacts (grazing) and/or deficient precipitation shall be considered when evaluating the success of the revegetation effort. If the regulatory agencies determine that remedial seeding is required

on a site, the operator and agencies will meet to determine the procedure and seed mix for the seeding. Upon completion of the remedial reseeding, the operator may request that the entire surety be released if no other reclamation activities are proposed for the area and there is evidence of overall site stability.

III. NOTICE LEVEL ACTIVITIES

A notice may be closed when reclamation is competed to the satisfaction of the responsible agency.

For operators who continue to do work annually under the same notice the following applies. If earthwork and seeding have been completed on a project area to the satisfaction of the agencies, this acreage will not count in the total surface disturbance. This will be called monitored reclamation. The monitored reclamation will not be released until overall site stability and acceptable revegetation have been met. The operator may create additional disturbance as long as the active unreclaimed disturbance does not exceed five acres and the total monitored reclamation does not exceed ten acres.





September 1, 1993 G:\FORMS\ATTACHME.B

MAILING LIST Reclamation Permit

CYPRUS FOOTE - SILVER PEAK (Permit and Public Notice)

Attn: Mr. David Outsen Cyprus Foote Mineral Company P.O.Box 98 Silver Peak, NV 89047

Nevada Mining Association 5250 S. Virginia St., Suite 220 Corporate Pointe Reno, NV 89502

Attn: Deputy State Dir. Bureau of Land Management Mineral Resources NV-920 P.O. Box 12000 Reno, NV 89520-0006

Mary Beth Marks U.S. Forest Service Humboldt National Forest 2035 Last Chance Road Elko, NV 89801

Carlos H. Mendoza State Supervisor U.S. Fish & Wildlife Service 4600 Kietzke Lane, Bldg. C-125 Reno, NV 89502-5093

U.S. Forest Service Toiyabe National Forest 1200 Franklin Way Sparks, NV 89431

Linda Wells
Division of Minerals
INTERDEPARTMENTAL MAIL

Tracy Taylor
Division of Water Resources
INTERDEPARTMENTAL MAIL

Attn: Habitat Section Nevada Division of Wildlife P.O. Box 10678 Reno, NV 89510 INTERDEPARTMENTAL MAIL

Attn: Ms. Terri Berntson Field Mine Biologist Nevada Division of Wildlife

Attn: Mr. Gordon Pine Bureau of Land Management Tonopah Resource Area Bldg. 102, Old Radar Base P.O.Box 911 Tonopah, NV 89445

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(Public Notice)

Citizen Alert P.O. Box 5339 Reno, Nevada 89513-5339

Sierra Club P.O. Box 8096 Reno, Nevada 89507

Attn: Chairperson Esmeralda County Commissioner

Nevada Indian Commission Bldg. B, Suite 116 4600 Kietzke Lane Reno, NV 89502

James Holtkamp Stoel, Rives, Boley, Jones and Grey 201 S. Main, Suite 1100 Salt Lake City, UT 84111

Keith Dangelo Nelson International P.O. Box 815 Fernley, NV 89408

Jerry Millett, Chairman Duckwater Reservation P.O. Box 68 Duckwater, NV 89314

Alvin Moyle, Tribal Chairman Fallon Reservation 8955 Mission Road Fallon, NV 89406

Edmund Steele, Chairman Goshute Reservation P.O. Box 6104 Ibapah, UT 84034

Alfred Happy, Chairman Lovelock Colony P.O. Box 878 Lovelock, NV 89419 Joseph Ely, Chairman Pyramid Lake Reservation P.O. Box 256 Nixon, NV 89424

Consumer Health Prot. Service 500 East King Street Carson City, NV 89710 INTERDEPARTMENTAL MAIL

Hugh Ingle
Nevada Miners and
Prospectors Association
P.O. Box 4179
Carson City, NV 89702

Welsh Engineering, Inc. 5250 Neil Road, Suite 300 Reno, NV 89502

James Paiva, Chairman Duck Valley Reservation P.O. Box 219 Owyhee, Nevada 89832

Bennie Reilley, Chairman Ely Colony 16 Shoshone Circle Ely, Nevada 89301

Arnold Sam, Chairman Ft. McDermitt Reservation P.O. Box 457 McDermitt, NV 89421

Margaret Henry, Chairman Las Vegas Colony 1 Paiute Drive Las Vegas, NV 89102

Wallace Kay, Chairman Moapa River Reservation P.O. Box 340 Moapa, NV 89025

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Robert Shaw, Chairman Reno/Sparks Colony 98 Colony Road Reno, NV 89502

Summit Lake Reservation 655 Anderson Street Winnemucca, NV 89445-3657

Delores Conklin, Chairman
Battle Mountain Band
35 Mountain View Dr., #138-13
Battle Mountain, NV 89820

Gordon Healy, Chairman South Fork Bank P.O. Box B-13 Lee, NV 89829

Anita Collins, Chairman Walker River Reservation P.O. Box 220 Schurz, NV 89427

Jim Bender, Chairman Carson Community 2900 S. Curry Street Carson City, NV 89703-6216

M. Kevin Jones, Chairman Woodsfords Community 95 Dutch Valley Drive Markleeville, CA 96120

Linda Howard, Chairman Yerington Colony 171 Campbell Lane Yerington, NV 89447

Nevada Urban Indians 2100 Capurro Way, Suite C Sparks, NV 89431-1036

Inter-Tribal Council of Nevada, Inc. P.O. Box 7440 Reno, NV 89510

Joe Milbourne Partraco P.O. Box 55002 Hayward, CA 94545 Anthony Tom, Chairman Te-Moak Tribes 535 Sunset Street Elko, NV 89801

Davis Gonzales, Chairman Elko Bank P.O. Box 748 Elko, NV 89801

Gracie Begay, Chairman Wells Bank P.O. Box 809 Wells, NV 89835

Vernon Wyatt, Chairman Washoe Tribes 919 Highway 395 South Gardnerville, NV 89410

Attn: Chairman Dresslerville Community 1535 Watasheamu Road Gardnerville, NV 89410

Glenn Wasson, Chairman Winnemucca Colony c/o 1745 Auborn Way Reno, NV 89502

Levi Hooper, Chairman Yomba Reservation Route 1, Box 24-A Austin, NV 89310

Las Vegas Indian Center, Inc. 2300 W. Bonanza Road Las Vegas, NV 89106

Nancy Scott Nevada League of Women Voters 241 Heidi Circle Carson City, NV 89701

Mrs. Annette Mills, President Nevada League of Women Voters 4413 Mark Avenue Las Vegas, NV 89108

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Carl D. Savely
Lionel, Sawyer and Collins
1700 Valley Bank Plaza
300 South Fourth Street
Las Vegas, NV 89101

Connie Stathes P.O. Box 21238 Reno, NV 89515

Peter Kraatz SRK, Inc. 1755 E. Plumb Lane, #241 Reno, NV 89502

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Douglas J. Rather, Editor Midwest Media Group P.O. Box 146 Wilmette, IL 60091-0146

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Theresa Schroeder Building Dept. Humboldt County 25 W. 4th Street Winnemucca, NV 89445

Jennifer Larson Scarpello & Alling 600 E. Williams, Suite 300 Carson City, Nv 89701

Jim & Mary Casey P.O. Box 596 Silver Springs, NV 89429

Mark & Peggy Thomas P.O. Box 696 Dayton, NV 89403

Daryl Jozwik
Eastgate Mine
American Colloid Company
HCR 69, Box 135
Belle Fourche, SD 57717

11/16/95 J:\WFDATA\MINING\RECLAMAT\FORMS\MAILING.LST Mahmood Azad P.E.

JBR Environmental Consultants
5365 Mae Anne Avenue, Suite B-2
Reno, NV 89523

David Cowperthwaite Environmental Commission



Cyprus Foote Mineral Company P.O. Box 98 Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

September 25, 1996

Department of Conservation and Natural Resources Division of Water Resources Capitol Complex 123 West Nye Lane Carson City, Nevada 89710

RE: Permit Numbers 52918, 52919, 52920, and 52921.

Enclosed are applications for Extension of Time for Completion of Work and Beneficial Use pertaining to permits 52918, 52919, 52920, and 52921.

If your office requires any further information, please do not hesitate to call me.

Very truly yours,

M. W. Hardy

Geologist

Cyprus Foote Mineral Company

MWH/cg Attachments

Certified Mail # P 001 093 277 Return Receipt

cc: Ross de Lipkau



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex Carson City, Nevada 89710 October 3, 1996

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

In reply refer to No.

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work

on or before September 30, 1996

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

RMT/cmm

CERTIFIED MAIL NO. Z 703 059 206

Ross de Lipkau, Cert. Mail #Z 703 059 207 cc: Michael Hardy, Cert. Mail #Z 703 059 208 Southern Nevada Branch Office

Enclosures: Proof of Completion of Work forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50.

Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

Complete items 1 and/c for additional services. Complete items 3, 4a/ b.	o ann satura thia	l also wish to receive the follor services (for an
Print your name and a so on the reverse of this form so that we card to you. Attach this form to the front of the mailpiece, or on the back if spa permit. Write "Return Receipt Requested" on the mailpiece below the article The Return Receipt will show to whom the article was delivered a delivered. 3. Article Addressed to: FN 52918ET Z 703 059 208		extra ica):
permit. Write "Return Receipt Requested" on the mailpiece below the artic		1. Addressee's Address 2. Restricted Delivery
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T	4b. Service T	vpe (
FN 52918ET Z 703 059 208	☐ Registere	4
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MICHAEL HARDY PO BOX 98 SILVER PEAK NV 89047 5. Received By: (Print Name) 6. Signature: (Addressee or Agent)	7. Date of De	livery OCI
5. Received By: (Print Name)	R Addresses	SAddress (Only if requested Said)
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The Return Receipt Requested on the mailpiece below the art delivered.	icle number. and the date	2. Restricted Delivery
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6. Signature: (Addressee or Agent)	W. 10 100 15V	
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PS Form 3811 , December 1994		
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delivered.		Consult postmaster for fee.
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<u>ə</u>	4b. Service	Type
FN 52918ET Z 703 059 206	☐ Register	· • •
CYPRUS FOOTE MINERAL CO	☐ Express	
SILVER PEAK OPERATIONS HWY 265	☐ Return Re	ceipt for Merchandise COD
SILVER PEAK NV 89047	7. Date of D	elivery 00
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5 6. Signature (Addressed or Agent)	4 1-	
6. Signature (Addressed or Agent)	1/12	
PS Form 3811 , December 1994	ALE)	Pomestic Return Receipt
	S	SE ROA 92

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

	Owner of Record Cyprus Foote Mineral Company	and the second s				
	In the Matter of Permit No. 52918 Underground Source	·				
	(Name of stream, lake, spring, THIS APPLICATION IS RESPECTFULLY SUBMITTED.	underground or other source)				
	This ATTECATION IS NESIDETFOLLY SUBMITTED.					
	Comes now Michael Hardy Person Signing Application	, the Agent Permittee or Agent				
	under Permit No52918, who after being first following questions in compliance with the requirements as	duly sworn and answering to the best of their knowledge the				
Ole M	1. If this permit has multiple owners, is this request for an extension of time submitted on behalf of all the owners? (YES XX NO (Check the Appropriate Box)					
1	2. If "NO", on whose behalf is this extension being filed?.					
;	3. How much time is needed to finish this project? 1 year completion of work					
	4. To date, what is the total expenditure on this project? \$500,000					
	5. In order to complete this project as set forth in the permit terms, what additional funds will be spent?\$1.070.000					
	6. The permittee requests an extension of time for 1 Year within which to comply					
priy		ion of work and beneficial use of of completion of work and/or proof of beneficial use)				
	7. Explain in detail why this request for an extension of times and the second	<u> </u>				
		Signed Permittee or Agent				
	Subscribed and sworn to before me this day of	Address PO Box 98 Sirect No. or P.O. Box No.				
	Eesterher 1996 Mariga E a a	Silver Peak, NV 89047 City. State. Zip Code No.				
	Mosign E ale	Phone (702) 937-2222 ext. 226				
	Notary Public in and for the County of Loruna lela,					
lu-	State of Assista	OFFICIAL SEAL WIARILYN E. COLE NOTARY PUBLIC - NEVADA				
Mr tamp TW	My commission expires Q_{QL} , D_{QL} , D_{QL}	PRINCIPAL OFFICE IN ESMERALDA COUNTY My Comm. Exp. Apr. 2, 2000				
	\$100 FILING FEE MUST ACCOMPANY THIS AN APPLICATION MUST BE FILE	APPLICATION FOR EXTENSION OF TIME.				
10-3-94		SE BUY 03 -				

(Rev. 7-94)

SE ROA 93

ATTACHMENT "A"

1. Permittee has just recently completed an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant began the second quarter of 1996. The \$1,400,000 production drilling program is currently under way with the first of several water wells completed in mid September. We are scheduled to start test pumping this first well as early as next week. To date, \$500,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.



Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work and Beneficial Use of aforementioned permits.



In reply refer to

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex ' 123 W. Nye Lane Carson City, Nevada 89710 October 4, 1996

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

Cyprus Foote Mineral Company P.O. Box 98, Highway 265 Silver Peak, NV 89047

52918, 52919,

52920, 52921

This is to inform you that Application for Extension of Tin	e		
has been granted to		, 19	
for filing of the			
has been granted to	30	₁₀ 97	
with the provision that no further extensions will be granted for filing of the Proof of Completion of Work			
for filing of the.			
except for good cause shown as provided under NRS 533.390 a			

Sincerely,

Christine Thiel, P.E.

CT/cms

Deputy State Engineer

cc: Ross de Lipkau

Michael Hardy

Southern Nevada Branch Office



Cyprus Foote Mineral Company P.O. Box 98 Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

October 15, 1996

Department of Conservation and Natural Resources Division of Water Resources Capitol Complex 123 West Nye Lane Carson City, Nevada 89710

RE: Permit Numbers 52918, 52919, 52920, and 52921.

Enclosed are applications for Extension of Time for Proof of Beneficial Work pertaining to permits 52918, 52919, 52920, and 52921.

If your office requires any further information, please do not hesitate to call me.

Very truly yours,

M. W. Hardy

Geologist

Cyprus Foote Mineral Company

MNNALL

MWH/cg Attachments

Certified Mail # P 001 093 223 Return Receipt

cc: Ross de Lipkau





Cyprus Foote Mineral Company P.O. Box 98 Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

ATTACHMENT "A"

Permittee has just recently completed a \$2,000,000 production drilling program in Clayton Valley as of June, 1997. Due to a submersible pumping system problem, many of the new wells have only been operational for a few months. We would like to request that all the new wells operate for a year to determine the optimum pumping rate for the wells. The permits in question are the following: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file the Proof of Beneficial work for aforementioned permits.



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246

Carson City, Nevada 89706-0818

October 2, 1997

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

In reply refer to

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work



on or before September 30, 1997

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

(1) 11

RMT/kdg

CERTIFIED MAIL NO. Z 703 035 689

cc: Ross de Lipkau, Cert. Mail No. Z 703 035 690 Michael Hardy, Cert. Mail No. Z 703 035 691 Southern Nevada Branch Office

Enclosures: Proof of Completion of Work forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

ENDER: Complete items 1 and/ for additional services. Complete items 3, 4a		l also wish to receive the follor rervices (for an extra ;:	
card to you. Attach this form to the front of the mailpiece, or on the back if spa	ace does not	1. Addressee's Address	
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MICHAEL HARDY	☐ Express	Mail Insured	
P O BOX 98		ceipt for Merchandise C COD	
SILVER PEAK NV 89047	7. Date of D	elivery	
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5. Received By: (Print Name)		Mail Insured ceipt for Merchandiss COD elivery o's Address (CAIV if requested paid)	
Cheista Gaddi	and fee is	paidin	
6. Signature: (Addressee or Agent)	7	19	
x bish Danus		118	
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Christa Gaddy	and fee is	08(0)	
5. Signature: (Addressee or Agent)		15/19 /2/	
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PS Form 3811 , December 1994		Domestic Return Receipt	
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6. Signature: (Addressee or Agent)	8. Addressee and fee is	o's Address (Orlly If requested paid)	

PROOF OF COMPLETION OF WORK

	Permit No. 52918
	STATE OF Nevada
	COUNTY OF Esmeralda ss.
	Comes now Michael Hardy , the Permittee or Agent
	on behalf of Cyprus Foote Mineral, the Permittee, who after being first sworn, deposes
	and says that at least two million dollars (\$.2,000,000) has been expended in
	work or improvements performed or made under the conditions provided in Permit No. 52918 pertaining to
	the completion of said works, and at the expense of the permittee.
	Said improvements consisted of <u>Drilling a 20"</u> borehole to 1090 feet. <u>Installed 10"</u> If an underground source, state size and depth of well with casing and make and type of pump and motor.
	nominal casing to 1060 feet with ful flo louver screen from 735 to 840 feet and 880
	to 1030 feet. Installed a Grundfos 135\$400-22DS pump with a Franklin Ni-Resist
10	40 Hp motor. The flow meter installed is a 4 inch Water Specialty mechanical
ij.	propeller meter, model ML-03 with a totalizer in gallons.
	Serial # 962941-1 —
	FM-360
	said work being essential to the actual diversion of the water applied for and in the completion of the work required under
	said permit. Said work completed prior toJune . 1997
	Point of diversion located within the NW 14 NE 14 Sec. 10 T. 2 S.) R. 40 E., M. D. B. & M.
> -0	WELL DRILLER Lanyne-Western Co., 275 County Road 98, Woodland, CA 95695
	· · · · · · · · · · · · · · · · · · ·
	WELL LOG FILED Yes No 🗵
	1-th
	Subscribed and sworn to before me this day of Signed Permittee or Agent
	Welster 1997 Address POBox 98
	Street No. or P.O. Box No. Silver Peak, NV 89047
	City, State, Zip Code No.
	Notary Public in and for the County of Agents State St
	State of CANDY J. JEWETT No. 96-0422-14 NOTABY PUBLIC, STATE OF NEVADA
	My commission expires. 10/6 My Appointment Exp. Oct. 6th. 2000

(Ten dollar filing fee must accompany this proof)

APPLICATION FOR EXTENSION OF TIME

•			E D
OCT	2	4	1997
STATE	eric	INE	IR'S OFFICE

Owner of Record Cyprus Foote Mineral Company	STATE ENGINEER'S OFFICE
IN THE MATTER OF PERMIT No. 52918 FILED TO APPROPRIATE / CHAN	
(Name of stream, lake, spring, underground or other source)	
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
Comes now. Michael Hardy , the Agent Person Signing Application Permi	ittee or Agent
under Permit No52918, who after being first duly sworn and answering to the following questions in compliance with the requirements as set forth in the permit terms:	
1. If this permit has multiple owners, is this request for an extension of time submitted on to YES NO (Check the Appropriate Box)	oehalf of all the owners?
2. If "NO", on whose behalf is this extension being filed? Cyprus Foote Mineral	
3. How much time is needed to finish this project? 1 year	
4. To date, what is the total expenditure on this project? \$2,000,000	
5. In order to complete this project as set forth in the permit terms, what additional funds w	vill be spent?\$500,000
6. The permittee requests an extension of time for 1 year (Not to exceed 1 year)	within which to comply
with the provisions for filing the proof of beneficial use (Proof of completion of work and/or proof of beneficial)	+ Comp
7. Explain in detail why this request for an extension of time is being submitted (Use additional and additional additional and additional additiona	
See attachment "A"	
	<i>a</i> *
Sizzz 22/	
Signed Permit	tice or Agent
11.41	. &r.P.O. Box No.
October 1997 Silver Peak	
[May] Phone (702) 937-23	222
Notary Public in and for the County of	IAL SEAL
State of Jevacle State of Jevacle No. 40 Notary Public	J. JEWEII 5-0422-14 5 STATE OF NEVADA
My commission expires / U / O 6 / 2000 NYE COUNTY Appointmen	ŇŤÝ, NEVADA ht Exp. Oct. 6th, 2000

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT.

SE ROA 1012



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

52918 thru 52921

(702) 687-4380 • Fax (702) 687-6972

April 30, 1998

Michael Hardy P.O. Box 98 Silver Peak, Nevada 89047

Dear Mr. Hardy:

This office received Proofs of Completions for Permits 52918 thru 52921. These proofs are being returned for the following corrections:

The location given on the proofs does not correspond to the location in the permit. Please clarify which one goes with which permit, etc., and refile the amended documents.

The Proofs of Completion are herewith returned and must be resubmitted within thirty (30) days from the date of this letter. If the corrected proofs or applications for extension of time are not received and filed with the State Engineer within thirty (30) days of the date of this notice, your permit may be subject to cancellation.

Very turly yours,

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds

Enclosures

cc: NDWR, Las Vegas

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 thru 52921

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

May 19. 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

has been granted to		,	19			
for filing of the		***************************************				
	***************************************		•••••••	••••		
has been granted to	September	30	19	36		
with the provision that no further extensions will be granted						
for filing of the Proof of Completion (all Permits)						
				••••		
••••••	•••••					
except for good cause shown as p	rovided under NR	RS 533.390 and 533.41	0.			

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau Michael Hardy

MARSHALL HILL CASSAS & de LIPKAU LAWYERS

ROBERT W. MARSHALL EARL M. HILL FRANK CASSAS ROSS E. de LIPKAU JOHN P. FOWLER DAVID S. MCELROY REW R. GOODENOW MICHAEL R. HEALY A. STANYAN PECK 300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

TELEPHONE (702) 323-1601

FACSIMILE (702) 348-7250

May 20, 1998

Thomas K. Gallagher, P.E. Division of Water Resources 123 West Nye Lane Carson City, NV 89710

Re: Cyprus Foote / Permits 52918-52921

Dear Tom:

This is to confirm our recent conversation concerning your letter to Mike Hardy dated April 30, 1998. You asked that I supply you with a short history of the water rights appurtenant to and utilized at the lithium plant.

Cyprus Foote, through succession, is the owner/operator of the lithium plant located in Silver Peak, Esmeralda County, Nevada. My knowledge of the project goes back to the early 1970's. At that time, Cyprus Foote was operating under the federal mineral leasing program. It was believed, at least at that time, that lithium was a "leasable" mineral, as contrasted to a "locatable" mineral under the Mining Laws of 1866 and 1877.

In the early 1980's, a dispute arose between the United States and Cyprus Foote regarding royalty payments. The result of that litigation was a finding by the Courts that lithium was a locatable mineral, and not a leasable mineral. During the phase when the parties, including the State Engineer, believed the federal leasing laws were in effect, Cyprus Foote decided and believed that it was not within the jurisdiction of the Nevada State Engineer. A multitude of legal opinions supported that position. However, when lithium was determined to be locatable, we promptly set up a meeting with the then-State Engineer, Roland D. Westergard. It was agreed that Cyprus Foote would file 20 applications to appropriate, basically scattering the wells uniformly or fairly so throughout the thousands of acres included within the mining claims. The annual volume pumped from all wells could not and did not exceed the annual duty. Thereafter, with Peter G. Morros then being State Engineer, certain applications to change were filed



May 20, 1998 Page 2

based upon an increased area of mineral extraction. Cyprus Foote would drill its own wells, pump them for a period of time, abandon them an drill additional wells. The statutory permitting process did not allow for the rapid change in wells -- a condition similar to the several mine dewatering programs authorized by your office.

In order to comply with the water law, Cyprus Foote was directed to file Proofs of Completion of Work upon representative wells or wells fairly close to the points of diversion as reflected on the various permits. Over the course of years, Proofs of Beneficial Use were filed, with the above four permits being the only unperfected rights. The amended Proofs of Completion of Work, which are being refiled, are representative of recently drilled wells as previously agreed to between representatives of your office and Cyprus Foote, and regulate the flow and quality of brine. The amended Proofs of Completion of Work, which are representative of the production wells, are enclosed.

Additionally, and as we discussed, generally Cyprus Foote drills its own wells, pumps them for a matter of months or years, and thereupon abandons them, drilling new wells. The multitude of wells is constantly changing to meet the production needs of Cyprus Foote.

For your information, Steve Brown has worked with Cyprus Foote for many years and is aware of the facts. You may wish to discuss this subject with him.

Many thanks for your assistance.

Very truly yours,

Ross E. de Lipkau

REdL/lbe Enclosures 33593.003

PROOF OF COMPLETION OF WORK

FILED Permit No. 52918_ STATE OF Nevada COUNTY OF Esmeralda Comes now. Michael Hardy the Permittee or Agent on behalf of Cyprus Foote Mineral the Permittee, who after being first sworn, deposes and says that at least two million dollars (\$.2,000,000) has been expended in work or improvements performed or made under the conditions provided in Permit No. 52918 ., pertaining to the completion of said works, and at the expense of the permittee. Said improvements consisted of <u>Drilling a 20" borehole to 1090 feet.</u> Installed 10"

If an underground source, state size and depth of well with casing and make and type of pump and motor. nominal casing to 1060 feet with ful flo louver screen from 735 to 840 feet and 880 to 1030 feet. Installed a Grundfos 135\$400-22DS pump with a Franklin Ni-Resist 40 Hp motor. The flow meter installed is a 4 inch Water Specialty mechanical propeller meter, model ML-03 with a totalizer in gallons. Serial # 962941-1 FM-360 said work being essential to the actual diversion of the water applied for and in the completion of the work required under said permit. Said work completed prior to. June. 1997. Point of diversion located within the NW 4 NE 4 Sec. 10 T. 2 S. R. 40 E. M. D. B. & M. WELL DRILLER Lanyne-Western Co., 275 County Road 98, Woodland, CA 95695 WELL LOG FILED Yes 🗌 No 🛛 Subscribed and sworn to before me this. Signed.... in and for the County 'evada My commission expires

(Ten dollar filing fee must accompany this proof)



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (702) 687-4380 • Fax (702) 687-6972

52918 thru 52921

September 22, 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

Ladies & Gentlemen:

This is to confirm that the Proofs of Completion required under the above-referenced permits were filed in this office on May 21, 1998. Please advise this office of any address or ownership changes. If you have any questions please call me at (702) 687-3861.

Very truly yours

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds

cc: NDWR, Las Vegas Ross de Lipkau

STATE OF NEVADA

R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818 Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

In reply refer to

October 2, 1998

52918 through 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use

on or before September 30, 1998

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

RMT/kdg

CERTIFIED MAIL NO.

Z 559 486 195

cc: Ross de Lipkau, Cert. Mail No. Z 559 486 196 Michael Hardy, Cert. Mail No. Z 559 486 197 Southern Nevada Branch Office

Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10.

Fee for filing Proof of Beneficial Use \$50.

Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

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□ Complete items 1 an, for additional services. □ Complete items 3, 4a, and 4b. □ Print yes name and address on the reverse of this form so that	we can return this	folic a services (tor an extra ree):
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Teagy Welch	-	V/V
S. Signarfire: [Addressee or Agent)	N.	
* HOLLY WHEE		
S Form 381) December 1994	102595-98-B-0229	Domestic Return Receipt
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CHEMETALL FOOTE CORPORATION

Chemetall Foote Corporation Silver Peak Operations, Hwy. 265 P.O. Box 98 Silver Peak, NV 89047

(702) 937-2222 Phone (702) 937-2250 Fax

October 27, 1998

Office of the State Engineer Nevada Division of Water Resources 123 West Nye Lane, Suite 246 Carson City NV 89706-0818

Subject: **Permit Numbers 52918, 52919, 52920, 52921**

I have enclosed the Extension of Time for Proof of Beneficial Use for permit numbers 52918, 52919, 52920, and 52921.

Please call me at (702) 937-2222 ext. 227, if you have any questions or need additional information.

Sincerely,

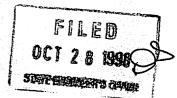
Patrick R. Fischer

Mine Superintendent

Chemetall Foote Corporation

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corporation	STATE COMPANY	n gradit
IN THE MATTER OF PERMIT No. 52918	iled to Appropriate / Change the Waters of	
Underground Source	derground or other source)	
is Application Is Respectfully Submitted.	deligiound of other source)	
Comes now Patrick R. Fischer Person Signing Application	the Agent Permittee or Agent	••••••
der Permit No. 52918 , who after being du		edge the
lowing questions in compliance with the requirements as set for	th in the permit terms:	ouge me
Does this permit have multiple owners? □ YES \ X NO	(Check the Appropriate Box)	
If "YES" on question No. 1 is checked, is this request for an expression of the second of the secon	extension of time submitted on behalf of all the owner	rs?
The state of the s		
If "NO" on question No. 2 is checked, on whose behalf is this	extension being filed?	*************
Chemetall Foote Corporation		
How much time is needed to finish this project? 1 y	rear	
To date, what is the total expenditure on this project? <u>in exc</u>		
The permittee requests an extension of time for		
(Proof of	completion of work and/or proof of beneficial use)	
Explain in detail why this request for an extension of time is be	•	
We have not reached maximum capacity, and ar	e planning a \$200,000 expansion in 199	99.
	A.	
	Signed 22 2	
27th	Permittee or Agent	
bscribed and sworn to before me this day of	Address Street No. or P.O. Box No.	
(Clober 1998	Silver Reak NV	8904
Laudy J. Newell	City, State, Zip Code No. Phone	
Signature of Notary Public Required	Phone	
otary Public in and for the County of,	OFFICIAL STATE	
ate of Devada	CANDY J. JEWETT	
Ortolar to 2000	NOTARY PUBLIC, STATE OF NEVADA NYE COUNTY, NEVADA	
y commission expires QCOOCO Q 2000	NAYA Solitiment Seal Redathe 2000	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMITSE ROA 111



Supplier Notification:

We are pleased to announce that on October 13, 1998 Chemetall GmbH completed the acquisition of Cyprus Foote Mineral Company. Reflecting this purchase, our name has been changed to Chemetall Foote Corp. Together with the Lithium Division of Chemetall GmbH Europe, we will become a worldwide operating, fully integrated supplier of base and performance lithium products.

Attached is our updated credit account information document. Please do not hesitate to contact writer should you require any additional information.

Sincerely, Randall J. Weld

Randall S. Weld Sourcing Manager

Please note:

The following address is to be used for shipping and billing for material ordered from the Silver Peak location.

NAME:

Chemetall Foote Corp. 348 Holiday Inn Drive

Kings Mountain, NC 28086

TELEPHONE:

(704) 739-2501

OPERATING LOCATIONS:

Silver Peak, Nevada

Kings Mountain, North Carolina New Johnsonville, Tennessee Santiago and Antofagasta, Chile

DUNS NUMBER:

00-232-9456

INCORPORATED:

July 26, 1916

STATE OF INCORPORATION:

Pennsylvania

IRS IDENTIFICATION NUMBER:

23-0589510

TYPE OF BUSINESS:

Owns and Operates Lithium Extraction and Processing Facilities

PARENT:

Chemetall GmbH

Frankfurt, Germany

Duns Number: 31-580-9632

BANK REFERENCE:

PNC Bank, N. A.

Account No. 1008963455

Two PNC Plaza

Officer: Jeffrey Statmore

Pittsburgh, PA 15265

(908) 220-3078

TRADE REFERENCES:

Tg Soda Ash, Inc.

Phillips Chemical Company

4300 Six Forks Road, #850

P. O. Box 968

Raleigh, NC 27619-9248

Borger, TX 29008-0968

(919) 785-2040

(800) 858-4327

J. L. Clark Inc. 2300 6th Street Rockford, IL 61108 (815) 962-8861

OFFICERS:

President & CEO

Juergen Deberitz

Vice President, CFO & Treasurer

j.

Ronald A. France

Vice President, Human Resources

Nonaid A. I fance

Vice i resident, numan Nesoun

James E. Sanderson

Vice President, Operations

Paul J. Seaman Jeffrey S. Watson

Vice President, Sales

A-Maria O Tarila

Secretary

Arthur G. Taylor

We certify that all of the information on this form is correct. We understand your credit terms and agree to pay within the terms. If further information is required, please contact Sue Hartwyk at (704) 734-2663.

Signed:

ate: / //*C*

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STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918, 52919, 52920, 52921 Address All Communications to the State Engineer, Division of Water Resources

Telephone (702) 687-4380

November 13, 1998

Cyprus Foote Mineral Co. P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

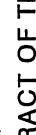
has been granted to	September 30	, 19
for filing of the Pro	of of Beneficial	Use (all Permits
has been granted to		
with the provision that no	further extensions will be gra	nted
for filing of the		
except for good cause show	wn as provided under NRS 53	3.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau



ABSTRACT OF TITLE NON - DECREED

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		STATE: NV	ZIP CODE: 8904	7 PHON	IE: 775/937-2222
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	LIST SUPPLEMENTAL RIGHTS				
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				Acre Feet or MG	Acres or Units
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R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (775) 687-4380 • (775) 687-6972

July 16, 1999

RE: Permits 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 44255, 44256, 44257, 44258, 44260, 44261, 44267, 44268, 44269, 44270, 49805, 49988, 52917, 52918, 52919, 52920 & 52921

Mr. Ross E. de Lipkau Marshall Hill Cassas & de Lipkau PO Box 2790 Reno, NV 89505

Dear Mr. de Lipkau:

The above-listed permits have been assigned to show Chemetall Foote Corporation as owner of record. Copies of the Summaries of Ownership are enclosed for your information.

These assignments reflect only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions, please contact this office at (775) 687-4381.

Sincerely,

Robert M. Zeisloft

Engineering Technician III

RHZ/ld Enclosures

cc: Southern Nevada Branch Office

STATE OF NEVADA

R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246
Carson City, Nevada 89706-0818
October 6, 1999

Address All Communications to the State Engineer, Division of Water Resources Telephone (775) 687-4381

In reply refer to

52918 through 52921

Chemetal Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use



on or before September 30, 1999

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

State Engineer

RMT/kdg

CERTIFIED MAIL NO. P 444 470 273

cc: Ross de Lipkau, Cert. Mail No. P 444 470 274

Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

SENDER: © Complete items 1 and/c. or additional services. © Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that card to you. Attach this form to the front of the mailpiece, or on the back if span permit. Write "Return Receipt Requested" on the mailpiece below the arm. The Return Receipt will show to whom the article was delivered delivered.	ice does not	I also I to rect following service extra fee): 1. Address 2. Restricted	ee's Address
3. Article Addressed to:	4a. Artic P	444 470 273	
n Print your name and address on the reverse of this form so that or card to you. n Attach this form to the front of the mailpiece, or on the back if spremit. n Write "Return Receipt Requested" on the mailpiece below the article was delivered adelivered. 3. Article Addressed to: FN 52918etal P 444 470 273 CHEMETAL FOOTE CORPORATION SILVER PEAK OPERATIONS HWY 265 SILVER PEAK NV 89047 5. Received By: (Print Name)	4b. Service Register Express Return Re Date of D	red : Mail eceipt for Merchandise	☐ Certified (☐ Insured ☐ COD
5. Received By: (Print Name)	8. Addresse and fee	ee's Address (Only is paid)	if requested
6. Signature: (Addressee or Agent)	102595-98-B-0229	Domestic Ret	US Paceint
PS Form 3811 , December 1994	. 02500 00 2 02-0	Domeout 110	um meccipi
SENDER: Complete items 1 - for 2 for additional services. Complete items 3. 4a, and 4b. Complete items 3. 4a, and 4b.	e can return this the does not the number. the date 4a. , P 444 4b. Service	wish to rece to wing services extra fee): 1. Addresse 2. Restricted 470 274 Type Ted	sive the
SENDER: Complete items 1 , or 2 for additional services. Complete items 3, 4a, and 4b. Print your name and address on the reverse of this form so that we card to you. Attach this form to the front of the mailpiece, or on the back if span permit. Write "Return Receipt Requested" on the mailpiece below the article was delivered. Article Addressed to:	e can return this se does not cle number. Indithe date 4a., P 444 4b. Service Register Express Return Re 7. Date of L	wish to rece fo wing services extra fee): 1. Addresse 2. Restricter 1. 470 274 Type red Mail secipt for Merchandise	eive the (for an e's Address d Delivery).

Chemetall Foote Corporation

October 18, 1999

Office of the State Engineer Nevada Division of Water Resources 123 West Nye Lane, Suite 246 Carson City NV 89706-0818

Subject: Permit Numbers 52918, 52919, 52920, 52921

I have enclosed the Extension of Time for Proof of Beneficial Use for the above referenced permit numbers. I have also enclosed check No. 26228 in amount of \$400 to cover the filing of the Extensions.

Please call me at (702) 937-2222 ext. 227, if you have any questions or need additional information.

Sincerely,

Patrick R. Fischer

Mine Superintendent

72L-

Enclosures

cc. Mr. Ross de Lipkau, Marshall, Hill, Cassas and de Lipkau

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



그 그는 사람들이 되어 그 그는 그 생각하는 그는 그는 사람, 젊물, 그리고 그리다.	STRIE LIGHTERS OF THE
Owner of Record Chemetall Foote Corporation	· TEMPER THE THE TEMPER THE TEMP
And the second of the second o	t de garante de la capacitación de la companya de la capacitación de la capacitación de la capacitación de la c
In the Matter of Permit No. 52918 F	ILED TO APPROPRIATE / CHANGE THE WATERS OF
Underground Source (Name of stream, lake, spring, und	
(Name of stream, lake, spring, unc	derground or other source)
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
gravitation of the African Land Company (1997)	• • • • • • • • • • • • • • • • • • • •
Comes now Partrick R. Fischer Person Signing Application	, theAgent Permittee or Agent
under Permit No. 52918 , who after being dul	
following questions in compliance with the requirements as set fort	h in the permit terms:
	(Check the Appropriate Box)
 If "YES" on question No. 1 is checked, is this request for an e □ YES □ NO (Check the Appropriate Box) 	extension of time submitted on behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this	extension being filed?
Chemetall Foote Corporation	
4. How much time is needed to finish this project? 1 year	
5. To date, what is the total expenditure on this project?in.	excess of 50 million dollars
6. In order to complete this project as set forth in the permit terms	•
7. The permittee requests an extension of time for	(Not to exceed 1 year)
with the provisions for filing the Proof of beneficial t	1SE completion of work and/or proof of beneficial use)
8. Explain in detail why this request for an extension of time is be	
We have not reached maximum capacity, and are	planning a \$200,000 expansion in 2000.

	727
	Signed Permittee or Agent
Subscribed and sworn to before me thisday of	Address Po Box 98
Subscribed and sworn to before me thisday of	Street No. or P.O. Box No.
Jave 1999	Filver Feak NV 89047
1-audy / Hewell	City, State, Zip Code No.
Signature of Notary Public Requires	Phone 275-937-2222
Notary Public in and for the County of	CANDY J. JEWETT
	No. 96-0422-14 NO. 14-0422-14 NOTARY PUBLIC, STATE OF NEVADA
State of pada	NYE COUNTY, NEVADA My Appointment Exp. Oct. 6th. 2000
My commission expires. UCWILL & 2000	Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMISE ROA 123

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 through 52921

December 20, 1999

This is to inform you that Application for Extension of Time

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4380

Chemetall Foote Corporation Silver Peak Operations, Highway 265 Silver Peak, NV 89047

has been granted to	September 30	2000
for filing of the Proof of Benei	ficial Use	************

	***************************************	***************
has been granted to	***************************************	2000
with the provision that no further extension	ns will be granted	
for filing of the	***************************************	
	·	***************************************
except for good cause shown as provided o		

Sincerely,

Christine Thiel, P.E.

Deputy State Engineer

CT/my

cc: Ross deLipkau

Chemetall Foote Corp./Patricia R. Fischer

Southern Nevada Branch Office

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246

Carson City, Nevada 89706-0818

In reply refer to

52918 through 52921

October 4, 2000

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4381

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof

of Beneficial Use



on or before September 30, 2000

Our records show that you have not filed said Proof(s) an therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

HR/kdg

CERTIFIED MAIL NO. 7000 0520 0023 8631 0900

cc: Ross de Lipkau, Cert. Mail No. 7000 0520 0023 8631 0917 Patrick R. Fischer, Cert. Mail No. 7000 0520 0023 8631 0924

Enclosures: Proof of Beneficial Use form(s) and Application for Extension of Time form(s)

Fee for filing Proof of Completion \$10.

Fee for filing Proof of Beneficial Use \$50.

FINAL NOTICE

Fee for filing Request for Extension of Time \$100.

Address all communications to the State Engineer, Division of Water Resources

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: 	A. Received by (Please Rri party) B. Date of Delivery C. Signature X
KG/FN 52918 THROUGH 52921 CHEMETALL FOOTE CORPORATION SILVER PEAK OPERATIONS HWY 265	WAS HERE HE WAS IN THE
SILVER PEAK NV 89047	3. Service Type Certified Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.
2. Article 7000 0520 0023 8631 0900	4. Restricted Delivery? (Extra Fee) ☐ Yes
PS Form 3811, July 1999 Domestic Re	eturn Receipt 102595-99-M-1789
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
 Complete items 1, 2, 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Received by (Please Prinary) B. Date of Delive C. Signature X. A. Received by (Please Prinary) Addresse D. Is delivery address different from item 12 Yes
1. Article Addressed to:	D. Is delivery address different from item 1? Yes If YES, enter delivery address below: No
KG/FN 52918 THROUGH 52921 PATRICK R FISCHER PO BOX 98	
SILVER PEAK NV 89047	3. Service Type ☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandis ☐ Insured Mail ☐ C.O.D.
2. Article 7000 0520 0023 8631 0924	4. Restricted Delivery? (Extra Fee) Yes
PS Form 3811, July 1999 Domestic R	leturn Receipt 102595-99-M-178
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, 3. Also complete item 4 if Restricted Delivery is desired.	A. Received by (Please Pr. aarly) B. Date of Delive
 Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	C. Signature Agent Addresse
Article Addressed to:	□ D. Is delivery address different from item 1? □ Yes If YES, enter delivery address below: □ No
KG/FN 52918 THROUGH 52921 ROSS DE LIPKAU PO BOX 2790 RENO NV 89505	3. Service Type Gertified Mail Registered Return Receipt for Merchandis
2. Article 7000 0520 0023 8631 0917	4. Restricted Delivery? (Extra Fee)
L. Million / UUU UUZU UUZU UUZU	

SE ROA 126

Chemetall Foote Corporation

October 11, 2000

Office of the State Engineer
Nevada Division of Water Resources
123 West Nye Lane, Suite 246
Carson City NV 89706-0818

Subject: Permit Numbers 52918, 52919, 52920, 52921

I have enclosed the Application for Extension of Time for the above referenced permit numbers. I have also enclosed a check in the amount of \$400 to cover the filing of the Extensions.

Please call me at (775) 937-2222 ext. 229, if you have any questions or need additional information.

Sincerely,

Melissa R. Jennings Mine Superintendent

Enclosures

cc. Mr. Ross de Lipkau

Marshall, Hill, Cassas and de Lipkau

Helisak Jenning

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corp.	I STATE ENGINEER & DIFFICE N
그리아 보고 하는데 보고 보는 사람들이 되는 것이 되었다. - 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은	
IN THE MATTER OF PERMIT NO. 52918 FIL	ed to Appropriate / Change the Waters of
Underground Source (Name of stream, lake, spring, under	ground or other source)
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
그 일을 보다 그 그림 가는 그 그리즘이 그리지만	
Comes now Melissa R. Jennings Person Signing Application	, the Agent Permittee or Agent
under Permit No. 52918 , who after being duly following questions in compliance with the requirements as set forth	sworn and answering to the best of their knowledge the
1. Does this permit have multiple owners? ☐ YES XX NO	(Check the Appropriate Box)
2. If "YES" on question No. 1 is checked, is this request for an ex ☐ YES ☐ NO (Check the Appropriate Box)	ension of time submitted on behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this e	xtension being filed?
Chemetall Foote Corp.	
4. How much time is needed to finish this project? 1 year	
이는 그가 빠져요요 그 그의 이 환경 그는 생각이 있는 이 그는 그 얼룩한다.	
5. To date, what is the total expenditure on this project? in exce	ss of 50 million dollars
6. In order to complete this project as set forth in the permit terms,	what additional funds will be spent? 3.5 million
7. The permittee requests an extension of time for1year	(Not to exceed I year) within which to comply
with the provisions for filing the Proof of Beneficial Us	e mpletion of work and/or proof of beneficial use)
8. Explain in detail why this request for an extension of time is beir	
We have not reached maximum capacity, and have	
progress. Production well drilling program	
progresso: Trodderion werr writing progress	
	Signed Melissa Atming
th	Signed Permittee or Agent
Subscribed and sworn to before me thisday of	Address P.O. Box 98 Street No. or P.O. Box No.
Vatober 2000	Silver Peak, NV 89047
/ andy On Newell	City, State, Zip Code No.
Signature of Potary Public Required	Phone (775) 937-2222
Notary Public in and for the County of,	OFFICIAL PRO
State of Wada	CANDY J. JEWETT
(/afilian la 2004)	NOTARY PUBLIC, STATE OF NEVADA NYE COUNTY, NEVADA
My commission expires (CWOO) 61, 2007	Nอ์สัมาตั้งเออาสัมเทียอกสะอัสเกรออสัมเติย

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

SE ROA 128. TERS 10-20-2000

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4380 or 1-800-992-0900x4380

In reply refer to:

October 23, 2000

52918, 52919, 52920, 52921

Chemetall Foote Corporation PO Box 98 Silverpeak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2001** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

CC:

Southern Nevada Branch Office

Ross E. de Lipkau

Notice of Proposed Action

by the

State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for the renewal of Water Pollution Control Permit for the Silver Peak Lithium Facility, a beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for Permit NEV70005 is:

Chemetall Foote Corporation P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

The facility, known as the Silver Peak Lithium Facility, is located in Sections 26-28 of Township 1 South, Range 40 East; Sections 1, 12, 13, 21-25 of Township 2 South, Range 39 East; and, Sections 1-11, 15-20, 29-32 of Township 2 South, Range 40 East in The project primarily consists of Esmeralda County, Nevada. numerous deep wells, solar evaporation ponds, liming facilities, and process plant for the production of lithium carbonate, lithium hydroxide monohydrate and anhydrous lithium hydroxide. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event. The groundwater beneath the playa is the source of lithium and it contains a very high total dissolved solids concentration. However, the groundwater quality from the production well and the town of Silver Peak well meet drinking water standards.

The Administrator is constrained to renew the water pollution control permit or to deny the application. The Administrator has made the tentative determination to renew the permit.

Persons wishing to comment upon the proposed permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to the

Nevada Administrative Code, NAC Chapter 445A, must submit their comments, objections, or requests no later than October 22, 2001 to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation Capitol Complex 333 W. Nye Lane, Room 138 Carson City, NV 89706-0851

All comments or objections received during the public notice period will be considered in the final determination regarding this permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-4670, extension 3130, toll free in Nevada (800) 992-0900, extension 4670, or visit our website at www.state.nv.us/ndep/bmrr/bmrr01.htm

STATE OF NEVADA

DRAFT

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation

Permit Number:

NEV70005

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Facility, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

This facility is located in Esmeralda County in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999 as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of XXXX XX, 2001, and shall remain in effect until XXXX XX, 2006, unless modified, suspended, or revoked.

Signed this XX day of XXXX, 2001.

David Gaskin, P.E.

Bureau Chief

Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

- A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.

B. Schedule of Compliance:

- 1. By November 1, 2001, submit a proposal to NDEP for the installation of a monitoring well near R-2 pond in accordance with NAC 445A.425.2. This monitoring well shall be installed by January 1, 2002
- C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plant and building including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and,
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components;

D. Monitoring Requirements

<u>Identification</u>		<u>Parameter</u>	Frequency
1.	Fresh Water Well (WS) and	Profile I ² and,	Initially; then
ŀ	well installed adjacent to the	Elevations of static water levels	Annually
1	R-2 pond (R-2W)	(amsl)	
2.	R-2 pond solution (R-2S)	Profile II ³ and,	Annually
İ	-	Report minimum freeboard	Quarterly
3.	Plant waste stream	Profile II ³	Annually
	(combined PWS)		
4.	Brine well* (BW)	Profile II ³ and,	Annually





		Elevations of static water level	
4.	continued -	(amsl)	
5.	Plant influent (PI)	Profile II	Annually

The Permittee may request a reduction in the number of elements and frequency of analyses after one year of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

* A different production (brine) well shall be sampled each year.

Note: Secondary containment sumps must be inspected and evacuated on a more frequent basis than weekly if the fluid level is at the top of the sump or above the invert of any pipe which discharges into the sump, whichever level is lower. Records are required documenting the volume, date and time of extraction to show that sumps are maintained in this condition.

(2) Profile I

Alkalinity (as CaCO₃)

Lead

Bicarbonate Magnesium
Total Manganese
Aluminum Mercury
Antimony Nickel

Arsenic Nitrate
Barium pH (± 0.1 units)

Beryllium Potassium
Boron Selenium
Cadmium Silver
Calcium Sodium
Chloride Sulfate
Chromium Thallium

Copper Total Dissolved Solids

Fluoride

Iron

(3) Profile II

Alkalinity (as CaCO₃)

Bicarbonate

Total

Barium

Beryllium

Boron

Aluminum Cadmium
Antimony Calcium
Arsenic Chloride

Chromium
Cobalt
Copper
Fluoride
Gallium
Iron
Lead
Lithium
Magnesium
Manganese
Mercury
Molybdenum
Nickel

pH (± 0.1 units)
Phosphorus
Potassium
Scandium
Selenium
Silver
Sodium
Strontium
Sulfate
Thallium

Total Dissolved Solids

Vanadium Zinc

Tin

- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations

Nitrate

1. A minimum two (2) feet of freeboard shall be maintained in the R-2 pond at all times.

Exceeding these limitations may be permit violations and shall be reported as specified in Part II.B.3

- H. The facility shall install and maintain a calibrated rain gauge which shall be monitored daily. A record of all daily accumulations of precipitation shall be maintained on site.
- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device;
 - 3. The presence of liquids in leak detection systems; and
 - 4. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.



- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from this Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining a General or Individual Mining Bioremediation Facility Permit from the Division.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance item in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which the Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements

- 1. The Permittee shall submit an annual report by February 28th of each year which contains the following:
 - a. Monitoring results from those locations identified in Parts 1, 2 and 4;
 - b. Analytical results of the solution collected from monitoring locations identified

in Part I.D.1 through 5;

- A record of spills and releases and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0390 or equivalent;
- d. A brief summary of site operations, including the number of tons of ore processed during the year, construction and expansion activities and major problems with the fluid management system; and,
- e. Graphs of pH, total dissolved solids, sulfate, chloride, nitrate (as nitrogen), zinc, and arsenic concentrations (as applicable), versus time for all fluid sampling points. These graphs shall display a five year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.



- 2. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.
 - a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 p.m. of the first working day after knowledge of the release. An oral report shall be made by telephone to (775) 687-4670, extension 3023, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
 - b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.



- c. A release of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds 500 gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If the quantity is equal to or greater than 100 gallons, report in the time frame specified in Part II.B.3.a. Smaller spills are reported quarterly on NDEP Form 0390 or equivalent.
- 3. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-4670, extension 3123, not later than 5 p.m. of the next regular work day from the

time the Permittee has knowledge of the circumstances. This report shall include the following:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the facility:
- iii. Date, time, and type of incident, condition, or circumstance:
- iv. Name and quantity of materials released; if process solution is released, report total gallons and quantity of contaminant;
- v. Human and animal mortality or injury;
- vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
- vii. The estimated quantity of material that will be disposed and the disposal location.
- b. A written summary shall be provided to the Division within 10 days of the time the Permittee makes the oral report. The written summary shall contain a description of the release or discharge and its cause, the periods of the release or discharge (including exact dates and times), whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring, to:
 - i. Determine the effect and extent of each release or discharge;
 - ii. Minimize any adverse impact to the waters of the State arising from each release or discharge;
 - iii. Minimize the effect of each release or discharge upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each release or discharge.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than 120 days before this permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any

relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.

- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities, and analytical results including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action as provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.





E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in this permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416 and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.

Permit No. NEV70005 Page 10 of 10

DRAFT

- 3. The Permittee must notify the Division in writing at least thirty days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Renewed 9/01





FACT SHEET (pursuant to NAC445A.401)

Permittee Name:

Chemetall Foote Corporation

P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

Permit Number:

NEV70005

A. <u>Description of Facility</u>

Location: This project is located in and near the town of Silver Peak, Nevada in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32 in Esmeralda County.

Characteristics: The Silver Peak Lithium Facility primarily consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, the Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Subsurface brines are pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. The lithium carbonate product is then dried and packaged, processed, or used as head feed for the lithium hydroxide facility. In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced. Evaporation produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

Brine ponds were built directly on top of native clay that has a coefficient of permeability of $1 \times 10E-6$ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability with the exception of one pond (the strongest brine pond) that is lined with 20-mil PVC liner.

The R-2 pond, located on the peripheral edge of the playa, is asphalt lined and receives CaCO3 solution that is pumped to the playa as needed. Piping changes are being made to facilities.

Storm water runoff and accumulation is within a closed system. All storm water is maintained within the Clayton Valley.

Secondary containment within the post-regulation hydroxide plant meets secondary containment requirements and was constructed to standard engineering principles and practices. The existing pre-regulation plant appears to be provided with adequate secondary containment.

C. <u>Site Hydrology/Hydrogeology and Background Groundwater</u> Ouality

The ground water pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids as documented by the long history of lithium It would be economically impractical to render production. the water fit for human consumption due to the very high total dissolved solids concentrations (see data) and it is not reasonably expected to become a drinking water supply. However, the Silver Peak water supply well and the freshwater production well for Chemetall produce high quality water that Hydrogeologically, the meet drinking water standards. location where the groundwater quality exceeds drinking water standards and becomes non-potable is complex. Establishment of a monitoring well adjacent to the R-2 pond will provide groundwater quality and elevation at this location.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate, and close subject to the conditions contained within the permit, is being sent to the Tonopah Times-Bonanza in Tonopah for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of the public notice. The comment discretion of can be extended at the All written comments received during the Administrator. comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator, or any interested agency, person or group of persons.





The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed facility or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the proposed permit.

F. <u>Proposed Effluent Limitations</u>, <u>Schedule-of-Compliance and Special Conditions</u>

See Part I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. Also, the facility is located in the Clayton Valley where the playa ground water does not serve as a source of drinking water and would probably not serve as an economically viable source of drinking water. The groundwater is the source of lithium, contains very high total dissolved solids concentration and is not reasonably expected to become a drinking water supply. However, potable wells in and near the town of Silver Peak will be protected.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50CFR10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with state permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical

isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of toxic water. Methods which attempt to make uncovered ponds attractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Blvd., Suite 234, Reno, Nevada 89502-7147, for additional information.

Bob Carlson September 2001

EST TO COMPANY AND PART OF

88:5 NV 01:23:10

Director

HUGH RICCI, P.E. State Engineer

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

In reply refer to

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 Address All Communications to: The State Engineer Division of Water Resources Telephone (775) 687-4381

October 3, 2001

52918 through 52921

Chemetall Foote Corporation
Silver Peak Operations, Highway 265
Silver Peak NV 89047
CERTIFIED MAIL: 7000 0520 0023 4553 1162

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file **Proof of Beneficial Use**



on or before September 30, 2001

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely.

State Engineer

lieu, P.E.

HR/cmf

cc:

Ross E. DeLipkau, Certified Mail No. 7000 0520 0023 4553 1179 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use form with instructions

Fee for filing Proof of Completion - \$10 Fee for filing Proof of Beneficial Use - \$50 Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

SENDER: COMPLETE THIS SECTION Complete items 1, 2,Id 3. Also complete	A Received by (Rlease Clearly) B. Date of Delivery
item 4 if Restricted Delivery is desired.	Clearly B. Date of Delivery
Print your name and address on the reverse so that we can return the card to you.	C. Signature
Attach this card to the back of the mailpiece, or on the front if space permits.	Agent Addressee
Article Addressed to:	D. Is delivery address different from item 1? Yes
1. Autolo Addressed to.	If YES, enter delivery address below:
	[a(00)]
FN 52918 ETAL CMF	1/2/ /59
ROSS E DELIPKAU	100
P O BOX 2790 RENO NV 89505	3. Service Type ☐ Certified Mail ☐ Express Mail
KENO NV 89303	☐ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise
	☐ Insured Mail ☐ C.O.D.
- 1	4. Restricted Delivery? (Extra Fee) ☐ Yes
² 7000 0520 0023 4553 1179 ^{e/)}	
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Domestic Ret	ırn Receipt 102595-00-M-0952
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Chemetall Foote Corp.

October 9, 2001

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, NV 89706-0818

Subject: Permit numbers 52918, 52919, 52920 & 52921

Mr. Hugh Ricci, PE State Engineer,

Enclosed please find four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400 to cover the filing of the Extensions.

Please contact our office should you have any questions at 1-775-937-2222.

Sincerely,

Danny Zampirro, CPG

Dan Zampivro

Wellfield Supervisor

Certified Mail # 7099 3220 0005 1375 6049

cc Mr. Ross de Lipkau Marshall Hill Cassas & de Lipkau

enclosures

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corp.	STATE ENGINEER'S OFFICE
IN THE MATTER OF PERMIT NOFILED TO APPROPRIATE / CHANGE THE	WATERS OF
Underground Source (Name of stream, lake, spring, underground or other source)	**********
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
•	
Comes now Danny Zampirro , the Agent Permittee or A	Agent
under Permit No	of their knowledge the
1. Does this permit have multiple owners? YES YES (Check the Appropriate Box)	
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf YES NO (Check the Appropriate Box)	of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?	***************************************
Chemetall Foote Corp.	***************************************
4. How much time is needed to finish this project?lyear	***************************************
5. To date, what is the total expenditure on this project? in excess of 51 million dollars	
6. In order to complete this project as set forth in the permit terms, what additional funds will be spent	, 1.1 million
7. The permittee requests an extension of time for 1 year (Not to exceed 1 year)	within which to comply
Proof of Repoficial New	
•	
8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets to be have not reached maximum capacity, and have a well drilling progra	
for 2001-2002 at a cost of 1.1 million dollars A deep aquifer syst	***************************************
identified with plans to test and explore as a resource.	***************************************
$\langle \rangle$?	
Signed Van Jamy	Rim)
Subscribed and sworn to before me this day of Address P.O. Box 98	***************************************
October 2001 Silver Peak, A	.0. Box No. IV 89047
Laudy Of Named Phone (775) 937-222	Code No.
Signature of Agriary Public Required	
Notary Public in and for the County of January Public in and for the County of CANDY I	L SEAL JEWETT
State of No. 00-0 No. 00-0 No TARY PUBLIC, 5	A22-14 TATE OF HEVADA
My commission expires Utuber 4, 3004	DO. OC. 6. 2004

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

7727 12 / - 400 FOR CT -

Rev. (I-99)

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 687-4381 or 1-800-992-0900x4381 (within Nevada)

January 15, 2002

52918, 52919, 52920, 52921

Chemetall Foote Corporation Silver Peak Operations, HWY 265 Silver Peak, NV 89047



This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2002</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.



Christine Thiel, P.E. Deputy State Engineer

CT/dr

cc: Ross De Lipkau
Dan Zampirro
Southern Nevada Branch Office

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

October 1, 2002

In reply refer to No.

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 Address All Communications to: The State Engineer Division of Water Resources Telephone (775) 687-4381

52918 through 52921

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047 CERTIFIED MAIL 7106 7808 0630 0000 5937

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use under all Permits referenced above



on or before September 30, 2002

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

Nice , P.E.

HR/cac

cc: Danny Zampirro, Certified Mail 7106 7808 0630 0000 5951 Ross E. de Lipkau, Certified Mail 7106 7808 0630 0000 5944 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use forms with instructions

Fee for filing Proof of Completion - \$10 Fee for filing Proof of Beneficial Use - \$50 Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

SENDER: • Complete items 1.2 and 3. • Indicate if restricted delivery ed. • Indicate if restricted delivery ed. • Print your name and address c. • Attach this form to the front of the matipleco, or on the back it space does not permit. • Write "Return Receipt Requested" on the matipleco below the article number. • The Return receipt Fee will provide you the signature of the person delivered to and the dat delivery.	l also wish to receive the follow service (for an extra fee):
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Chemetall Foote Corporation	7106 7808 0630 0000 5937
Silver Peak Operations, Hwy 265	1706 1909 DE3D 0000 3131
Silver Peak, NV 89047	3. Service Type CERTIFIED
	Date of Delivery
	18 3 OF 6
Received By: (Print Name)	Enter delivery address
MELISSA JENNINGS,	if different than them 1.
Signature - (Addressee or Agent),	USPS
Wellish Senning	DOMESTIC RETURN RECEIPT
PS Form 3811 () File: FN 52918etal CC	DOMESTIC RETURN RECEIPT
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Complete items 1,2 and 3, Indicate it restricted delivery i red. Puth your page and address. The complete items of this form so that we can return this card to	follow' service (for an extra fee):
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 The Return receipt Fee will provide you the signature of the person delivered to and the da delivery. 	
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Danny Zampirro	7106 7808 0630 0000 5751
P.O. Box 98 Silver Peak, NV 89047	3. Service Type X CERTIFIED
Shver Feak, IVV 05047	
	Date of Delivery E
	Estas kalla a adilla
Received By: (Print Name)	Enter delivery address if different than item 1.
MELISSA JENNINGS	2002 / /
Signature - (Addressee or Agent)	USPS
Melin Tenning	
PS Form 3811	DOMESTIC RETURN RECEIPT
File: FN 52918etal CC	
The second secon	The second control of the second control of
SENDER:	I also wish to receive the
SENDER: Complete farms 1,2 and 3. Indicate if restricted delivery ed. Print your name and address : reverse of this form so that we can return this card to a Atland this form to the front of analipsice, or on the back if space does not permit. Write "Return Receipt Requested" on the matiphoce below the article number. The Return receipt Fies will provide you the signature of the person delivered to and the dadelivery.	following service (for an extra fee):
 Attach this form to the front of had displaced, or on the back if space does not permit. Write "Return Receipt Requested" on the maliplace below the article number. The Return receipt Fee will provide you the project of the perceipt of the provide and the perceipt. 	estricted Delivery
1. Article Addressed to:	2. Article Number
Ross de Lipkau	
Marshall, Hill, Cassas & de Lipkau P.O. Box 2790	7106 7808 063 <mark>0 0000 5944</mark>
Reno, NV 89505	3. Service Type X CERTIFIED
12/	Date of Delivery
(3/ %) (5)	Duits of Dailyery
Prophed Bu (Print Name)	
Received By: (Print Name)	Enter delivery address If different than item 1.
Received By: (Print Name) 10000 HOGG Land	
Received By: (Print Name) October Signature - (Addressee or Agent)	

PS Form 3811

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File: FN 52918etal CC

DOMESTIC RETURN RECEIPT

Chemetall Foote Corp.

October 8, 2002

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, NV 89706-0818

Subject: Permit numbers 52918, 52919, 52920 & 52921

Dear Mr. Ricci,

Enclosed please find four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400 to cover the filing of the Extensions.

Please contact our office should you have any questions at 1-775-937-2222.

Sincerely,

Danny Zampirro, CPG

Hydrogeologist

Certified Mail # 7099 3220 0006 0137 6210

Janny Jampino

cc Mr. Ross de Lipkau

Marshall Hill Cassas & de Lipkau

Enclosures: Quarterly production report

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED

OCT 15 2002 94

STATE ENGINEER'S OFFICE

Owner of Record Chemetall Foote Corporation	STATE ENGINEER'S OFFICE
. In the Matter of Permit No. 52918 Filed to Appropriate / Change t	he Waters of
Underground source (Name of stream, lake, spring, underground or other source)	······································
This Application Is Respectfully Submitted.	
Comes now Danny Zampirro , the Agent Permittee	or Agent
under Permit No52918, who after being duly sworn and answering to the befollowing questions in compliance with the requirements as set forth in the permit terms:	
1. Does this permit have multiple owners? YES XX NO (Check the Appropriate Box)	
If "YES" on question No. 1 is checked, is this request for an extension of time submitted on beh YES NO (Check the Appropriate Box)	alf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?	
4. How much time is needed to finish this project?one-year-	•••••••••••••••••••••••••••••••••••••••
5. To date, what is the total expenditure on this project?in excess of\$51,000,000	***************************************
6. In order to complete this project as set forth in the permit terms, what additional funds will be specified.	ent? \$50,000
7. The permittee requests an extension of time for	
with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use)	se)
Explain in detail why this request for an extension of time is being submitted (Use additional sheet Maximum water usage has not been achieved. Expansion is plann	ets if necessary):
with resultant increased water usage scheduled this year.	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Signed Signed	Zanferro gor Agent
Subscribed and sworn to before me thisday of Address Chemetall Foote	Corp.
11/A-Files 1	or P.O. Box No. r Peak, NV 89047
Laudy J. Sewell Phone 1-775-937-2222	e, Zip Code No.
Notary Public in and for the County of Notary Public Bequired Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public Bequired Notary Public in and for the County of Notary Public Bequired Notary Public in and for the County of Notary Public in and for the County of Notary Public Bequired Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and for the County of Notary Public in and Indiana in an analysis of Notary Public in an analysis of Notary Publ	OFFICIAL SEAL ANDY J. JEWETT No. 00-0422-14 Y PUBLIC, STATE OF NEVADA E COUNTY, NEVADA
My commission expires October 6, 3004 Notary Stamp or Stamp or Stamp	pointment Exp. Oct. 6, 2004

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

In reply refer to:

November 21, 2002

52918, 52919, 52920, and 52921

Chemetall Foote Corporation
Silver Peak Operations, Highway 265
Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2003** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** (all permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/dl

cc: Ross de Lipkau

Southern Nevada Branch Office

Chemetall Foote Corp.

July 27, 2003

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, NV 89706-0818

COPY

Subject: Permit numbers 52918, 52919, 52920 & 52921 and Quarterly Production Data

Dear Mr. Ricci,

Enclosed please find four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400 to cover the filing of the Extensions. We are conducting a drilling program to supplement our aging wellfield to meet product demand. Additionally, please find our quarterly production report for the second quarter, basin 143. A total of 2,174 acre feet were pumped from the basin of which 5.6% was fresh water, the remainder brine for production purposes. Please contact our office should you have any questions. Thank you.

Sincerely,

Danny Zampirro, CPG, RG

Danny Zampsino

Hydrogeologist

Certified Mail # 7099 3220 0006 0137 6548

cc Mr. Ross de Lipkau Marshall, Hill, Cassas & de Lipkau

Enclosures: Quarterly prod. report, Ext. of Time Renewals, check #26799

QUARTERLY PRODUCTION REPORT



$\overline{}$										7		ノロ	
1		CHEMETALL	FOOTE COR	PORATION			Y	EAR: 2003			REPORT DA	TE: July 31st, 2	003
		SILV	ER PEAK OP	ERATIONS									
						B	ASIN: 143 (CI	AYTON VA	LLEY)				
	PERMIT NUN	ABERS: 52918	; 52919; 52920); 52921									
SITE I.D.								MPED IN GA					AMOUNT
sej i	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	USED
9C	2,550,000	2,250,000	2,500,000	2,580,000	2,700,000	2,720,000	0	0	0	0	0		15,300,000
10B	5,880,000	4,844,000	5,411,000	5,530,000	5,944,000	5,749,800	0	0	0	0	0		33,358,800
16C	3,866,000	3,162,000	3,702,000	3,819,000	3,972,000	3,882,500		0	0	0	0		22,403,500
23A	3,532,000	3,034,000	3,491,000	3,513,000	3,826,000	3,523,800	0	0	0	0	0		20,919,800
41B	2,545,000	2,251,000	2,762,000	2,653,000	2,855,000	2,733,200	0	0	0,	0	0		15,799,200
43A	3,105,000	2,537,000	3,102,000	3,040,000	3,159,000	3,074,600	0	<u>o!</u>	O;		0		18,017,600
45B 59	0	0	0	0:	0	0	0	0	0		0		
62A	4,369,000	3,486,000	4,080,000	2,979,000	3,928,000	4,394,400	0	0	0		0		23,236,400
65A	6,798,000	2,631,000 5,624,000	5,662,000 6,527,000	6,672,000	7,117,000 6,412,000	6,831,300	0	0	0		0		35,711,300 37,523,400
71A	8,311,000	5,787,000	6,527,000	6,335,000	0,412,000	0,290,400	0	0	0		0		14,098,000
73A	6,388,000	5,530,000	6,490,000	5,041,000	6,767,000	6,308,500	0	0	0	-	<u>u</u>		36,524,500
76	6,492,000	5,771,000	6,624,000	6,609,000	6,874,000	6,367,400	0	0	0		0		38,737,400
78	6,486,000	5,414,000	6,730,000	5,704,000	6,472,000	5,837,800	0	0	0		· 0		36,643,800
80	1,474,000	0	0	0	449,000	2,086,200	0	0	0		<u>`</u> <u>`</u>		4,009,200
99B	1,639,000	669,000	0 i	0	73,000	1,610,700	0	0	0		0		3,991,700
103A	10,539,000	6,718,000	0	0	0	0	0	0	0		0		17,257,000
109	9,328,000	7,781,000	9,889,000	9,406,000	10,043,000	9,650,300	0	0	0		0		56,097,300
ا 31	8,276,000	6,518,000	7,379,000	2,776,000	0	0	o	0	0	0	0		24,949,000
	10,909,000	9,277,000	10,671,000	10,981,000	11,244,000	10,739,500	0	o	0	0	0	0	63,821,500
	3,185,000	2,854,000	3,318,000	3,215,000	3,308,000	3,199,100	0	0	0	0	0	0,	19,079,100
152	8,210,000	6,899,000	8,764,000	8,413,000	8,828,000	7,153,200	0	0	0	o	0	0	48,267,200
153	1,772,000	1,473,000	1,784,000	1,679,000	1,805,000	1,738,400	0	0	0	0	0	0	10,251,400
156	2,084,000	7,908,000	12,209,000	12,002,000	12,796,000	12,358,800	0	0	0		0	0	59,357,800
165	14,167,000	11,467,000	2,712,000	0	0	0	0	0	0		0		28,346,000
168	1,165,000	0	0	0	2,616,000	8,986,100	o	0	0				12,767,100
170	3,748,000	3,108,000	3,909,000	3,705,000	3,871,000	3,534,100	0	0	0				21,875,100
172	6,455,000	5,358,000	6,692,000	6,424,000	6,732,000	6,059,400	0	0	0				37,720,400
173	5,486,000	4,558,000	5,739,000	5,521,000	5,767,000	5,049,200	0	0	0			 	32,120,209
180													
	8,328,000	6,863,000	8,196,000 POOTE COT	7,787,000	8,498,000	7,820,000	0	0 D. 2002	. 0	0			47,492,080
		CHEMETALL	FOOTE COP	RPORATION	8,498,000;	7,820,000		0 EAR: 2003	;			:	47,492,080
		CHEMETALL		RPORATION	8,498,000;		3	EAR: 2003	•				
		CHEMETALI SIL	FOOTE COR	PERATIONS	8,498,000;			EAR: 2003	•			:	
		CHEMETALL	FOOTE COR	PERATIONS	8,498,000		BASIN: 143 (C	EAR: 2003	:			:	
		CHEMETALI SIL	FOOTE COR	PERATIONS	8,498,000; MAY		BASIN: 143 (C	EAR: 2003 LAYTON VA	:			:	
SITE I.D.	PERMIT NU	CHEMETALI SIL MBERS: 5291	FOOTE COR VER PEAK OF 8; 52919; 5292	RPORATION PERATIONS 20; 52921	MAY		BASIN: 143 (C WATER P	LAYTON VA	: LLEY) ALLONS SEP	REF	PORT DATE:	i July-3 1st, 2003	AMOUNT
SITE I.D.	PERMIT NU	CHEMETALI SIL MBERS: 5291 FEB	FOOTE COR VER PEAK OF B; 52919; 5292 MAR	PERATIONS 100; 52921 APR			BASIN: 143 (C WATER P	LAYTON VA	LLEY) ALLONS SEP	REI	PORT DATE:	July-3 1st, 2003	AMOUNT USED
SITE I.D.	PERMIT NU	CHEMETALI SIL MBERS: 5291 FEB	FOOTE COR VER PEAK OF 8; 52919; 5292	PERATIONS 100; 52921 APR	MAY	JUN	BASIN: 143 (C WATER PI JUL	LAYTON VA	: LLEY) ALLONS SEP	RBI OCT	PORT DATE:	July 3 1st, 2003	AMOUNT USED
SITE I.D. well #	PERMIT NU JAN 1,209,000	CHEMETALI SIL MBERS: 5291 FEB	FOOTE COR VER PEAK O 8; 52919; 5292 MAR	PERATIONS 100; 52921 APR	MAY	Jun	BASIN: 143 (C WATER PI JUL	LAYTON VA UMPED IN G AUG	: LLEY) ALLONS SEP	OCT 0	PORT DATE:	July 3 1st, 2003	AMOUNT USED
SITE I.D. well # 300 302 303 304	PERMIT NU JAN 1,209,000 509,000	CHEMETALI SIL MBERS: 5291 FEB 0 1,258,000	FOOTE COR VER PEAK O 8; 52919; 5292 MAR 0 1,499,000	PERATIONS 100; 52921 APR 0 1,311,000	MAY 0	JUN 0	BASIN: 143 (C WATER PI JUL	ZEAR: 2003 LAYTON VA UMPED IN G AUG 0	: LLLEY) ALLONS SEP	OCT 0 0 0 0	NOV	DEC	AMOUNT USED 1,209,000 7,507,200 25,196,800
SITE I.D. well # 300 302 303 304 305	PERMIT NU JAN 1,209,000 509,000 4,296,000	CHEMETALI SIL MBERS: 5291 FEB 0 1,258,000 3,754,000	FOOTE COR VER PEAK OJ 8; 52919; 5292 MAR 0 1,499,000 4,383,000	PPORATION PERATIONS:	MAY 0 1,525,000 4,464,000	JUN 0 1,405,200 4,119,800	BASIN: 143 (C WATER PI JUL 0' 0 0	ZEAR: 2003 LAYTON VA UMPED IN G AUG 0 0	: ALLONS SEP 0 0 0	OCT 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0	AMOUNT USED 1,209,000 7,507,200 25,196,800 25,290,700
300 302 303 304 305	PERMIT NU 1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000	CHEMETALI SIL MBERS: 5291 FEB 0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000	FOOTE COR VER PEAK OI 8; 52919; 5292 MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000	PPORATIONS 10; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000	MAY 0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000	JUN 0 1,405,200 4,119,800 4,239,700 10,435,300 7,113,500	BASIN: 143 (C	ZEAR: 2003 LAYTON VA LAYTO	: ALLONS SEP 0 0 0 0	OCT 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500
300 302 303 304 305	PERMIT NU JAN 1,209,000 509,000 4,295,000 4,303,000 10,358,000 7,469,000 3,497,000	CHEMETALI SIL MBERS: 5291 FEB 0 1,258,000 3,754,000 3,755,000 6,054,000 2,898,000	FOOTE COR VER PEAK OJ 8; 52919; 5292 MAR 0 1,499,000 4,333,000 4,333,000 10,297,000 7,274,000 3,545,000	PPORATION PERATIONS 20; 52921 APR 0 1.311.000 4.180,000 4.214,000 9.595,000 6.788,000 3.393,000	MAY 0 1,525,000 4,464,000 10,608,000 7,450,000 3,656,000	JUN 0 1,405,200 4,119,800 4,239,300 10,435,300 7,113,500 3,504,400	National National	ZEAR: 2003 LAYTON VA UMPED IN G AUG 0 0 0 0	: ALLEY) ALLONS SEP 0 0 0 0	OCT 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400
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BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



O,	wner of Record Chemetall Foote Corporation
	In the Matter of Permit No. 52918 Filed to Appropriate / Change the Waters of
	Underground 'source (Name of stream, lake, spring, underground or other source)
T.	
11	HIS APPLICATION IS RESPECTFULLY SUBMITTED.
	Comes now Danny Zampirro , the Agent Person Signing Application Permittee or Agent
un fo	ider Permit No. 52918, who after being duly sworn and answering to the best of their knowledge the llowing questions in compliance with the requirements as set forth in the permit terms:
1.	Does this permit have multiple owners? YES NO (Check the Appropriate Box)
	If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? YES INO (Check the Appropriate Box)
, 3.	If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Corp.
.•	
	Yann much sing is readed to finish this project? Two years
	How much time is needed to finish this project? <u>two years</u>
5.	To date, what is the total expenditure on this project?\$52,300,000
6.	In order to complete this project as set forth in the permit terms, what additional funds will be spent? \$5.70.000
7.	The permittee requests an extension of time for <u>one year</u> within which to comply (Not to exceed 1 year)
	with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use)
8.	Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary):
	Old wells are being supplemented by the construction of new wells in order
	meet expanding demend for production.
	Signed Sanguist or Agent
Sŧ	ubscribed and sworn to before me this Olympia day of Address Chemetall Foote Corporation Street No. or P.O. Box No.
	Cluly 2003 P.O. Box 98 Silver Peak, NV 89047
•••	City, State, Zip Code No. 1-775-937-2222 Signature of (Notary Public Required) Phone 1-775-937-2222
N	otary Public intend for the County of
	OFFICIAL SEAL CANDY A LEWETT
St	No. 00-0422-14 NOTARY PUBLIC, STATE OF NEVADA
M	ly commission expires County Nevada (1-0)
	\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
450	A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
(Ke	SE ROA 158

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 through 52921

October 23, 2003

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4380

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

has been granted to for filing of the			••••
has been granted to	will be granted		
except for good cause shown as provided ur	ider NRS 533.390 and 533	3.410.	••••
	Christine Thiel, eputy State Engineer	P.E.	

This is to inform you that Application for Extension of Time

CT/sg

cc:

Chemetall Foote Corp., (additional address)

Ross de Lipkau

Southern Nevada Branch Office

Chemetall Foote Corp.

August 10, 2004

Chemetall Foote Corporation Silver Peak Operations Post Office Box 98, Hwy 265 Silver Peak, NV 89047

State of Nevada – Office of the State Engineer
Department of Conservation and Natural Resources
Division of Water Resources
123 W. Nye Lane, No. 246
Carson City, NV 89706-0818

RE: Application for Extension of Time for Permit No.'s: 52918, 52919, 52920, 52921

To The State Engineer – Division of Water Resources:

Enclosed are applications for Extension of Time for Permits 52918, 52919, 52920 and 52921. A check in the amount of \$400.00 is also enclosed to cover the filing of the extensions.

If you have any questions, please feel free to call.

Sincerely,

Sherry L. Huelsen-Wilks

Hydrogeologist & Wellfield Supervisor

Shony of Huben Wilke

cc: Mr. Ross de Lipkau File

Enclosures: Application for Extension of Time, Permit 52918

Application for Extension of Time, Permit 52919 Application for Extension of Time, Permit 52920 Application for Extension of Time, Permit 52921

Check # 26882

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

AUG 19 2004

STATE ENGINEER'S OFFICE Owner of Record Chemetall Foote Corporations IN THE MATTER OF PERMIT NO. 52918 FILED TO APPROPRIATE / CHANGE THE WATERS OF Underground Source (Name of stream, lake, spring, underground or other source) THIS APPLICATION IS RESPECTFULLY SUBMITTED. Sherry L Huelsen-Wilks Permittee or Agen Person Signing Application under Permit No....52918 , who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms: 1. Does this permit have multiple owners?

YES X NO (Check the Appropriate Box) If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? XX NO (Check the Appropriate Box) 3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Corporation Two Years 4. How much time is needed to finish this project?_____ 5. To date, what is the total expenditure on this project? \$52,900,000 6. In order to complete this project as set forth in the permit terms, what additional funds will be spent? \$2,000,000 One Year 7. The permittee requests an extension of time for......within which to comply (Not to exceed 1 year)

(Proof of completion of work and/or proof of beneficial use) with the provisions for filing the... Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary): Old wells are being supplemented by the construction of new wells in order to meet expanding demand for production.

Proof of Beneficial Use

Subscribed and sworn to before me this. day of

Notary Public in and for the County of

My commission expires.

Chemetall Foote Corporation

Street No. or P.O. Box No.

.0.Box 98, Silver Peak, NV 89047
City, State, Zip Code No.



ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. PPLICATION MUST BE FILED FOR EACH PERMIT.

10-04 per 54

SE ROA 161 .

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

> Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

In reply refer to:

52918, 52919, 52920, and 52921

November 12, 2004

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2005</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Jason King, P.E. Deputy State Engineer

JK/1t

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

	APPLI	CATION FOR	R EXTENSION (OF TIME	WFILED
Owner of Record	Chemetall Foote	Corporation			Alig 2 0 2005
	IN THE MATTER OF PER	міт No. <u>52918</u>	_FILED TO APPROPRIATE	/CHANGE THE WA	STATE INICINER'S OFFIC
		TTd.			
	(Name of stream, lake, sp	rground Source ring, underground or other sou	rce)	
Tine Apprication					
I HIS APPLICATION	IS RESPECTFULLY SUBMI	ITTED.			
Comes now _	Sherry I	L Huelsen-Wilks	, the		Agent
n na hairin da an an an an an an an an an an an an an		gning Application			ittee or Agent
under Permit No.	52918	who after being di	ily swom and answering	to the best of their	knowledge the following
questions in comp	liance with the requirement	nts as set forth in the	permit terms:	to the pest of theft	knowledge the following
1. Does this permi	t have multiple owners?	□ YES 💆	NO (Check the Approp	priate Box)	
2. If "YES" on que	estion No. 1 is checked, is	this request for an e	xtension of time submitte	ed on behalf of all	the owners?
L IES	E NO (Check if	пе Арргоргіаїе Вох)			
3. If "NO" on ques	stion No. 2 is checked, on	whose behalf is this	extension being filed?	Chemetall Foote	Corporation
		· · · · · · · · · · · · · · · · · · ·			
4. How much time	is needed to finish this pr	roject? T	wo Years		
	the total expenditure on the				
5. 10 date, what is	the total expenditure on t	nis project?	55,900,000		
6. In order to comp	plete this project as set for	th in the permit term	s, what additional funds	will be spent?	\$2,000,000
7 The permittee re	equests an extension of tin	na for	One Year		
7. The perimities is	equests an extension of thi	ite for	(Not to exceed 1 year)		within which to comply
with the provision	ons for filing the		Proof of Benefici	al I Ica	
		(Proc	of of completion of work and/o	or proof of beneficial us	e)
8. Explain in detail	l why this request for an e	vtension of time is h	eing submitted Also add	itional about if wa	
Old wells	are being supplemented b	by the construction o	f new wells in order to m	<i>nional sheets ij ned</i> leet expanding de n	essary): and for production
					The state of the s
	·	- +.6	, <i>II</i>	11/1	110.
Subscribed and sw	orn to before me this <u>22</u>	day of	Signed	50. Huls	en-Wilks
Musin	2/1	15	0	Permittee of	or Agent
- Dictional		\ \	AddressC	hemetall Foote Co	
	andy S	Xewell		Street No. or P	.O. Box No.
S	ignature of Notary Public Requi	iped)	<u>P</u>	O. Box 98, Silver	
Notary Public in ar	nd for the County of	1/1/10	751	City, State, Zi	
A dono in al	4 /	- 19C	Phone7	75-937-2222 ext. 2	30
State of	Verada	· · · · · · · · · · · · · · · · · · ·		CANDY J. J	
My commission ex	pires <u>Velober</u>	6,2008.		NOTARY F	VEVADA

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

OR per JK 11/105

SE ROA 163

APPT. No. 92-0422-14 MY APPT. EXPIRES OCT. 6, 2008

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701

> Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 684-2800 or

1-800-992-0900x2800 (In Nevada Only)

In reply refer to:

January 20, 2006

52918, 52919, 52920 and 52921

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2006</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King

Jason King, P.E.

Deputy State Engineer

JK/mc

cc: Southern Nevada Branch Office Sherry L. Huelsen-Wilks

Chemetall Foote Corp.

2006 AUG 31 AHII: 13

STATE ENGINEERS OFFICE

August 10, 2006

Chemetall Foote Corporation Silver Peak Operations Post Office Box 98, Hwy 265 Silver Peak, NV 89047

State of Nevada — Office of the State Engineer
Department of Conservation and Natural Resources
Division of Water Resources
901 S. Stewart St., Ste. 2002
Carson City, NV 89701-5250

2006 SEP -5 PH 1: 48

RE: Application for Extension of Time for Permit No.'s: 52918, 52919, 52920, 52921

To The State Engineer - Division of Water Resources:

Enclosed are applications for Extension of Time for Permits 52918, 52919, 52920 and 52921. A check in the amount of \$400.00 is also enclosed to cover the filing of the extensions.

If you have any questions, please feel free to call.

Sincerely,

Sherry L. Huelsen

Hydrogeologist & Wellfield Supervisor

cc: Mr. Ross de Lipkau

File

Enclosures: Application for Extension of Time, Permit 52918

Application for Extension of Time, Permit 52919 Application for Extension of Time, Permit 52920 Application for Extension of Time, Permit 52921

Check # 42967

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record	Chemetall Foote Corporation		STATE ENGINEER'S OF
In the	MATTER OF PERMIT NO. 52918	_ FILED TO APPROPRIATE/CHANG	E THE WATERS OF
		orground Source	
	(Name of stream, lake, sp	oring, underground or other source)	
THIS APPLICATION IS RESP.	ECTFULLY SUBMITTED.		
Comes now	Sherry L Huelsen	, the	Agent
	Person Signing Application		Permittee or Agent
under Permit No. questions in compliance wi	52918 , who after being d th the requirements as set forth in the	uly sworn and answering to the beep permit terms:	est of their knowledge the following
1. Does this permit have m	ultiple owners? 🛘 YES [$ oldsymbol{2} oldsymbol{1} oldsymbol{NO}$ (Check the Appropriate Bo	
	1 is checked, is this request for an officer of the NO (Check the Appropriate Box)		half of all the owners?
If "NO" on question No.	2 is checked, on whose behalf is this	extension being filed? <u>Chemet</u>	all Foote Corporation
4. How much time is neede	d to finish this project?	wo Years	
5. To date, what is the total	expenditure on this project?\$	54,350,000	
6. In order to complete this	project as set forth in the permit tern	ns, what additional funds will be s	pent?\$2,000,000
•	n extension of time for	(Not to exceed 1 year)	within which to comply
with the provisions for fi	ling the(Pro	Proof of Beneficial Use of of completion of work and/or proof of	beneficial use)
8. Explain in detail why this	s request for an extension of time is be g supplemented by the construction of	peing submitted (Use additional sh	neets if necessary):
			\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Subscribed and sworn to be August Audy Signature of	fore me this 4006. Acolo Notary/Public Required	P.O. Box	Permittee or Agent Foote Corporation reet No. or P.O. Box No. 2 98, Silver Peak, NV \$9047
Notary Public in and for the	County of		ity, State, Zip Code, No.
My commission expires	eda October 6, 2008 E MUST ACCOMPANY TH	Commence NODELY SE	CANDY J. JEWETO NOTARY PUBLIC STATE OF NEVADA APPT. No. 920422-46 APPT. EXPIRES OCT. S. 2008 EXTENSION OF TIME.
	PARATE APPLICATION M		HPERMET =

NT DEN 1K/415 9/29/NC SE ROA 166

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 684-2800 or 1-800-992-0900x2800 (In Nevada Only)

October 5, 2006

52918 through 52921

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2007</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Benefial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

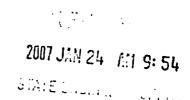
Sincerely,

Jason King, P.E. Deputy State Engineer

KH/ef

cc: Southern Nevada Branch Office

Notice of Proposed Action By the State of Nevada



The Administrator of the Division of Environmental Protection gives notice that an application for renewal of a Water Pollution Control Permit for the **Silver Peak Lithium Project**, a mining and beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for renewal of Water Pollution Control Permit **NEV0070005** is:

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

The facility is located on public and private land in Esmeralda County, within Sections 26-28, Township 1 South, Range 40 East, Sections 1, 12, 13, 21-25, Township 2 South, Range 39 East, and Sections 1-11, 15-20, 29-32, Township 2 South, Range 40 East, Mount Diablo Baseline and Meridian, near the town of Silver Peak, Nevada.

The project consists of a dewatering and beneficiation facility, designed to extract lithium, with a maximum permitted process rate of 6,000 tons of naturally occurring material per year. The facility is comprised of numerous deep wells, solar evaporation ponds, lime sludge pond, process plants, stockpiled salt dumps, and appurtenances such as the lime slaker. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

The Administrator is constrained to either issue the renewed Water Pollution Control Permit or to deny the application. The Administrator has made the tentative decision to issue the renewed permit.

Persons wishing to comment upon the proposed Water Pollution Control Permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to Nevada Administrative Code, NAC Chapter 445A, must submit their written comments, objections, or requests no later than 5:00 PM on the 30th day following the date of publication of this notice to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation 901 South Stewart Street, Suite 4001 Carson City, Nevada 89701-5249 All comments or objections received during the public notice period will be considered in the final determination regarding this Water Pollution Control Permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Water Pollution Control Permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-9401 or visit our website at http://ndep.nv.gov.bmrr/bmrr01.html



STATE OF NEVADA



Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation

Silver Peak Lithium Project

P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of February Day, 2007, and shall remain in effect until February Day, 2007, unless modified, suspended, or revoked.

Signed this #### day of February 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
 - B. Schedule of Compliance: None Required
 - C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

Identification		<u>Parameter</u>	Frequency	
1.	Fresh Water Well (WS)	Profile I ¹ and Static water level (amsl)	Quarterly	
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly	
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly	
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually	
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually	
6.	Brine well ³ (BW)	Profile II ² and Static water levels (amsl)	Annually	
7.	Plant influent (PI)	Profile II ²	Annually	



The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkalinity (as CaCO3)	Boron	Lead	Selenium
Bicarbonate	Cadmium	Magnesium	Silver
Total	Calcium	Manganese	Sodium
Aluminum	Chloride	Mercury	Sulfate
Antimony	Chromium	Nickel	Thallium
Arsenic	Copper	Nitrate (NO3+NO2 as N)	Total Dissolved Solids
Barium	Fluoride	pH (± 0.1 std units)	Zinc
Beryllium	Iron	Potassium	

(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - A minimum of two (2) feet of freeboard shall be maintained in the R-2 1. Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.



- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements





- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, and 3;
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2;
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6:
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent:
 - d. A brief summary of site operations, including the number of tons of naturally occurring material processed during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal:
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.



- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
 - b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;





- ii. The periods of the incident (including exact dates and times);
- iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
- iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident:
 - ii. Minimize any potential impact to the waters of the State arising from each incident:
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife: and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results. including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any





injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents. Profile II constituents that





have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: Bob Carlson

Date:

January 2007

Revision:

16 February 2005; employee access statement deleted.

24 May 2005; Bureau Chief title changed to Chief, Bureau of Mining Regulation and Reclamation.

25 May 2006; modified Part LL to include new PCS Management Plan wording.

January 2007 - Permit renewal process





FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address:

Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number:

NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1 x 10⁻⁶ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.





The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being



sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater





Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 5 of 5

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quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

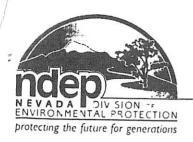
Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by:

Bob Carlson

Date:

January 2007 Renewal



STATE OF NEVADA

Department of Conservation & Natural Resources

Jim Gibbons, Governor Allen Biaggi, Director

DIVISION OF ENVIRONMENTAL PROTECTION

Leo M. Drozdoff, P.E., Administrator

March 8, 2007

NOTICE OF DECISION

WATER POLLUTION CONTROL PERMIT NUMBER NEV0070005

Chemetall Foote Corporation Silver Peak Lithium Project

The Nevada Division of Environmental Protection has decided to renew Water Pollution Control Permit NEV0070005 to Chemetall Foote Corporation. This permit authorizes the construction, operation, and closure of approved mining facilities in Esmeralda County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the groundwater quality will not be degraded by this operation, and that public safety and health will be protected.

The permit will become effective March 23, 2007. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, March 18, 2007, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Bob Carlson at (775) 687-9401 or visit the Division website at www.ndep.nv.gov/bmrr/bmrr01.htm.

Comments were not received during the public comment period.



STATE OF NEVADA

200711112 -3 71110: 52

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation Silver Peak Lithium Project

P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)



Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of March 23, 2007, and shall remain in effect until March 23, 2012, unless modified, suspended, or revoked.

Signed this 8th day of March 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

- A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
- B. Schedule of Compliance: None Required
- C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

<u>Id</u>	<u>entification</u>	<u>Parameter</u>	Frequency
l.	Fresh Water Well (WS)	Profile I ¹ and Static water level (amsl)	Quarterly
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually
6.	Brine well ³ (BW)	Profile II ² and Static water levels (amsl)	Annually
7.	Plant influent (PI)	Profile II ²	Annually





The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkaliı	nity (as CaCO3)	Boron	Lead	Selenium
	Bicarbonate	Cadmium	Magnesium	Silver
	Total	Calcium	Manganese	Sodium
Alumir	num	Chloride	Mercury	Sulfate
Antimo	ony	Chromium	Nickel	Thallium
Arsenio	3	Copper	Nitrate (NO2+NO2 as N)	Total Dissolved Solids
Barium	ı	Fluoride	pH (± 0.1 std units)	WAD Cyanide
Berylli	um	Iron	Potassium	Zinc

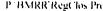
(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum of two (2) feet of freeboard shall be maintained in the R-2 Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.



- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements





- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, 3, and
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2;
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6;
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent;
 - d. A brief summary of site operations, including the number of tons of ore milled or placed on heaps (as applicable) during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal;
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), WAD cyanide, fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved



Emergency Response Plan, then all spills must be reported as per NAC 445A.347.

- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.





- b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;
 - ii. The periods of the incident (including exact dates and times);
 - iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident;
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
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- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.





7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.





6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents. Profile II constituents that have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: Bob Carlson Date: January 2007

Revision 01 March 2007 - Permit renewal process



STATE ELLE LA COMPANIE

FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address:

Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number:

NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1 x 10⁻⁶ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.





Chemetall Foote Corp.
Fact Sheet for WPCP NEV0070005
Page 3 of 5

The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being



sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater





Chemetall Foote Corp.
Fact Sheet for WPCP NEV0070005
Page 5 of 5

quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by:

Bob Carlson

Date:

January 2007 Renewal

Chemetall Foote Corp.

2011.0324 2011:00

August 22, 2007

STATE ENGINEERS OF FIU.

Chemetall Foote Corporation Silver Peak Operations PO Box 98, Hwy 265 Silver Peak, NV 89047

Office of the State Engineer Nevada Division of Water Resources 901 South Street, Suite 2002 Carson City, NV 89706-0818

Subject:

Permit Numbers 52918, 52919, 52920, 52921

Enclosed are applications for Extension of Time for Permits 52918, 52919, 52920, and 52921. A check in the amount of \$400.00 is also enclosed to cover the filing of the extensions.

If you have any questions or need additional information, please feel free to call me at 775-937-2222 ext. 229.

Sincerely,

Melissa Jennings

Mine Superintendent

Melina Tenning

Cc. Mr. Ross de Lipkau, Marshall, Hill, Cassas and de Lipkau

File

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record _Chemetall Foote C	orportation			STORIGER S OFFICE
IN THE MATTER OF P	ERMIT No. <u>52918</u>	FILED TO AP	PROPRIATE/CHANGE THE WA	TERS OF
	Underground	i Source		
		spring, underground or other s	ource)	
THIS APPLICATION IS RESPECTE	ULLY SUBMITTED.			
Comes now	Melissa Jennings Person Signing Application	, the	Agent Permittee or Agent	
		h.l.,	. •	Alex Callegation
n compliance with the requirements a	, who after being u	iuly sworn and answer	ing to the best of their knowledge	the following questions
i computatio with the requirements a	s set forth in the permit terms.			
. Does this permit have multiple ov	wners? YES • NO (C	Check the Appropriate	Box)	
			-	
2. If "YES" on question No. 1 is che		ension of time submitte	ed on behalf of all the owners?	
YES • NO (Check the	Appropriate Box)			
TE WIND				
If "NO" on question No. 2 is check	ed, on whose behalf is this exte	nsion being filed?	Chemetall Foote Corporation	
				
. How much time is needed to finish	this project? Two Years			
i. To date, what is the total expenditu	re on this project?\$55,900,0	000.00		
6. In order to complete this project as	set forth in the permit terms, w	hat additional funds w	ill be spent?\$3,200,000.00_	
7. The magnitude required an entered of	a serior for			
7. The permittee requests an extension	(Not to exceed 1 y	year)	within which to comp	ly with the provisions
for filing the	Proof of Benenfic			
for fining the	(Proof of complet	ion of work and/or proof of be	neficial use)	
B. Explain in detail why this request	for an extension of time is heir	ng suhmitted (IIse add	itional sheets if necessary):	
	. Tot all extension of time is being	ig sublifited (Ose aua	monai sneets y necessary).	
Old wells are being supplem	nented by the construction	on of new wells	s in order to meet exp	anding demand for
roduction.				
•			,	
		eN	Jelisa Jenna	692
	0	Signed //	Permittee or Agent	
shoothad and array to be for a great	22 nd		م الما	he was
subscribed and sworn to before me thi	is day of	Address(Chemetall Foote Corporation Street No. or P.O. Box	No
/ Sugust	, 2007	•	<u>බ</u>	
	2007	<u></u>	O Box 98, Silver Peak, Nevada 8 City, State, Zip Code	
/ audy	J. Xewell	Dhone (*	I^{τ_1}	
Signature of Notary Public		_ Phone(*		
Notary Public in and for the County of	(///		O _r :	Annual Control of the
		_,	CANDY J. JE	WETT
State of // /Wada	U		NOTARY PU	
	1 2 2 2	_	STATE OF NE	
My commission expires <u>Cletvu</u>	en 6,2008		APPT. No. 92-0	
	,		MY APPT. EXPIRES O	
		t.	Nomry Stamp or Seat I	cequired

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER. Just PBM

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TRACY TAYLOR, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
(775) 684-2800 • Fax (775) 684-2811
http://water.nv.gov

RE: Permits 52918, 52919, 52920 and 52921

September 19, 2007

Melissa Jennings Chemetall Foote Corporation PO Box 98 Silver Peak, Nevada 89047

Dear Ms. Jennings:

Please refer to the Application for Extension of Time forms you submitted on August 24, 2007 as Agent for Chemetall Foote Corporation for the above referenced permits.

These Applications for Extension of Time are <u>approved</u>; however, before any further requests for Extension of Time for the filing of the Proof of Beneficial Use are granted, this office requires that you answer the questions on the enclosed Work Progress Information Sheet. This information is needed to update the Permit files and to determine progress made towards establishing Beneficial Use. Please note that on your Applications you state that "old wells are being supplemented by the construction of new wells"; we do not currently have any Applications to Change on file in the name of Chemetall Foote. If you have any questions, please contact Tony Eng at 775-684-2800.

Please submit to this office the requested information before the next Proof Beneficial Use are due. Failure to comply may result in the denial of future requests for Extension of Time.

Sincerely,

Jason King, P.E.
Deputy State Engineer

JK/ALE/ef Enclosure

cc: Parsons Behle & Latimer, Ross de Lipkau

Southern Nevada Branch Office

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918, 52919, 52920 and 52921

Please furnish information and documents explaining the progress to complete the project to be served under each permit. The explanation should include the following information and any other pertinent information:

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates (e.g., planning, design, construction, start-up, partial or full operation).
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of lands within the place of use? If so, detail this authorization.
- 3. What type of product or mineral is being mined? Who is buying your mineral product and for how long?
- 4. Submit the record of water measurements (e.g., meter readings) for the last one-year period. Specify the measurement volume units (e.g., gallons, 100 gallons, million gallons, or acre-feet).
- 5. Describe any work in progress and any facility or feature completed to establish full beneficial use in compliance with permit requirements.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.





STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

> Address All Communication to the State Engineer, Division of Water Resources

September 20, 2007

Telephone (775) 684-2800 or 1-800-992-0900 x 2400 (In Nevada Only)

In reply refer to:

52918, 52919, 52920 and 52921



Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2008</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.



Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E.

Deputy State Engineer

JK/ef

cc: Ro

Ross de Lipkau

Southern Nevada Branch Office

Chemetall Foote Corp.

RECEIVE

2008 JUN 25 AM 11: 40

June 18, 2008

STATE ENGINEERS OFFICE

Office of the State Engineer Nevada Division of Water Resources 901 South Street, Suite 2002 Carson City, NV 89706-0818

Re: Application for Extension of Time

Please see the enclosed applications for Extension of Time for Water Right Permits 52918, 52919, 52920 & 52921. These rights pertain to the brine production wells supplying the ponds.

If you have any questions concerning the enclosures, please feel free to call me at 775-937-2222 ext. 229, or send an email to melissa.jennings@chemetall.com.

Michinationis,

Melissa Jennings

Mine Operations Engineer

Enclosures: Application for Extension of Time for water rights 52918, 52919, 52920 & 52921



Chemetall Foote Corp.

RECEIVED

2008 JUN 26 AHII: 19

June 23, 2008 STATE ENGINEERS OF FIGE

Office of the State Engineer Nevada Division of Water Resources 901 South Street, Suite 2002 Carson City, NV 89706-0818

Re: Work in Progress Information Sheet

I recently sent you applications for Extension of Time for Water Right Permits 52918, 52919, 52920 & 52921; however, I failed to include the Work in Progress Information Sheets and the 2007 Quarterly Production Sheets. Please attach the enclosed sheets mentioned to the applications.

If you have any questions concerning the enclosures, please feel free to call me at 775-937-2222 ext. 229, or send an email to melissa.jennings@chemetall.com.

Sincerely,

Melissa Jennings

Melissa Jennings

Mine Operations Engineer

Enclosures: Work in Progress Information Sheets for water rights 52918, 52919, 52920 & 52921

Quarterly Production Report, 2007

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use?

 Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- 3. What type of mineral is being mined?

 Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

Who is buying your mineral product and for how long?

Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period. 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 None have been submitted or recorded.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

No known adverse conditions.

QUARTERLY PRODUCTION REPORT

No pumpage reporting regulated!

YEAR: 2007

BASIN: 1430

Jan. 23, 2608

CHEMETALL FOOTE CORPORATION SILVER PEAK OPERATIONS

PERMIT NUMBERS: 52918; 52919; 52920; 52921

SITE I.D.				_	BRI	NE PUMPED I	N GALLONS						AMOUNT
WELL#	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	USED
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9C	2,692,000	2,390,200	2,690,400	2,619.500	2,688,700	2,620,800	2,700,200	2,620,700	2,580,700	2,642,700	2,378,800	2,628,600	31,253,300
10B	5,780,000	5,131,700	5,747,500	5,582,800	5,718,300	5,585,300	5,767,700	5,601,100	5.562,200	5,744,400	5,569,100	5,715,700	67,505,800
23A	3,871,000	3,529,300	3,777,700	2,684,000	3.892,416	3,799,488	3,570,240	3,479,000	3,640,000	3,796,300	3,658,000	3,777,900	43,475,344
41B	2,980.000	2,617,000	2,968,200	2,872,100	2,833,700	2,867,100	2,958,000	2,894,300	2,831,300	3,106,300	3.041,800	3,103,600	35,073,400
43A	3.201,000	2,853,400	3,193,500	3,112,400	3.191,200	3,107,900	3,203,400	3.084,900	3,105,300	3,201,300	3,110,900	3,173,200	37,538,400
59	4,218,000	3,737,300	4,228,700	4,081,700	4,013,800	3,858,800	3,973,100	3,830,200	3,983,100	4,080,700	3,947,800	3,999,500	47,952,700
62A	7,041,000	6,236,800	6,993,500	6,669,400	6,959,700	6,692,500	000,818,6	6,717,300	6,756,400	6,998,900	6,851.600	6,800,700	81,533,800
65A	5,761,000	4,840,500	5,443,100	5,198,700	5,187,600	5,024,500	5,200,900	5,024.900	4,994,000	5,102,100	4,979,500	5,111,000	61,867,800
73A	6,228,000	5,508,200	6.208,300	6,004,700	6,173,700	6,008,700	6,397,400	6,206,700	5,582,000	5,798,600	5,577,400	5,586,100	71,279,800
76	9,911,000	8,820,800	9,744,600	8,674,700	9,636,0(X)	9,388,500	9,808,920	8,895,900	9,422,700	9,656,600	9,486,400	9,682,800	113,128,920
109	8,659,000	7,690,300	8,608,500	8,110,000	8,552,500	8,167,600	8,400,500	8,216,300	8,153,100	8,422,600	8,148,800	8,366,300	99,495,500
131	12,016,000	10,633,000	12,023,100	11,609,900	11,908,400	11,610,900	12,016,500	11,583,400	11,601,000	9,943,000	11,838,600	12,141,500	138,925,300
133	7,021,000	6,257,100	7,037,200	6,854,800	6,994,800	6.744,500	6,948,900	6,869,300	6,943,500	7,145,300	6.945,400	7,100,000	82,861,800
152	1,730,000	1,564,400	1,762,800	1,704,200	1,744,800	1,701,300	1.769,900	1.731.300	1,712,800	1,777,400	1.571.400	1,627,700	20,398,000
153	10,729,000	10.262,000	11,802,700	10,991,400	11,721,200	11,296,000	12,034,600	11,711,500	11,269,300	12,079,400	12,496,200	7,694,800	134,088,100
156	12.638,000	10,947,700	13,087,300	12,645,700	12,934,700	12,568,900	9,500,800	11,849,400	12,848,400	13,436,000	13,098,000	13,338,000	148,892,900
170	3,837,000	3,379,000	3,710,800	3,296,800	3,403,600	2,055,400	3,629,600	3,688,000	3,548,000	3,698,900	3,597,400	3,064,100	40,908,600
172	5,685,000	4,903,500	5,793,900	5,566,100	5,655,800	5,586,700	6,086,800	6,053,200	6,061,400	6,353,100	6,220,500	6,248,100	70,214,100
173	4.121,000	3,804,600	4,491,100	4,408,300	4,434,700	4,426,100	4,895,700	4,905,700	4,882,200	5,130,700	4,925,500	5,121,400	55,547,000
180	6,840,000	6,230,700	7,037,100	6,681,900	6,969,600	6,860,300	7,639,596	7,114,000	7.271,580	7,659,000	7,466,000	7,609,000	85,378,776
302	1.502,000	1.346,700	1,506,500	1,422,100	1,497,900	1,467,200	1,515,300	1,498,200	1,547,000	1,587,600	1,565,800	1,608,600	18,064,900
303	5,960,000	5,326,000	5,950,000	5,742.000	5,918,000	5,761,000	5,939,000	5,762,000	5.781,000	5,856,000	5,698,000	5,868,000	69,561,000
304	4,260,000	3,793,800	4,290,600	3,883,400	4,279,100	4,213,600	4,372,200	4,264,600	4,293,200	4,355,300	4,175,200	4,313,300	50,494,300
305	7,734,000	6,641,900	7,490,600	6,784,700	243,500	5,299,600	10,448,500	10,180,300	10,038,700	10,328,900	9,759,600	9,643,500	94,593,800
314	3.831.000	3.387,100	3,821,200	2,979,100	3.139,600	3,451,200	3,831,300	3,527,600	3.745,872	3,360,100	3,245,600	3,393,400	41,713,072
319	6,502,000	5,785,400	6,502,300	6,323,700	6,477,300	6,315,100	6,513,500	6,322,500	6.272,300	6,467,100	6,277,920	6,426,600	76,183,720
330	3,252,000	2,926,900	3,280,400	3,187,500	3,260,600	1,518,000	1,853,000	708,000	0	0	0.277,320	0.420,1110	19,986,400
333	8,914,000	7,954,000	8,848,300	8,317,000	8,782,000	8,522,600	8,767,800	8,398,200	8,620,400	8,807,100	8,591,300	8,767,800	103,290,500
334	613,000	511,600	582,700	586,100	1,193,940	1.165,914	1,202,850	1.168,020	1,169,154	1,201,230	1,172,880	1,195,074	11,762,462
337	1,600,000	1,131,000	1,463,000	1.568,000	1,589,000	1.517,000	1,547,000	1,507,000	1,528.000	1,55R,000	1,511,000	1,543,000	18,062,000
343	9,757,000	8,745,700	9,816,700	9,514,400	9,765,600	9,495,300	9,819,700	9,497,400	9,460,440	9,931,300	9,675,500	9,882,900	
344	3,341,000	3,014,100	3,410,500	3,299,700	3,376,800	3,280,920	3,882,114	3,292,320	3,288,000	3,397,000	3,327,000	3,393,000	115,361,940 40,302,454
346	1,287,000	1,162,300	0	0	200	0	0	0	757,452	360,200	3.327,000		
347	1,944,000	1,716,800	1,905,400	1.837,600	1,934,000	1,882,500	1,969,000	1,900,600	1,890,500	2,005,600		0	3,567,152
356	2,234,000	1,973,600	2.204.700	2.161.000	2,228,100	2,157,600	2,235,500	2,174,800	2,222,260		1,906,872	1,372,680	22,265,552
357	7.872,000	6,919,200	7,867,900	7,400,800	7,665,800	7,156,700	6,865,300	6,349,248	5,138,100	2.293,000	55,600	300	21,940,400
358	152,000	0	. 0	0	0	0	0,005,500	0,349,248			1,409,300	0	64,644,348
359	2,661,000	2,237,700	2.012.300	2,512,800	2,692,500				0	0	0	0	152,000
360	4,646,000	4,172,000	4,663,700	4,497,900	4,492,100	2,488,500 4,533,480	2,536,100 4,725,480	1,533,000 4,562,800	700	0	1.100	2,756,900	21,432,600
374	26,117,000	16,705,000	4,903,700	0	4,492,100	4.533.480	3,781,000		4,576,800	4,690,800	4,622,000	4,744.200	54,927,260
378	5,251,000	10,369,000	. 0	9,511,200	24,548,800	22.545,000	22,184,000	9,221,000	8,299,000	5,595,000	9,113,000	9.255,000	88,086,000
379	4.132,000	3,797,000	6,248,000	3,905,000				19.752,000	18,795,000	19.335,000	18,813,000	19,081,000	190,185,000
380	3,182,000	1,897,100	0,248,000	2,105,800	5,349,000	2,021,000	2,205,000	2,112,000	2,069,000	2.245,000	2.154,000	2,015,000	38,252,000
384	6.164.000	5,227,000	6,016,000		3,012,000	2,952,700	1,269,600	1,300,800	1,802,700	1,903,900	0	0	19,426,600
386	9,873,000	5,227,000		5,739,000	5,794,000	3,523,000	6,149,000	6,275,000	6,175,000	6,333,000	6,140,000	6,256,000	69,791,080
392		7,062,700	16,562,000	16,529,000	16,891,000	16,109,000	16,290,000	11.390,000	20,477,000	19,814,000	18,376,000	18,388,000	195,840,000
394	15,135,000		0	4,805,000	56,724,000	54,121,000	54,771,000	52,906,000	55,609,000	57,284,000	55,133,000	56,319,000	469,869,700
	0	1.532,000	4,466,000	3.554,000	4.074,000	3,602,000	3,438,000	3,747,000	3,548,000	3,181,000	3,283,200	2,922,480	37,347,680
*FWW	12,732,000	11,962,000	12,443,000	12,374,000	16,177,(K)(J	12,843,009	17,299,000	15.140,000	14,069,000	16,374,000	12,862,000	43,574,000	197,849,000
1014.64	285,607,660	253,776,100	247.701,501	249,600,900	325,721,056	307,914,202	328,727,000	316,567,488	323,922,498	324,037,430	313,777,972	344,609,734	3,622,272,180
Af Moets	876	779	760	767	1000	945	1009	972	994	994	963	1058	11.116
TOTAL		787,084,900			883,545,158			969,216,986			982,425,136	_	3,622,272,180

PERMIT NUMBERS: 44248 & 52917

* FRESH WATER WELL

			T KLOT	WAILK WEED			S
FWW sum	37,137,000	FWW sum	41,394,000	FWW sum	46,508,000	FWW sum	72,810,000
all AF sum	2415	all AF sum	2712	all AF sum	2974	all AF sum	r3015 SS
FWW AF	114	FWW AF	127	FWW AF	143	FWW AF	r-223 C
FWW %	4.72	FWW %	4.68	FWW %	4.80	FWW %	27.41
							CONTRACTOR OF THE STATE OF THE
			_				· •

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



IN THE MATTER OF PERMIT No	NEER'S OFFIC
THIS APPLICATION IS RESPECTIFULLY SUBITIED. Comes now	
THIS APPLICATION IS RESPECTFULLY SUBMITTED. Comes now Melissa Jennings who after being duly sworn and answering to the best of their knowledge the following in compliance with the requirements as set forth in the permit terms: 1. Does this permit have multiple owners? YES • NO (Check the Appropriate Box) 2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? YES • NO (Check the Appropriate Box) 3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Corporation 4. How much time is needed to finish this project? Two Years 5. To date, what is the total expenditure on this project? \$57.802.000.00 6. In order to complete this project as set forth in the permit terms, what additional funds will be spent? \$1,700.000.00 7. The permittee requests an extension of time for One Year (Not to exceeding least) within which to comply with the permit terms of completion of work and/or proof of beneficial use) (Proof of completion of work and/or proof of beneficial use) (Proof of completion of work and/or proof of beneficial use) (Proof of completion of work and/or proof of beneficial use) Subscribed and sworm to before me this Address Chemetall Foote Corporation Signature or Again. Proof of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet of Signature or Again. Propriet or Again.	 .
under Permit No	
under Permit No	
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YES • NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?	
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7. The permittee requests an extension of time for One Year (Not to exceed 1 year) for filing the Proof of Benenficial Use (Proof of completion of work and/or proof of beneficial use) 8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary): Old wells are being supplemented by the construction of new wells in order to meet expanding demand for production. The 2006 well driprogram added three new wells, and a drilling program slated for the fall of 2008 will add another 5 to 8 wells, which will bring production closer to the targeted volume. Superintee or Agelt The Superintee or Age	
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8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary): Old wells are being supplemented by the construction of new wells in order to meet expanding demand for production. The 2006 well dripprogram added three new wells, and a drilling program slated for the fall of 2008 will add another 5 to 8 wells, which will bring production closer to the targeted volume. Signed Signed Address Chemetall Foote Corporation Suret No. or P.O. Bodylo. PO Box 98, Silver Peak, Nevada \$9047 City, State, Zip Code No. Phone (775) 937-2222 ext. 229	
Subscribed and sworn to before me this Address Po Box 98, Silver Peak, Nevada 89047 City, State, Zip Code No. Phone (775) 937-2222 ext, 229 Production closer to the fall of 2008 will add another 5 to 8 wells, which will bring production closer to the targeted volume. Signed Address Chemetall Foote Corporation Sureet No. or P.O. Box 98, Silver Peak, Nevada 89047 City, State, Zip Code No. Phone (775) 937-2222 ext, 229 Phone	
Subscribed and sworn to before me this day of Address Chemetall Foote Corporation Sureet No. or P.O. Borryo. Permittee or Ageht Address Chemetall Foote Corporation Sureet No. or P.O. Borryo. City, State, Zip Code No. Phone (775) 937-2222 ext, 229 Phone (775) 937-2222 ext, 229	
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Street No. or P.O. Box 98. Silver Peak, Nevada 89047 Silver Peak, Neva	70
I HORC	rn <
Notary Public in and for the County of	
// /- ^ / ^ / ^	
State of	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. Jyr PBM THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

SE ROA 208

ALLEN BIAGGI Director

TRACY TAYLOR, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

October 9, 2008

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to <u>September 30, 2009</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E. Deputy State Engineer

JK/ef

Enclosure: Important Notice: "Future Application for Extension of Time Filings"

cc: Southern Nevada Branch Office

Ross de Lipkau, Parsons, Behle & Latimer

Chemetall Foote Corp.

August 19, 2009

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Permit # 52918, 52919, 52920, and 52921

To Whom It May Concern:

Enclosed are four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400.00 to cover the filing of the Extensions.

The Work in Progress information is also attached per NRS 533.380 3(b).

Please contact our office if you have questions or comments regarding the Extensions. Our telephone number is 775-937-2222, ext. 229.

Sincerely,

Melissa R. Jennings

Mine Operations Engineer

Certified Mail # 7003 1680 0001 6420 7096

Cc: Mr. Ross De Lipkau Parsons, Behle & Latimer

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA I L E D

APPLICATION FOR EXTENSION OF TIME

STATE ENGINEER'S OFFICE

Owner of Record Che	emetall Foote Corportation				
IN THE I	MATTER OF PERMIT No	52918	FILED TO A	PPROPRIATE/CHANGE	ETHE WATERS OF
		Underground	Source pring, underground or other	r source)	
THIS APPLICATION	IS RESPECTFULLY SUBM		ning, underground of tutes	source)	
Comes now	Melissa Je Person Signing	nnings Application	, the	Ag Permitte	enteor Agent
under Permit Noin compliance with the	52918 requirements as set forth in	who after being du the permit terms:	ly sworn and answe	ring to the best of their k	nowledge the following question
Does this permit have	multiple owners?	YES NO (Check the Appropri	ate Box)	
2. If "YES" on ques	tion No. 1 is checked, is this		sion of time submit Check the Appropri		wners?
. If "NO" on question	n No. 2 is checked, on whose	behalf is this exten	sion being filed? _	Chemetall Foote Corpor	ation
4. How much time is r	needed to finish this project?	Two Years			
	total expenditure on this pro		00.00		
6. In order to complete	e this project as set forth in th	ne permit terms, who	at additional funds	will be spent?\$1,500	,000.00
7. The permittee reque	ests an extension of time for	One Year (Not to exceed 1 ye	ar)	within whic	h to comply with the provisions
for filing the		Proof of Benenficia	al Use_ n of work and/or proof of b	neneficial use)	·
8. Explain in detail v	why this request for an extens		=		ry):
rehabilitation endeavor	rogram in late 2008-early 200 s. Stimulus funds were appr ring production rates closer	oved for a drilling p	ells with structural forogram in 2010 and	ailures. This program wa I well rehabilitation progr	s used as a marker for future ram that will be used to reinstate
					· · · · · · · · · · · · · · · · · · ·
	at		Signed	Melina J.	inning
Subscribe and sworn	/4*	day of	Address	Chemetall Foote Corpora	ation
Mayer	/	1 A			o. or P.O. Box No.
Dan	cy 0, 0	or well		•	ate, Zip Code No.
\	nature of Notary Public Required	110	Phone	(775) 937-2222 ext. 229	<u> </u>
Notary Public in and for	or the County of	ye	•		
State of	WUUUU /			CA	NDY J. JEWETT
My commission exp(re	J'ebtempe	12,20	12	ST/ NotaArs	OTARY PUBLIC ATE OF NEVADA NYE COUNTY PRINNOS OD BOARD 14
				MY APPT.	EXPIRES SEPT 12 2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OSEARCH. 21/16/2

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2008-2009 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 10,089 acre-feet was used in 2008.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2008-2009, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2009 and throughout 2010, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 One engineering design change for Chemetall Foote Corp.'s Water Pollution Control Permit was submitted and approved by NDEP in 2009. No other reports or engineering drawings are submitted for review.

7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products beginning in late-2008, continuing into mid-2009. The result of this was the temporary idling of wells and transfer pumps, employee reduction in force, and budget cuts. Wells normally operated during this time are in recovery from pumping, with occasional pumping needed to exercise the pumping system. 2009 stimulus money, approved in August, is intended to aid this situation, allowing for restarting production wells and new well drilling and/or rehabilitation of older wells.

QUARTERLY PRODUCTION REPORT

CHEMETALL FOOTE CORPORATION SILVER PEAK OPERATIONS

YEAR: 2008

REPORT DATE:

Jan 22, 2009

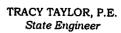
BASIN: 143 (CLAYTON VALLEY)

PERMIT NUMBERS: 52918; 52919; 52920; 52921

SITE I.D.	-,					VE PUMPED I							AMOUNT
WELL#	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	USED
	Marie Very	人名马克克 無疑	_					ter- of the terms	(A) (Ma, 0.43)	Astronomic Section (2000 MARCH 1982
9C	2.579.300	1,737,800	0	513,800	2,898,500	2,842,000	2,899,700	2,869,700	2,487,800	2,796,900	2,789,700	2.860,300	27,275,500
10B	5,580,400	5,110,800	5,879,000	5,729,200	5,581,314	5,449,800	5,378,700	5.522,600	5,450,300	5,520,000	5,467,300	5,586,700	66,256,114
23A	3,694,400	3,413,100	3,794,800	3,746,400	3,692,800	3,749,300	3,770,200	3,752,200	3,695,200	3,642,800	3,665,600	3,790,600	44,407,400
41B	2,769,200	2,934,800	3,329,100	3,221,400	3,256,000	3,188,300	3,204.200	3.138.200	3,096,800	3,192,700	3,084,800	1,795,400	36,210,900
43A	3,089,400	2,837,100	3.284,200	3,238,500	3,200,000	3,151,700	3,202,000	3,230,000	3,157,500	3,037,300	3,299,500	3.238,700	37,965,900
59	3,366,200	1,556,300	1,655,800	4,236,600	4,146,700	4.039,100	4.064,300	4,202,500	4,115,000	3,848,700	4,173,260	4,283,400	43,687,800
62A	6,819,200	6,303,600	7.247,958	6,892,800	7,037,700	5,802,300	7,021,100	6,780,700	6,978,100	7,253,400	7,040,400	7,265,800	82,443,058
65A	5,056,800	4,327,400	5,250,528	5,557,320	5,614,800	5,579,300	5,844,200	5,761,000	5,746,800	5,962,200	5,775,800	6,009,000	66,485,148
73A	5,638,200	5,122,500	5,850,400	5,620,500	5,331,100	5,182,600	4,771,600	2,307,300	4,514,900	6,920,600	6,633,000	6,676,500	64,569,200
109	9,471,800	7,459,700	6,079,600	8,537,200	9,618,800	9,489,700	9,864,800	9,631,200	9,400,800	9,567,200	9,588,200	9,966,600	108,675,600
131	7,466,000	7,398,700	4,405,700	264,500	8,228,800	8,193,600	8,269,200	8,319,400	8,083,400	8,219,900	8,133,300	8,298,800	85,281,300
133	11,851,500	10,926,500	12,382,200	11,928,300	11,846,800	11,790,800	11,939,600	12,057,700	11,731,000	8,521,900	11,027,800	11,285,900	137,290,000
152	7,044,800	6,220,600	7.359,800	6,809,800	6,445,400	6,409,600	6,490,400	3,316,600	677,100	3,862,200	3,113,300	4.145,700	61,895,300
153	1,646,600	1,490,800	1.819,500	1,820,300	1,867,400	666,800	0	999,750	2,224,400	1.937,500	1,982,800	2,002,300	18,458,150
156	11,375,200	11,248,800	12,636,900	12,697,000	12,844,000	12,677,000	13,248,000	12,709,000	12,792,000	13,029,000	9,572,160	0	134,829,060
165	12,346,000	5,536,000	0	0	0	1 0	n	U	0	0	0	0	17,882,000
170	2,894,200	2,610,400	3.240,900	2,299,300	2,816,600	2,586,900	2,426,600	291,700	0	0	2,957,100	6,279,600	28,403,300
172	6,261,200	5,584,400	5,628,700	6,696,000	6,509,000	6,655,000	6,967,000	6,738,000	6,790,000	7,001,000	6,708,000	6,850,000	78,388,300
173	5,034,100	3,723,500	5,505,800	5,287,600	5,276,700	5,238,700	5,427,600	5.281,600	5,267,000	5,561,400	5,362,200	5,401,300	62,367,500
180	7,346,000	6,539,000	7,772,000	7,502,000	7,340,060	7,368,000	7,427,000	7,434,000	7,388,000	7,690,000	7,201,000	7,165,000	88,172,000
302	1,594,300	1,356,400	1,790,200	1,630,500	1,663,700	1,556,900	1,527,500	1,598,300	1,609,500	1,646,600	1,597,700	1,653,700	19,225,300
303	5,758,000	5,307.000	5,997,000	5,631,900	3,926,000	1,519,000	5,100,000	5,336,000	5,268,000	5,459,000	5,262,000	5,447,000	60,010,000
304	4,307,000	3,769,700	4,289,900	3,305,100	4,083,100	4,160,700	4,126,800	4,074,300	3,974,400	4,232,200	4,092,900	4,256,500	48,672,600
305	9,460,200	8,744,400	9,979,000	9,674,100	9,837,600	9,704,200	9,496,700	9,634,600	9,935,900	10,199,500	9,916,100	10,259,600	116,841,900
314	3,305,700	3,120,200	3.597,900	3,546,500	3,477,100	3,354,600	3,087,900	3,487,000	3,388,400	3,410,800	3,319,800	3,369,100	40,465,000
319	6,270,900	5,790,100	6,699,500	6,607,900	6,425,300	6,318,400	6,454,800	6,497,000	6,303,600	6,339,900	6,292,900		
333	4,642,800	100	0	0	0.420,500	5,513,900	9,581,500	10,204,100	9,520,900	9,707,600	9,455,000	6,411,100	76,410,500
334	1,506,750	1,063,206	1.197,828	1,512,000	1,567,800	1,560,900	1,602,800	1,550,500	1,534,800	1,594,400		8,986,000	67,611,900
337	1,019,000	1,488,000	1.654,000	1,590,000	1,567,800		1,647,000				1,538,000	1,586,800	17,815,784
343	9,694,660	8,976,816				1,618,000		1.630.000	1,566,000	1,627,000	1,566,000	1,601,000	18,640,000
344			10,209,240	9,708,960	9,839,900	9,558,672	9,934,000	9,679,000	9,725,000	9,968,000	9,707,000	10,030,000	117,031,188
	3,329,000	3,039,000	3,440,000	3,321,000	3,381,000	3,343,000	3.533,000	3,440,000	3,458,000	1,754,000	0	0	32,038,000
347	857,664	913,824	177,000	0	437,000	1,057,000	1,196,000	1,168,000	1,106,000	1,155,000	1,116,000	1,158,000	10,340,888
357 358	. 0	: 0	0	0	0	0	0	0	()	0	ŋ	()	0
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359	2,589,480	2,362,680	2,668,680	1,892,880	1,892,000	1,878,000	1.963.000	1,882,000	1,869,000	1,945,000	1,903,000	1,980,000	24,825,720
360	4,498,900	4,176,600	4,711,200	4,575,800	4,692,000	4,488,800	4,672,200	4,560,700	4,513,400	4,663,000	4,459,500	4,369,900	54,382,000
374	3,224,000	7,717,000	8,410,000	8,105,000	6,096,000	8.014.000	8,142,000	8,115,000	8,098,000	8,281,000	8,000,000	8.135,000	90,337,000
378	19,326,000	17,887,000	19,790,000	1,536,000	. ()	0	9,962,000	15.872.000	14,671,000	14,981,000	13,801,000	14,169,000	141,995,000
379	1,851,000	1,653,000	1,793,000	1,838,000	2,153,000	2.131.000	2,210,000	2,103,000	623,000	0	()	0	16,355,000
380	U	152,000	: 0	0	0	0	0	()	()	()	0	0	152,000
384	6,092,000	5,588,000	6,384,000	6,220,000	6,253,000	6,237,000	6,509,000	6.376,000	6,577,000	6,575,000	6,320,000	6,470,000	75,601,000
386	18,511,000	. 17,233,000	21,169,000	20,555,000	20,275,000	20,751,000	5,107,000	0	0	()	0	0	123,601,080
392	55,009,000	49,950,000	57,702,000	56,293,000	55,502,000	56,058,000	14,042,000	34.033,000	54,018,000	56,674,000	54,958,000	55,193,000	599,432,000
394	5,059,000	2,547,000	2,939,000	2,827,000	2,398,000	2,223,000	2,654,600	2,796,000	2,875,000	2,997,000	2,943,000	3,103,000	35,361,000
*FWW	17,729,000	13,789,000	12,335,000	15,308,000	13,507,000	13,190,000	18,398,000	12,180,000	11,958,000	19,466,000	13,562,000	48,090,000	209,512,000
OF ALGAI	305.965,194	264,705,826	290 056,33.4	268 275 360	272,592.914	274,296,572	243,163,000	250,559,650	266,189,000	280,240,700	267,385,060	290,170,300	3,287,600,310
V Marh	942	825	890	823	837	842	746	769	817	860	821	918	10,089
TOTAL		865,727,354		l	815,164,846			759,912,050			846,796,060		3,287,600,310

* FRESH WATER WELL

FWW sum	43,853,000	FWW sum	42,005,000	FWW sum	42,536,000	FWW sum	81,118,000
all AF sum	2657	all AF sum	2502	all AF sum	2332	all AF sum	2599
FWW AF	135	FWW AF	129	FWW AF	131	FWW AF	249
FWW %	5.07	FWW %	5.15	FWW %	5.60	FWW %	9.58





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

September 30, 2009

Chemetall Foote Corporation PO Box 98 Silver Peak, NV 89047

RE: 52918, 52919, 52920 & 52921

This is to inform you that Application for Extension of Time has been granted to **September 30, 2010** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.390.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If you have any questions regarding this notification, please contact Tony Eng at (775) 684-2800.

Sincerely

Gloria K. Lash

Administrative Assistant III

& Dash

cc: Southern Nevada Branch Office Parson Behle & Latimer, Ross E. DeLipkau

Chemetall Foote Corp.

14.00%

2010 SEP -2 AMII: 30

August 23, 2010

STATETICS

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Permit # 52918, 52919, 52920, and 52921

To Whom It May Concern:

Enclosed are four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400.00 to cover the filing of the Extensions.

The Work in Progress information is also attached per NRS 533.380 3(b).

Please contact our office if you have questions or comments regarding the Extensions. Our telephone number is 775-937-2222, ext. 229.

Sincerely,

Melissa R. Jennings

Mine Operations Engineer

Certified Mail # 7003 1680 0001 6420 6907

Melism R. Jenning

Cc: Mr. Ross De Lipkau Parsons, Behle & Latimer

FILED

APPLICATION FOR EXTENSION OF TIME

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Owner of Record Chemetall Foote Corporation STATE ENGINEER'S OFFICE IN THE MATTER OF PERMIT No. __ 52918 FILED TO APPROPRIATE/CHANGE THE WATERS OF Underground Source (Name of stream, lake, spring, underground or other source) THIS APPLICATION IS RESPECTFULLY SUBMITTED. Comes now Melissa Jennings
Person Signing Application under Permit No. 52918 , who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms: YES NO (Check the Appropriate Box) Does this permit have multiple owners? 2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? ___Chemetall Foote Corporation 5. To date, what is the total expenditure on this project? ___\$59,487,500. 6. In order to complete this project as set forth in the permit terms, what additional funds will be spent? ___\$2,603,750 7. The permittee requests an extension of time for One Year within which to comply with the provisions Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use) for filing the 8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary): In early 2009, A well rehabilitation program successfully identified an alternative means to overcome structural failures and two well were brought online prior to temporary idling of operations in 2009. Wells were restarted in 2010 and ARRA funding will be used to purchase a production drilling rig for the purpose of well rehabilitation and construction. The budget for this project is \$2.6 MM. Subscribed and sworn to before me this 23 Chemetall Foote Corporation Street No. or P.O. Box No. PO Box 98, Silver Peak, Nevada 89047 City, State, Zip Code (775) 937-2222 ext. Signature of Notary Public Require Notary Public in and for the County of **CANDY J. JEWETT** NOTARY PUBLIC STATE OF NEVADA

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

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SE ROA 217

NYE COUNTY APPT. No. 92-0422-14

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 1.524 acre-feet was used in 2009.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.

JIM GIBBONS Governor

STATE OF NEVADA



LEO DROZDOFF Acting Director

JASON KING, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES **DIVISION OF WATER RESOURCES**

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2010

Chemetall Foote Corporation Silver Peak Operations Hwy 395 Silver Peak, NV 89047



RE: PERMIT(S) 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to September 30, 2011, with the provision that no further extensions will be granted for filing of the Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Staff I Associate Engineer

ALE/ag

Parsons Behle & Latimer CC:

Southern Nevada Branch Office (via email)

APPLICATION FOR EXTENSION OF TIME

AU6 SEP 2 9 2011

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Owner of Record <u>Chemetar</u>	1 Foote Corporation			STA	xte engineer's off
IN THE MATT	ER OF PERMIT No. 52918	FILED TO	APPROPRIATE/C	HANGE THE WA	TERS OF
		and the second of the second o			
	Undergro	und Source			
	(Name of stream,	lake, spring, underground or oth	ier source)		
THIS APPLICATION IS RE	SPECTFULLY SUBMITTED.				
Comes now	Joseph L. Dunn_ Person Signing Application	, the		Agent Permittee or Agent	
	52918 , who after being rements as set forth in the permit term		vering to the best o	f their knowledge	the following question
Does this permit have multip	ole owners? YES N	O (Check the Approp	riate Box)		
2. If "YES" on question N	o. 1 is checked, is this request for an o	extension of time subm O (Check the Appropri		ll the owners?	
If "NO" on question No.	2 is checked, on whose behalf is this e	extension being filed?	Chemetall Foote	Corporation	
4. How much time is needed	I to finish this project?				
5. To date, what is the total	expenditure on this project?\$61.70	04,791.			
6. In order to complete this	project as set forth in the permit terms	, what additional funds	will be spent?	\$2,400,000	
7. The permittee requests an	extension of time for One Ye (Not to excee	ear d I year)	with	nin which to comp	ly with the provisions
for filing the	Proof of Benef	icial Use spletion of work and/or proof of	f beneficial use)		
Wells were restarted in 2010	is request for an extension of time is land ARRA funding was used to pure this project is \$2.6 MM. Well rehab achieve production goals.	hase a production drilli	ng rig for the purp	ose of well rehabil	itation and nue through 2012 to
(i)					
		Signed		2 Nr	γ
Subscribed and sworn to before	ore me this 27th day of	- Address	Chemetall Foote	mittee or Agent Corporation	
	1		:	Street No. or P.O. Box	
	Ardy Or News	Dhana		er Peak, Nevada 8 City, State, Zip Code	
	Notary Public Required	Phone	(113) 331-2222 6	Λι. ΔΔΔ	
Notary Public in and for the	County or				
State of VIVA				CANDY J. JE	
My commission expires	Jepanber 12,2	011		NOTARY PU STATE OF NE NOLDY COUN APPT. No. 92-04	VADA Legylired 122-14
INCINEERS OFFICE	21V1E F		MY	APPT. EXPIRES SE	PT. 12, 2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

J of PAN

SE ROA 221

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted

volumes is a goal, and a completion date is undeterminable at this time.

- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 6,565 acre-feet was used in 2010.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

2011 AUG 29 PH 1: 50

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.

2011 AUG 29 PH 1: 50

LEO DROZDOFF
Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

http://water.nv.gov October 19, 2011

Chemetall Foote Corporation P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2012</u>, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

long Eng

Sincerely,

Tony Eng

Water Resource Specialist I

ALE/ag

cc: Parsons Behle & Latimer

Southern Nevada Branch Office

ABSTRACT OF TITLE
Please retain this sheet underneath the Summary of Ownership form

52918 PAGE

PERMIT

DOCUMENT	REMARKS	SRV 120341 Certificate of Amendment of	O.F. Permit 10036)														
D0C	DATE	SRV 120341	3/22/12														
FILED	DATE																
7000	SUPER STATE																
VU V	¥.¥	2 610 05	5,019.63														
2	2	U	n														
EDANTEE		Octobro de la companyo NOCKWOOD LICE															
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Chemetall Foote Corp.

August 25, 2012

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Permit # 52918, 52919, 52920, and 52921

To Whom It May Concern:

Enclosed are four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400.00 to cover the filing of the Extensions.

The Work in Progress information is also attached per NRS 533.380 3(b).

Please contact our office if you have questions or comments regarding the Extensions. Our telephone number is 775-937-2222, ext. 222.

Sincerely,

Joseph L. Dunn

General Manager, Silver Peak Operations

Certified Mail # 7007 0710 0001 5249 4469

Cc: Mr. Ross De Lipkau Parsons, Behle & Latimer 2012 AUG 29 ETTH: C.



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1	-	ATR		NEED'S	OFFICE	7

Owner of Record Chemetall	Foote Corporation					
IN THE MATTI	ER OF PERMIT No52918	FILE	D TO APPROPRIAT	E/CHANGE THE	E WATERS O	F
	Und	erground Source				
NA. 27	(Name of s	tream, lake, spring, undergrou	and or other source)			
THIS APPLICATION IS RES	SPECTFULLY SUBMITTED.					
Comes now	Joseph L. Dunn Person Signing Application	, the		Agent Permittee or Ag	ent	
	2918, who after ements as set forth in the permit		d answering to the be	st of their knowle	edge the follow	wing questions
			. Maj. 1 Maj. 1980. – Prima Parker			
Does this permit have multiple	e owners?	NO (Check the A	ppropriate Box)			
2. If "YES" on question No	. 1 is checked, is this request fo	r an extension of time NO (Check the A	submitted on behalf	of all the owners	?	
		1 140 (Check the A	рргоргиле вох)	***	77.20	
3. If "NO" on question No. 2	is checked, on whose behalf is	this extension being f	iled? <u>Chemetall Fo</u>	ote Corporation	2012 TATE	****
					AUG 29	ñ
					= ~	C 3
4. How much time is needed	to finish this project?Two`	Years			[7]	
5. To date, what is the total ex	spenditure on this project?\$	64,104,791.			RS PR	
6. In order to complete this pr	oject as set forth in the permit t	erms, what additional	funds will be spent?	\$2,00,000	OFF	
7. The permittee requests an e	extension of time for On (Not to	ne Year	V	within which to c	omply with the	e provisions
for filing the	Proof of P	Beneficial Use of completion of work and/or	proof of beneficial use)			
	request for an extension of tim	e is being submitted (Use additional sheets			2.1.1.
Funding from ARRA was used Silver Peak Operation Severa	l during 2012 to increase pumpi Il more production wells and rel	ing capacity. During	2013 drilling will con	tinue to further in	ncrease capaci	ty at the
povide product to meet the gr	owing demand.	iad wells will be brou	A	13. The merease	III DI IIIC Capac	7 He
D .						
		Sign	ned lessen	2 1	~	
	e me this 27th	Oig.	ned	Permittee or Agent		
Subscribed and sworn to before	e me this da	ay of Ado	iress Chemetall Foo	ote Corporation Street No. or P.O	Roy No	
Mugust	. 20 12		PO Box 98. S	ilver Peak, Neva		2012
I aug	Le G. Of ewell	Dha	(775) 027 029	City, State, Zip	Code No.	F09 45
Signature of N	ouary Public Required	Pno	one <u>(775) 937-222</u>	2 ext. 222	·	SEPTEMBER SEPTEM
Notary Public in and for the C		•,				
State of	w ·			CANDY J. NOTARY		CANDY J. NOTARY J. STATE OF NYE CO APPT. No. 95
My commission expires $\frac{\sqrt{e}}{\sqrt{e}}$	plember 12, 2012	-		STATE OF NYE CO	NEV	CAN NO STAT APPI APPI
•				ABRTANO P		MY A
			l	IY APPT. EXPIRES) L.	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF THE A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2011-2012 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping.

 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,606 acre-feet was used in 2011.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2011-2012, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2012 and throughout 2013, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Turn over of upper management at the end of 2011 resulted in slower than expected results.

2012 AUG 29 AH II+ 01 STATE ENGINEERS OFFICE

LEO DROZDOFF
Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 12, 2012

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: PERMITS 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2013</u> with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Water Resource Specialist 1

ALE/mt

c: Parsons, Behle and Latimer (via email)
Southern Nevada Branch Office (via email)

Rev. 9/2011 SE ROA 230

APPLICATION FOR EXTENSION OF TIME

JUL 1 0 2013 QU

Owner of Record Rockwood Lithium	Inc. (previously known as Chemeta		
IN THE MATTER OF PI	ERMIT No. <u>52918</u>	_ FILED TO APPROPRIATE/CHA	NGE THE WATERS OF THE WATERS O
	Underground Sou	7704	
		underground or other source)	•
THIS APPLICATION IS RESPECTED	JLLY SUBMITTED.		
Comes now	Joseph L. Dunn Person Signing Application	, the	Agent ermittee or Agent
under Permit No. 52918 in compliance with the requirements as	, who after being duly s set forth in the permit terms:	sworn and answering to the best of the	neir knowledge the following questions
Does this permit have multiple owners	YES NO (Che	eck the Appropriate Box)	
2. If "YES" on question No. 1 is che		n of time submitted on behalf of all t eck the Appropriate Box)	the owners?
f "NO" on question No. 2 is check	ed, on whose behalf is this extension	n being filed? <u>Rockwood Lithium</u>	Inc.
-			
4. How much time is needed to finish	this project? Two Years		
5. To date, what is the total expenditure	re on this project? <u>\$66.104.791.</u>		
6. In order to complete this project as	set forth in the permit terms, what a	dditional funds will be spent?\$2	2.00.000
7. The permittee requests an extension	of time for One Year (Not to exceed 1 year)	within	which to comply with the provisions
for filing the	Proof of Beneficial Us (Proof of completion of	e work and/or proof of beneficial use)	
8. Explain in detail why this request Funding from ARRA was used during	for an extension of time is being su	bmitted (Use additional sheets if nec	cessary):
Silver Peak Operation. Several more p	roduction wells and rehab wells wil	be brought on-line during 2014. T	he increase in brine capacity will
provide product to meet the growing de	emand.	\cap I	3 2 11
		Signed my/	上重
Subscribed and sworn to before me thi	s 27th day of	Address Rockwood Lithium	Inc
Aune	20 13	S	treet No. or P.O. Box No.
Landy	G. Chewell		City, State, Zip Code No.
Signature of Notary Public	Required	Phone(775) 937-2222 ext.	LLL (7)
Notary Public in and for the County of State of WQQQQ	- 49		CANDY J. JEWETT NOTARY PUBLIC
	ber 6,2016.		APPT No CO COST
			APPT. EXPIRES OCT. 6, 2016 lotary Stamp or Seal Required

THIS APPLICATION FOR EXTENSION OF THIS APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

A SEPARATE APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER. \$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2012-2013 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,670 acre-feet was used in 2012.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements. In 2012-2013, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2013 and throughout 2014, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement. TE ENGINEERS OFFI
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws. No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Drill rig repairs started at the end of 2012 and continued through the 1st and half of the 2nd quarter of 2013. The drill rig has been rebuilt and will continue to drill new production wells during 2013 and 2014.

STATE ENGINEERS OFFICE

SE ROA 233

LEO DROZDOFF

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

September 25, 2013



Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2014</u>, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.



Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Water Resource Specialist I

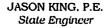
ALE/dl

cc: Parsons, Behle and Latimer, email Joseph L. Dunn, Rockwood Lithium Inc. Southern Nevada Branch Office

	State of Nev			Rev 03/14					
Т	REPORT OF CONVEYANCE								
E M	of a water right to Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer								
1	APPLICATION / PERMIT No.: 52918 or PROOF/CLA		STATUS: PER USE:	M&D					
<u> </u>	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINE								
2	00.11.01.11.11.02.02.1(0) 0110 111.02.01.02.01.02.02.01.02.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.02.01.02.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.02.01.02.02.01.02.02.01.02.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.02.01.02.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.02.01.02.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.02.01.02.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.01.02.02								
	If any item requires additional space, please use Item 13 Remarks: or attach 8 1/2" X 11" sheets referencing appropriate item number.								
,	NEW OWNER(S): Rockwood Lithium Inc. NEW BENEFICIARY(S):								
3	ADDRESS: P.O.Box 98 ADDRESS:								
:	CITY: Silver Peak STATE: NV ZIP: 89047	CITY:	STATE: ZIP:						
	Email confirmation OK? See below YES	1	rmation OK? See below YES						
			U DI CHADI OF TITLE						
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMB	ſ	OTHER:	uidelines Page 2					
	DEED(S)	•	TOTAL ## OF \$\$ Documents =>						
	NOTICE(S) OF PLEDGE MAP(S) at no charge	- 1	TOTAL # x \$20 each = 1 \$	20 .00					
	DEATH CERTIFICATES AFF OF ID at no char	1	Report filing fee = \$120.00* \$.00					
	DECREE(S) OF DISTR OTHER: Corporate		X TOTAL FEES SUBMITTED* \$	20 .00					
	ONE, ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE	REPORTS + \$	20 PER CONVEYANCE DOCUMENT LIST	ED ABOVE.					
5	*WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION FOR STANDARD SEE GUIDELINES FOR MORE INFO		YEYANCE DOCUMENTS, AN ADDITIONAL	_ FILING					
<u> </u>	This REPORT may require an ABSTRACT OF TITLE listing the		uments in chronological order. A copy of	he map					
6	referred to in said deed(s) may be required. Copies of maps shou	ıld be letter o	or legal size. Refer to Guidelines sheet for	details.					
7	LIST SUPPLEMENTAL RIGHTS: 44251, 44252, 44253, 442	55, 44256, 44	1257, 44258, 44260, 44261, 44267, 44268,	44269					
8	COUNTY: POINT OF DIVERSION: Esmeralda	COUNTY	7: PLACE(S) OF USE: Esmeralda						
9	AMOUNT (DUTIES) TO BE ASSIGNED: 5 CFS	3,619.85	ACRE-FEET ACRE	S or UNITS					
10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OF	R M.O.U. OF	THIS RIGHT TO BE FILED? YES	_ NO [-					
11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.								
	List any other water rights relating to this Report of Conveyance that h 10036, 15847, 24382, 44248,44250, 44251,44252, 44253, 4425	as been filed u	using the same abstract and chain of title. 257, 44258, 44260,44261, 44267, 44268, 4	14269.					
12	44270, 49805, 52917,52918, 52919, 52920, 52921.								
	Additional Space/Remarks: #7 - Continued - 44270, 49988, 5	52918, 52919), 52920, and 52921						
13									
14	"I swear under penalty of perjury, that this represents a complete and thorou placed to beneficial use or diverted from its natural so	gh search of the irce and the reco	records of the county recorder of each county in which ords on file in the office of the state engineer."	the water is					
			SIGNATURE:	<i>3</i> :					
STATI			PRINT NAME: John R. Zimmerman						
1	ITY OF Washoe	•	MAILING ADDRESS: 50 W. liberty St., Su	ite 750					
SORS	CRIBED AND SWORN TO BEFORE ME ON OTO OLI ILL		FIRM NAME: Parsons Behle & Latimer						
RA: Z	SAN CUIVIC. CHIVITE WELL ###		CITY: Reno STATE: NV ZIP:	89501					
			PHONE: 89501	OWNER					
2-	RONI L. SHA	FFEH	E-MAIL:	AGENT?					
M	Notary Public - State	of Nevada 📱	Is a consent to receive email						
Signa	ture of Notary Public Required Appointment Recorded in No: 99-36517-2 - Expire	e Mev R. 2015 E	correspondence already on file?	ES [
	Notary Stamp or Seal Required	134191334141144444444444444	If not, please download from our website	and include					
1	• • •								

SLC 7/18/14

FEE RECORDS Receipt No.(s) 291354
Date of Receipt JUL 0 8 201
\$\$ This Permit \$20.0
Original Recaipt Located In File No
Deeds / Docs Filed in File No.
MANUFACTURE

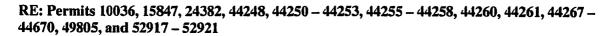




DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov July 23, 2014

John R. Zimmerman Parsons Behle & Latimer 50 W. Liberty St., Suite 750 Reno, NV 89501



To Whom It May Concern:

Please be advised that your *Reports of Conveyance* received on July 8, 2014, are hereby confirmed to update ownership of the above mentioned permits in the name of **Rockwood Lithium Inc.**, as listed in the table below. Details of the above permit(s), including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	Diversion Rate (cfs)	Duty (AFA/AFS)	Acres/Units
10036/2627	0.334		
15847/4838	0.53		
24382/7234	1.0	723.95	
44248	1.0	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.0	723.97	
44252/12271	0.43	311.3	
44253/12772	0.84	608.13	
44255/12773	0.39	282.35	
44256/12774	0.22	159.27	
44257/12775	0.35	253.39	
44258/12776	0.27	195.47	
44260/12777	0.20	144.79	
44261/12278	0.22	159.27	
44267/12779	0.44	318.50	
44268/12780	0.46	334.47	
44269/12781	0.26	188.23	
44270/12782	1.00	723.97	
49805/14655	0.13	20.13	
52917	1.0	21.63	
52918	5.0	3619.85	
52919	5.0	3619.85	
52920	5.0	3619.85	
52921	5.0	3619.85	CE DOA





Zimmerman, John Permit 10036+ July 23, 2014 Page 2 of 2

Permits 29728, 44248, 49805, 52917, 69220, 76343 and 77966 have a total combined duty not to exceed 588.67 acre feet annually.

Permits 44251 – 44258, 44260, 44261 , 44267 – 44270, 49988, and 52918 - 52921 have a total combined duty not to exceed 20,000 acre feet annually.

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) the water right is in good standing with the office of the State Engineer; or b) the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and c) this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2830.

Sincerely,

Shaunie H. Clayson

Engineering Technician III

SLC/sgc

cc: Rockwood Lithium Inc.

SNBO





September 3, 2014

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Permits 52918, 52919, 52920, 52921

To Whom It May Concern:

Enclosed are four Applications for Extension of Time for the above referenced permit numbers and check for fees in the amount of \$480.00 to cover the filing of the Extensions.

Please contact our office if you have questions or comments regarding the Extensions. Our telephone number is 775-937-2222, ext. 229.

Sincerely,

Melissa Jennings

Geologist/Environmental Engineer

Melissa Fennings

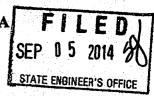
Cc: John Zimmerman

Parsons, Behle & Latimer

Certified Mail #

2014 SEP -5 IMIT: 33

APPLICATION FOR EXTENSION OF TIME



Switer of Record Rockwood Little	um inc. (previously known as Cheme	tan Poole Corporation)		
The dates are dates to	DEDMITNIC 50010	EII ED TO ADDDON	RIATE/CHANGE THE	WATERS OF
IN THE MATTER OF	F PERMIT No. <u>52918</u>	FILED TO APPROP	MAID/CHANCE THE	WAILKOUF
	Underground S	ource ing, underground or other source)		
		ing, underground or other source)		
HIS APPLICATION IS RESPEC	TFULLY SUBMITTED.			
	Maliana Januinaa	•ha	Acont	
Comes now	Melissa Jennings Person Signing Application	, the	Permittee or Age	ent constant
nder Permit No. 52918 compliance with the requirement	, who after being duly ts as set forth in the permit terms:	sworn and answering to	the best of their knowle	edge the following question
oes this permit have multiple own	ners? YES NO (C	heck the Appropriate Box)	
. If "YES" on question No. 1 is	checked, is this request for an extens	ion of time submitted on the health of the h		
If "NO" on question No. 2 is ch	ecked, on whose behalf is this extens	ion being filed? Rockw	ood Lithium Inc.	
	contag ou mayor commit to min different			20 3 TA
				<u> </u>
				SE
How much time is needed to fin	ish this project? <u>Two Years</u>			<u> </u>
	v	•		NGINE
. To date, what is the total expend	diture on this project?\$68,104,79	<u>.</u>		m s m
In order to complete this preise	t as set forth in the permit terms, what	additional funds will be	spent? \$2,00,000	AM ERS
. In order to complete this projec	t as set form in the permit terms, what	additional fulles will be s	spent: <u>\$2,00,000</u>	0 = 111
The permittee requests an exten	sion of time for One Year (Not to exceed 1 year		within which to c	omply with the provision
	(Not to exceed 1 year	*)		- 1
for filing the	Proof of Beneficial V	Jse		<u> </u>
	(Proof of completion	of work and/or proof of beneficial t	ise)	
In 2014 several replacement p monitoring or production well well availability, resulting in	uest for an extension of time is being production wells were brought online. Is. The in-house drilling operation is operations more near to capacity. The difficult; however, the goal is to increase.	and several previously pur expected to continue through harsh environment, deep	mping wells were rehab 1gh 2014 and into 2015 1gquifer depths, and flue	to maximize production ctuating recharge make
	ы	Signed	lessa lens	ings
ubscribed and sworn to before me	e this 28 th day of	Address <u>Rockw</u>	ood Lithium Inc. Street No. or P.	D. Box No.
1 (ugust	2012	B ∩ D-	x 98, Silver Peak, Neva	
andy	T. Dewell		City, State, Zip 37-2222 ext, 229	Code No.
Signature of Notary Notary Public in and for the Count	11/11/./.	11010 11751	T. Same Will Sout	
State of Nad	a 's		CANDY J.	JEWETT PUBLIC
My commission expires OC	ober 6,2016		STATE OF APPT. No.	NEVADA 92-0422-14 ES OCT. 6, 2016

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 25, 2014

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit 52918, through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2015</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2803.

Sincerely,

Chris Thorson

Water Resource Specialist I

CMT/sg

cc:

Parsons, Behle & Latimer, e-mail Southern Nevada Branch Office



August 31, 2015

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Permits 52918, 52919, 52920, 52921

To Whom It May Concern:

Enclosed are four Applications for Extension of Time for the above referenced permit numbers and check for fees in the amount of \$480.00 to cover the filing of the Extensions.

Earlier this year Rockwood Lithium Inc. was acquired by the special chemicals company, Albemarle. As of now we have not had an official name change. However, we have had some management changes since then. Moving forward I will be the point of contact for the Silver Peak site.

Please contact me if you have any questions or comments regarding the Extensions. My telephone number is 775-937-2222, ext. 226.

Sincerely,

Scott Thibodeaux

Environmental Professional

Cc: John Zimmerman

Parsons, Behle & Latimer

fatt Thodans

Certified Mail # 7011 2970 0000 0901 7299

PO Box 98
Silver Peak
Nevada 89047
Phone +1 775 937 2222 Ext.226
Fax +1 775 937 2291419
Email: scott.thibogeaux@rookwood@hium.com

STATE ENGINEERS OFFIC

ARockwood@crtwn,

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Well rehabilitation/drilling/development in 2014-2015 ultimately resulted in greater capacity. However, some critical well failures resulted in downtime. Plans to minimize the downtime of each well are continuing to improve. These plans include having qualified personnel readily available and an inventory that meets the needs of our wells. Addition development for our water distribution facilities include, continuing to optimize our current wells, rehabilitate older wells and drill new wells. These items will continue throughout each year in order to make progress towards our goal of using the full permitted volumes. Currently the completion date is underdetermined.

- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined?

Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period.

 11,720 acre-feet was used in 2014, during the period from August 2014-July 2015 the use was 11,533 acre-feet.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Several wells were drilled towards the end of 2014. Maintenance and development of all wells continued thereafter with scheduled plans to drill new wells in the remaining months of the year 2015. Similar development activities will take place in late 2015 and into 2016.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws SHEENIONE ENGINEERING No reports or engineering drawings are submitted for review.

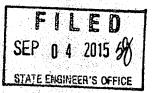
DECEMEN

7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are continuing to improve. Our new owner, Albemarle Corp., has shown favorable spending and support for expansion. In late 2014 and early 2015 there were some critical well failures that resulted in a reduction in volume from the previous year. However, with great effort we were able to repair these wells and continue working towards our goal. Funding has been approved to continue well rehabilitation and drilling for the remainder of the year, thus production volumes will continue to fluctuate until enough wells can provide flexibility to manage pumping rates at sustainable levels.

21V1E ENGINEERS OFFICE NOIS SED - 7 by 3:00

APPLICATION FOR EXTENSION OF TIME



Owner of Record Rockwood Lithium Inc. (previously known as	Chemetall Foote Corporation)	
IN THE MATTER OF PERMIT No. <u>52918</u>	FILED TO APPR	OPRIATE/CHANGE THE WAT	ERS OF
공속에 많이 그렇답니 그리다는 말이 모르다고			
Undergr (Name of stream	ound Source , lake, spring, underground or other source	e)	
THIS APPLICATION IS RESPECTFULLY SUBMITTED.			
Comes now Scott Thibodeaux Person Signing Application	, the	Agent Permittee or Agent	
inder Permit No. <u>52918</u> , who after bei	ing duly sworn and answering	to the best of their knowledge th	e following question
n compliance with the requirements as set forth in the permit terr	ms:	이 그 그래, 해당시 이 이 남, 일본 36 이 - 이 사람들은 그런 이 그 아니아 요	
Does this permit have multiple owners? YES X	NO (Check the Appropriate l	3ox)	
2. If "YES" on question No. 1 is checked, is this request for an	extension of time submitted on the submitted of the submi		
나도 그렇게 하시고 하면 하는데 나는 나는 얼마를 살아야?			
. If "NO" on question No. 2 is checked, on whose behalf is this	extension being fried? <u>Roc</u>	kwood Lithium Inc.	<u>and an an an an an an an an an an an an an </u>
. How much time is needed to finish this project?	rs		
. To date, what is the total expenditure on this project? \$70.1	104 701		
. To date, what is the total experience on this project:	104,731.		
. In order to complete this project as set forth in the permit term			
The permittee requests an extension of time for One Y (Not to exce	eed 1 year)	within which to comply	with the provisions
for filing the Proof of Bene	eficial Use completion of work and/or proof of benefic	ial use)	<u> </u>
Explain in detail why this request for an extension of time is In 2014 several replacement production wells were brought monitoring or production wells. The in-house drilling operat well availability, resulting in operations more near to capacity maintaining pumping systems difficult; however, the goal is	online and several previously tion is expected to continue the ty. The harsh environment, do	pumping wells were rehabilitated rough 2014 and into 2015 to may be aquifer depths, and fluctuating	kimize production g recharge make
demand for lithium.	to increase of the capacity to t	pottimize production needs to mee	a me growing
	Signed	ett // beden	
315	C A.I.I D	Permittee or Agent	and the second second
subscribed and sworn to before me this day o	of Address <u>Roc</u>	kwood Lithium Inc. Street No. or P.O. Box N	0.
Jugust , 20 15	PO	Box 98, Silver Peak, Nevada 89 City, State, Zip Code No	047
Landy 4 Sewell	Phone (775	i) 937-2222 ext. 226	.
Signature of Notary Hublic Required			
State of State of		CANDY J. JEWE	
My commission expires October 4 2016	STATE ENGINEER	NOTARY PUBLI STATE OF NEVA APPT. No. 92-0422-	DA 14
	1	MY APRI EXPIRES OCT.	_{წ.1} 2016
50 :8 Mc	SOI2 SEb - t L		

\$120 FILING FEE MUST ACCOMBANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

9/8/15

MB

LEO DROZDOFF Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2015

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2016</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/sg

cc: Parsons, Behle & Latimer

Southern Nevada Branch Office



September 20, 2016

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Permit # 52918-52921

To Whom It May Concern:

Enclosed are four Applications for Extension of Time for Permits 52918 through 52921. In addition, you will find a check in the amount of \$480.00 to cover the filing fees of the extensions.

Please contact our office if you have questions or comments regarding the extensions. Our telephone number is 775-937-2222, ext. 226.

Sincerely,

Scott Thibodeaux

Environmental Professional

cc: file

2016 SEP 23 AM 11: 26

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Rockwood filed for a Super Permit under application #85746. This application was protested by Esmeralda Minerals LLC. The purpose of this Super Permit is to consolidate all of the existing groundwater permits and certificates for the continued pumping of the multiple groundwater sources owned by Rockwood Lithium and used for the withdrawal of the groundwater Lithium resource. The application was filed on 12/18/2015 and became Ready For Action on 03/05/2016. The Protest was filed by Esmeralda Lithium/Pure Energy on March 7, 2016. Rockwood Lithium continues to pump its existing water rights from wells that are interspersed on the Rockwood claims. The groundwater/brine that is pumped is placed into evaporative ponds that are used to concentrate the groundwater into a lithium concentrate for processing at the adjoining mill.

Well rehabilitation/drilling/development during 2015-2016 has resulted in greater capacity on a year on year basis. Rockwood Lithium has focused on its well efficiency across the playa resulting in an overall increase in well production. This focus has allowed the site to maintain a more consistent pumping rate throughout the year. However, critical well failures have also played a role by creating well downtime and thus negatively impacting pumping rates. Rockwood Lithium has detailed plans to minimize the downtime of each well and is beginning to see long term results. These plans start with maintaining a critical inventory of parts and equipment on site along with a team of qualified personnel immediately available for well repair/rehabilitation activities. Additional development of our water distribution facilities include; continuing to optimize our existing wells, rehabilitate older wells and drill new wells where appropriate.

An overall expansion plan has been implemented to increase our total pumping to a withdrawal of the permitted 20,000 acre feet per annum. One such action was the drilling of a replacement well under permit 86029 which was issued on 04/12/2016. Another action includes the preparation of the required permitting documents for the installation of two new wells during 2016. In addition, Rockwood Lithium is in the process of completing further scientific analysis of the groundwater system (via seismic and hydro stratigraphic modeling) in order to improve on its existing reservoir of knowledge in the Basin aquifer system. In the future, these will allow for more accurate targeting of production zones within the underground source. These items will continue throughout 2017 in order to make progress towards our goal of using the full permitted volumes.

Finally it should be noted that our efforts to expand our use of the permitted resource has been hindered by the proliferation of exploratory drilling in Clayton Valley. These exploration activities are being undertaken in wells immediately contiguous to wells used by Rockwood and thus we have been working to understand the negative impact resulting from these activities.

considerable amount of time has been expended on administratively rejecting intrusion into the mining resource held by Rockwood Lithium and in analyzing what contributing effects that the additional withdrawal of the groundwater might have on the environment and the integrity of the groundwater basin. Concerns have been raised as to the potential impact of planned reinjection from contiguous claims and its dilution/pollution impact on the groundwater/lithium resource. Rockwood Lithium has also brought forward concerns as to inappropriate drilling techniques and perhaps unknown construction issues that may result in further impacts to this resource. All of these issues have substantiated growing concerns as to the physical ability of the groundwater resource to handle the potential over drafting of the groundwater as well as the potential impact to the pumping wells held by Rockwood Lithium.

	APPLICATION FOR	EXTENSION OF T	INTE	FILES)
Owner of Record	Rockwood Lithium Inc. (previously known as Chem	etall Foote Corporation)	9	SEP 2 3 21)16
IN TH		D TO APPROPRIATE/CH	ANGE THEIWA	TERSIOF LEIS	OFFICE
	(Name of stream, lake, sprin	g, underground or other source)		
THIS APPLICATI	ON IS RESPECTFULLY SUBMITTED.				
Comes now	Scott Thibodeaux	, the	Agent		
1. Does this permit 2. If "Yes" on que Yes 3. If "No" on ques Rockwood Li		(Check the appropriate me submitted on behalf of a ing filed?	<i>box)</i> Il the owners?		ats as set forth in
	e is needed to construct the works of diversion or place			Am 1 10 1 m 2	
o. what is the exp	enditure on the project under this permit? Last year?	\$1,000,000	Total to date?	\$71,104,791	
6. The permittee r	equests an extension of time for One Year		comply with the	provisions for	filing the
	(Not to exceed 1	year)			

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

(Proof of completion of work and/or Proof of beneficial use)

In 2016 a high volume well was targeted to increase production needs for the facility; however, the harsh environment, deep aquifer depths, and fluctuating recharge have made maintaining other pumping systems difficult. The facility has also been working with experts to develop a Hydrostratigraphical Model of the basin. This model, and continued research, will allow the facility to determine where the optimal location for a well is, and also the depth at which we should drill. Our goal is to continue increasing our knowledge of the Clayton Valley Basin in order to increase our brine capacity to optimize production needs and meet the growing demand for lithium.

State of Nevada County of Subscribed and sworn to before me or

Signature of Notary

Signed Permittee or Agent Address Rockwood Lithium Inc Street Address or PO Box

PO Box 98, Silver Peak, NV 89047 City, State, ZIP Code

(775) 937-2222 Ext 226 Phone

scott.thibodeaux@rockwoodlithium.com E-mail

CANDY J. JEWETT NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14 MY APPT. EXPIRES OCT. 6, 2016

Notary Stamp or Seal Required

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMI

Proof of Beneficial Use

KAY SCHERER Interim Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 12, 2016

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit(s) 52918, 52919, 52920, and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2017</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr

cc: Parsons, Behle & Latimer (email)

Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

Г				<u>,</u>		
l	1	State of Neva		NOR	Rev 10/16	
T REPORT OF CONVEYANCE of a water right to				NCE] [
M Department of Conservation and Natural Resources, Division of Water Resources, Office of the S				esources, Office of the State Engineer		
-	1	APPLICATION / PERMIT No.: 52918 or PROOF/CLAI		STATUS: PER USE:	M&D	
	2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER.:				
	-	Rockwood Lithium Inc.				
l		If any item requires additional space, please use Item 13 Remarks: or attach 8 1/2" X 11" sheets referencing appropriate item number.				
t		NEW OWNER(S): Albemarle U.S., Inc.		EFICIARY(S):		
۱	3					
١		ADDRESS: P.O. Box 98, State Route 265	ADDRESS:			
		CITY:Silver Peak STATE:NV ZIP:89047	CITY:	STATE: ZIP:		
-		Email confirmation OK? See below YES	Email confirm	mation OK? See below YES		
l	4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE. See Guidelines Page 2				
	·	DEED(S) CORRECTION DEED(S)) [OTHER:		
		DEED(S) OF TRUST RECONVEYANCE at	no charge	TOTAL ## OF \$\$ Documents =>	1	
		NOTICE(S) OF PLEDGE MAP(S) at no charge	-	TOTAL # x \$20 each = \$	20 .00	
}		DEATH CERTIFICATES AFF OF ID at no charge		Report filing fee = \$120.00* \$	0 .00	
L		DECREE(S) OF DISTR OTHER: Cert. of Amer		1 TOTAL FEES SUBMITTED* \$	20 .00	
	5	ONE, ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE REPORTS + \$20 PER CONVEYANCE DOCUMENT LISTED ABOVE. *WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION TO CONVEYANCE DOCUMENTS, AN ADDITIONAL FILING FEE OF \$120 IS REQUIRED. SEE GUIDELINES FOR MORE INFORMATION.				
ſ	6	This REPORT may require an ABSTRACT OF TITLE listing the above documents in chronological order. A copy of the map referred to in said deed(s) may be required. Copies of maps should be letter or legal size. Refer to Guidelines sheet for details.				
	7	LIST SUPPLEMENTAL RIGHTS: See attached.				
ŀ	8	COUNTY: POINT OF DIVERSION: Esmeralda COUNTY: PLACE(S) OF USE: Esmeralda				
ľ	9	AMOUNT (DUTIES) TO BE ASSIGNED: 5.0 CFS	3619.85	ACRE-FEET ACRES	or UNITS	
	10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR			NO 🔯	
L	11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U				
	12	List any other water rights relating to this Report of Conveyance that has been filed using the same abstract and chain of title. 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 44255, 44256, 44257, 44258, 44260, 44261, 44267, 44268,				
1		44269, 44270, 49805, 49988, 52917, 52919, 52920, 52921, 85746, 86951T, 86952T, 87053T				
L						
		Additional Space/Remarks: This Report of Conveyance memorializes only a corporate name change and not an				
	13	assignment or conveyance of water rights.				
L						
Ì	14	"I swear under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer."				
	CTATE	· ·		SIGNATURE: 1956 A	is likely	
ı	STATE OF Nevada			PRINT NAME: Ross E. de Lipkau		
	COUNTY OF Washoe			FIRM NAME: Parsons Behle & Latimer		
١	SUBSCRIBED AND SWORN TO BEFORE ME ON 27-17			MAILING ADDRESS: 50 W. Liberty, Ste. 75	50	
1	BY: Ross E. de Lipkau Print name of Permittee or Agent signing form			CITY: Reno STATE: NV ZIP:	89501	
	•	41111111111111111111111111111111111111		PHONE: 775.323.1601 [OWNER?	
	RONI L. SHAF Notary Public - State Appointment Recorded in W No: 99-38517-2 - Expires				₹ AGENT?	
			Vashoe County	ls a consent to receive email		
			May 5, 2019	correspondence already on file?	SIX	
Notary Stamp or		Notary Stamp or Seal Required		If not, please download from our website	and include.	

PEE RECORDS 33374
Peccipt No.(s) 33374
Date of Receipt 8/2/17

See This Permit 20.00

Priginal Receipt Lucried in Pile No. 10036

Decds / Docs Filed in Pile No. 10036

SALT AUS -2 ANTO: 29

and the same with



Albemarle Corporation

P.O. Box 98 Silver Peak, NV 89047 Telephone: 775-937-2222 www.albemarle.com

September 20, 2017

Attn: Mr. Jason King/ State Engineer
Department of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Applications for Extensions of Time – Permits – 52918, 52919, 52920 & 52921

Dear Mr. King:

Enclosed are four Applications for Extension of Time for Permits 52918 through 52921. A check in the amount of \$2,400.00 is also included to cover the five year extension for each permit.

Please contact our office if you have questions or comments regarding the extensions. Our telephone number is 775-937-2222.

Sincerely,

John Mayes Plant Manager

cc: file

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME (See instructions on back)							
A. NDWR's Owner(s) of Record Albemarle U.S., Inc. (formerly known as Rockwood Lithium Action 2017)							
	JL, 23 24						
	ROPRIATE/CHANGE THE WATERFORN(XINEER'S OFFICE						
Underground Source (Name of stream, lake, spring, underground or other source)							
C. THIS APPLICATION IS RESPECTFULLY SUBMITTED.							
Comes now John Mayes	, the Permittee Agent						
who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms:							
1. Does this permit have multiple owners? Yes Vo No	Check the appropriate box)						
2. If "Yes" on question 1 is checked, is this request for an extension of time su	bmitted on behalf of all the owners?						
Yes No (Check the appropriate box)	E R V						
3. If "No" on question 2 is checked, on whose behalf is this extension being fi	3°~1						
Albemarle U.S., Inc.							
4. How much time is needed to construct the works of diversion or place the v	vater to beneficial use? Five Years						
5. What is the expenditure on the project under this permit? (a) Last year	(b) Total to date \$72,104,791						
6. The permittee requests an extension of time for Five Years within which to comply with the provisions for filing the (Not to exceed 5 years)							
Proof of Completion of Work Proof of Beneficial Use Cultural Map (Check all that apply)							
7. Describe progress made during the last year and explain in detail why this request for an extension of time is needed. (See instructions on back. Use additional pages if necessary):							
Please see Exhibit A - Applications For Extension of Time Permits 52918, 529	919, 52920 & 52921						
State of Nevada	Signed WW						
	Permittee or Algent						
County of ESMERACOA	Address PO Box 98 Street Address or PO Box						
Subscribed and sworn to before me on SEPT 20, 2017	Silver Peak, NV 89047						
	City, State, ZIP Code						
by John Mayes Print name of Permittee or Agent signing form	Phone (775) 937-2222 Ext. 222						
	E-mail john.mayes@albemarle.com						
\star Λ / /	ARTHUR R. MERRILL, III						
Appointment Expires June 2, 2018							
Signature of Notary Public Required Notary Stamp or Seal Required							

\$120 FILING FEE PER YEAR FOR EACH YEAR REQUESTED MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

Revised 06/17 - ext_app

AB JK

SE ROA 255

EXHIBIT A APPLICATIONS FOR EXTENSION OF TIME PERMITS 52918, 52919, 52920 & 52921

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Permits 52918 through 52921 in the name of Albernarle U.S., Inc. (hereinafter "Albernarle") have been issued for mining and milling use. A portion of the waters of an underground source for permit 52919 has been granted to the temporary water right 87053T. The total combined duty of water for permits 52918 through 52921, including 87053T, is 14,479.4 acre-feet. The total duty of all lithium brine permits owned by Albernarle is 20,000 acre-feet annually.

Albemarle (formerly Rockwood Lithium, Inc.) filed for a Super Permit under application #85746 on December 18, 2015, and it became ready for action on March 5, 2016. This application has not yet been granted by the State Engineer. The application was protested by Esmeralda Lithium/Pure Energy on March 7, 2016. The purpose of this application is to consolidate all existing groundwater permits and certificates for the continued pumping of the multiple groundwater sources. Since the filing of the Super Permit application, Albemarle has filed temporary applications 86951T (RFP), 86952T (RFP) and 87053T (Permit), but as noted, two of three applications have been protested and remain pending.

The purpose of filing application 85746 was to enable Albemarle to drill production wells within its previously granted place of use, with new well

locations selected at the election of Albemarle's operating personnel to facilitate full plant production capacity. Albemarle's experience demonstrates that production wells often have a finite life and new wells must be drilled in close proximity as existing, older production wells decline or stop production. Thus, the time consuming and expensive effort of filing a multitude of applications to change would thereby be eliminated. This procedure is well known to the State Engineer's office, as such office has previously granted what was then known as "block permits," and later "super permits". A multitude of super permits have been granted to mining companies, are quite common and the concept of issuing one permit to enable drilling several wells over time to pump in a specified area is not new. Additionally, Albemarle and its predecessors in interest have operated under a block permit since approximately 1965. Application 85746 was therefore filed to document approved past, historic practices. Albemarle, over the course of time, will need to move or re-drill production wells as such wells fail. Without approval of the Super Permit, Albemarle will be required to file a multitude of temporary applications to change.

Albemarle continues to pump its existing water rights from wells that are interspersed on the Albemarle claims at locations selected to optimize lithium production, but production wells must be moved periodically in order to maintain production. The groundwater/brine that is pumped is placed into evaporative ponds that are used to concentrate the brine into a lithium concentrate for processing at the adjoining mill.

The Protests to the Temporary Permit and Super Permit Applications that have been filed have hindered both current production rates and placing the water to its maximum beneficial use; however, Albemarle continues to rehabilitate and improve the efficiency of currently operating wells. Albemarle has been resolving those certain issues relating to the administration of the basin, but has also been further delayed by outside entities that continue to impact the groundwater resources within Clayton Valley. Albemarle is awaiting review of those administrative items pending action by the office of the State Engineer. This uncertainty and the speculative interests of others has interfered with and created delays in applying the water to the full beneficial use.

An overall expansion plan has been prepared to increase the total pumping to a withdrawal of the permitted 20,000 acre feet per annum. One such action was the drilling of a replacement well under permit 87053T which was issued on June 27, 2017. Another action includes the preparation of the required permitting documents for the installation of two new production wells during 2017. In addition, Albemarle is in the process of completing further scientific analysis of the groundwater system (via exploration drilling, seismic testing and hydro stratigraphic modeling) in order to improve on its existing knowledge of the Basin aquifer system to optimize production. In the future, this will allow for more accurate targeting of production zones within the underground source. Additionally, Albemarle has submitted a plugging and abandonment plan to the Office of the State Engineer to plug wells that go down and must be replaced under either the Super Permit or the applied-for Temporary Permits, as well as to

begin plugging older wells that have failed. These efforts will continue throughout the years 2017/2018 in order to make progress toward the goal of using the full permitted volumes.

Finally, it should be noted that efforts to expand the use of the permitted resource has been hindered by the proliferation of exploratory drilling in Clayton Valley. These exploration activities are being undertaken in wells immediately contiguous to wells used by Albemarle. Albemarle has protested this activity, noting the negative impact on its water rights and production resulting from these activities. Albemarle is concerned that if this activity continues, it will require Albemarle to drill more new wells at new locations away from its claim boundaries as other contiguous exploration efforts draw-down Albemarle's water.

2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use?

Both the patented and unpatented mining claims that are associated with the above listed water rights are owned by Albemarle as approved by the United States Bureau of Land Management.

3. What type of mineral is being mined?

Lithium chloride

Who is buying your mineral product and for how long?

Albemarle has both domestic and international customers. The facility has been in operation since about 1966.

4. Submit the record of water measurements for the last one-year period.

11,493 acre-feet was developed in 2016. During the period from August 2016-July 2017, the production was 9,481 acre-feet. Two existing production wells that were to be replaced or supplemented by temporary permit applications 86951T (RFP) and 86952T (RFP) have gone down during the pendency of the application process. The inability to utilize the Super Permit or even temporary applications to change has resulted in declining use and reduced lithium production. Albemarle is diligently working to increase brine use, but cannot without these permit approvals.

5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

Work includes the continued development and rehabilitation of existing wells and piping infrastructure on an on-going basis and the continued repair and maintenance of containment facilities. The Super Permit application, when approved by the State Engineer, will provide additional flexibility of the mining of the resource. Issuance of the two pending temporary permit applications would enable Albemarle to replace two production wells that have ceased production in the last two months. Albemarle has licensed water well drillers on staff and on "stand-by" and would commence that drilling work immediately upon receipt of necessary approvals. Currently, Albemarle, through its planning and administrative process, is attempting to increase productivity to meet the ever increasing demands for lithium and its multitude of by-products.

Additionally, as previously described there is a drilling campaign for continued geophysical analysis of the groundwater resource and scientific analysis of old and current data to be used for model calibration and impact analysis.

6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

Several documents are in the process of being developed, engineering and development studies are on-going, and the Albemarle staff has been working with the office of the State Engineer with regard to the format and analysis detail for several ongoing projects. For example, in addition to the Super Permit and two temporary permit applications, approval of Albemarle's plugging and abandonment plan is currently pending before the State Engineer. Albemarle expects those projects will be ongoing through 2017 and into 2018.

7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

The constraining factors have been the impact created by the failure to approve the application for the Super Permit; this permit will allow Albemarle to utilize the full extent of its water rights without the delay of filing for temporary permits and addressing associated protests for each new production well. The Super Permit will also give the State Engineer better control of the continued expansion of the pumping resource.

Other factors that have occurred are the continued proliferation of additional withdrawals within the Clayton Valley Groundwater Basin and those contributing basins that provide recharge to the groundwater flow system. A considerable amount of time has been expended on administratively protesting intrusion into the mining resource held by Albemarle and in analyzing what contributing effects the additional withdrawal of the groundwater has on the environment and the integrity of the groundwater basin. Albemarle continues to evaluate the impact of competing exploration wells drilled, in some cases, within 100 feet of Albemarle's property boundaries and within 500 feet of existing Albemarle production wells. Concerns have been raised as to the potential impact of planned reinjection from contiguous claims and its dilution/pollution impact on the groundwater/lithium resource. Albemarle has also brought forward concerns as to inappropriate drilling techniques and perhaps unknown construction issues that may result in further impacts to this resource. All of these issues have substantiated growing concerns as to the physical ability of the groundwater resource to handle the potential over-pumping of the groundwater as well as the potential impact to Albemarle's existing production wells.

The State Engineer is requested to take administrative notice of the multitude of legal actions filed with the Fifth Judicial District Court, which actions involve the Nevada State Engineer, Albemarle and other third party mining companies

drilling in the Clayton Valley Basin. Despite these interfering third-party actions, Albemarle is diligently continuing its long-term plans to place the entire 20,000 acre-feet to a beneficial use. Such plans include the construction of additional production wells, and improvements to the evaporation and pumping systems.

Wherefore, it is respectfully requested the State Engineer grant an extension of time for five years within which to file the Proof of Application of Water to Beneficial Use.



Division of Water Resources Receipt for Payment



Rockwood Lithium Inc.

P.O. Box 98

Silverpeak, NV 89047

Check #: 28751

Check Date: 9/19/2017

Date Received: 9/28/2017

Receipt #: 34544

FY

Amount

Permit #

Invoice #

Warrant No.

Fee Type/Fee desc

Notes

2018

\$600.00

52918

- Extensions

COVERS 5 YR EXT

NO'S 52918

THROUGH 52921

CHECK TOTAL \$2,400.00

60/20/17

9/29/2017

TAGGART & TAGGART, LTD.

PAUL G. TAGGART SONIA E. TAGGART A PROFESSIONAL CORPORATION 108 NORTH MINNESOTA STREET CARSON CITY, NEVADA 89703 www.nvwaterlaw.com DAVID H. RIGDON TIMOTHY D. O'CONNOR EVAN J. CHAMPA DAVID A. BAILEY

October 5, 2017

Jason King, P.E.
State Engineer
Nevada Division of Water Resources
901 S. Stewart St., Ste. 2002
Carson City, NV 89701

Re: Albemarle Extensions of Time

RECEIVED OCT 0 6 2017

STATE ENGINEER'S OFFICE

Dear Mr. King:

We are writing on behalf of Pure Energy Minerals, Ltd., and its subsidiary, Esmeralda Minerals, LLC (hereinafter together as "Pure Energy") to formally request that your office deny Albemarle Corporation ("Albemarle")'s recently filed Extension of Time for water rights 52918, 52919, 52920, and 52921. Albemarle filed the extensions of time requests on September 28, 2017. As your office has stated in the past, "[b]ecause of Nevada's arid geography, vital public policy considerations dictate that the State Engineer monitor the beneficial use of water."

This is the 19th extension of time request for these specific water rights.² To date, these water rights have never been fully put to beneficial use. Companies such as Pure Energy have filed for, and have been denied, access to this water while Albemarle has been permitted to hold the excess water hostage, never placing it to beneficial use. Pure Energy requests that your office take action regarding these unused rights, and deny Albemarle's extension of time.

The law is well settled in Nevada that beneficial use shall be the basis, the measure and the limit of the right to the use of water. When the necessity for the use of water does not exist, the right to divert it ceases. The quantity of water from an underground source . . . shall be limited to such water as shall reasonably be required for the beneficial use to be served. While extensions of time to put the water to beneficial use are permitted to be granted by the State Engineer's office, the applicant must provide proof that they are pursuing application of the water to beneficial use with good faith and diligence. Because the state has a right to designate

¹ Ruling 6343 at 2.

² These rights are chained to rights that were originally filed in the 1980s. Albemarle has not been able to prove up these water rights since the 1980s.

³ NRS 533.035.

⁴ NRS 533.070.

⁵ NRS 533.070.

⁶ NRS 533.380(3)(b).

the method of appropriation it can also designate how long water may be permitted to run idly and not be beneficially used."

Albemarle has never been able to, nor are they likely ever going to be able to, put the water permitted to it to beneficial use. In its progress reports, Albemarle consistently cites to economic and structural impedances to its ability to put the water to full use. However, the impediment to the full use of water is a lack of ability to use 20,000 acre feet for its project, not economic or structural issues. Albemarle's operation simply cannot use 20,000 acre feet of water.

The anti-speculation doctrine reiterates a long-standing premise of western water law: an appropriator must show intent to put the appropriated water to beneficial use in a reasonable amount of time.⁸ In Ruling 6343, the State Engineer reviewed Nevada's anti-speculation doctrine. In doing so, the State Engineer found that a third extension violated the anti-speculation doctrine. Here, the State Engineer is considering Albemarle's 19th extension. The Nevada Supreme Court has stated,

[the anti-speculation] doctrine precludes speculative water right acquisitions without a showing of beneficial use. Precluding applications by persons who would only speculate on need ensures satisfaction of the beneficial use requirement that is so fundamental to our State's water law jurisprudence.⁹

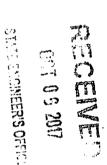
The Nevada Supreme Court has further stated,

the preeminent public policy concern in Nevada regarding water rights is beneficial use... the legislature has recognized that water is a limited resource in Nevada and it belongs to the public; therefore one who does not put it to a beneficial use should not be allowed to hold it hostage.¹⁰

Lastly, the Nevada Supreme Court has held that,

a mere statement of intent to put water to beneficial use, uncorroborated with any actual evidence, after nearly twenty years of nonuse is insufficient to justify a sixteenth extension to file proof of beneficial use resulting in cancellation of the right.¹¹

The State Engineer's office has explained that the legislative history of Nevada Revised Statutes ("NRS") 533.370(1)(c)(2) demonstrates that the anti-speculation doctrine applies to permits such as Albemarle's.¹² "While beneficial use is the cornerstone of Nevada water law,



⁷ In re Manse Springs, 60 Nev. 280, 287, 108 P.2de 311, 315 (1940).

⁸ Bacher v. State Engineer, 122 Nev. 1110, 146 P.3d 793 (2006).

⁹ Id. at 1121, 146 P.3d at 799 (2006).

¹⁰ Preferred Equities Corporation v. State Engineer, 119 Nev. 384, 389, 75 P.3d 380, 383 (2003); see also Bacher, 122 Nev. at 1118, 146 P.3d at 797; see also Ruling 6343.

¹¹ Desert Irr. Ltd. v. State, 113 Nev. 1049, 944 P.2d 835 (1997).

¹² Ruling 6343.

Re: Albemarle Extensions of Time October 5, 2017

Page 3

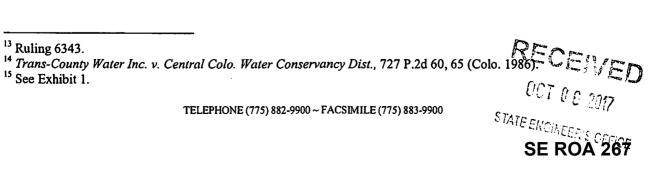
the concept of diligence also runs deep through the water law."¹³ Allowing Albemarle to "maintain a[n]... appropriation without progress frustrates the fundamental policy of promoting the maximum use of the State's limited water supply."¹⁴ Albemarle has, for nearly two decades, been granted extensions of time to put their water rights to beneficial use. Yet, Albemarle has never shown an ability to use the full amount of its water rights.

A review of Albemarle's file shows that decades ago, Albemarle filed permits to ensure that it maintained water rights equal to the perennial yield of the basin. 15 For decades, this water has sat unused by Albemarle. According to the file, Albemarle has never been able to use more than roughly 11,000 acre feet in any given year. On average, Albemarle is able to put less than 10,000 acre feet to beneficial use. Yet, Albemarle has been permitted to hold 20,000 acre feet of water rights without showing an ability to use half of that water. In every recent year, Albemarle has filed progress reports with your office that show it cannot use all of the water it is permitted. Additionally, these reports show that Albemarle continues to drill new wells and rehabilitate existing wells without proper reporting to your office. These progress reports are almost identical year after year, showing no reasonable progress towards using the full extent of their permits. Thus, nearly 10,000 acre feet of water goes unused in Clayton Valley year after year.

That extra water can - and should - be put to beneficial use. Companies such as Pure Energy are forced to sit by and watch this water go unused because the water is being held hostage by Albemarle. Albemarle has manipulated the permitting system to keep competition out of Clayton Valley. Pure Energy holds valid federal mining rights to lithium in Clayton Valley, but seemingly cannot access that lithium without access to water under the current interpretations of Nevada water law. Pure Energy strives to mine Nevada lithium for Nevada companies, using Nevada workers, but cannot because Albemarle has strategically claimed water they will never use. If Albemarle is allowed to continue to hold all of the available water in Clayton Valley in unused permits, Nevada will miss a golden opportunity to become a leader in renewable energy lithium production.

Albemarle's extension of time to put its water to beneficial use should be denied, in part or in full, because the right to use water in Nevada is limited to what can reasonably be used. Water speculation or hoarding is prohibited in Nevada. A water holder simply cannot hold onto water rights they cannot themselves use within a reasonable amount of time. However, that is exactly what Albemarle has been doing for decades. Albemarle is speculating on their water because Albemarle knows that it cannot use this water. But by tying the water up in a permit stage, Pure Energy will be hampered in accessing its own federal claims to lithium. The water belongs to the public, and should be free to be placed to beneficial use by a willing user.

Pure Energy respectfully requests that your office deny, in whole or in part, Albemarle's application to extend time to place its water rights to beneficial use. 19 years is beyond a reasonable amount of time to prove up a set of permits. As such, your office should require



Re: Albemarle Extensions of Time

October 5, 2017

Page 4

Albemarle to prove up the used water, allowing the unused water to be beneficially used by those who can use it.

If you have any questions, please contact us at our office.

Sincerely,

Timothy D. O'Connor, Esq. TAGGART & TAGGART, LTD.



EXHIBIT 1



EXHIBIT 1

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

 Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Rockwood filed for a Super Permit under application #85746. This application was protested by Esmeralda Minerals LLC. The purpose of this Super Permit is to consolidate all of the existing groundwater permits and certificates for the continued pumping of the multiple groundwater sources owned by Rockwood Lithium and used for the withdrawal of the groundwater Lithium resource. The application was filed on 12/18/2015 and became Ready For Action on 03/05/2016. The Protest was filed by Esmeralda Lithium/Pure Energy on March 7, 2016. Rockwood Lithium continues to pump its existing water rights from wells that are interspersed on the Rockwood claims. The groundwater/brine that is pumped is placed into evaporative ponds that are used to concentrate the groundwater into a lithium concentrate for processing at the adjoining mill.

Well rehabilitation/drilling/development during 2015-2016 has resulted in greater capacity on a year on year basis. Rockwood Lithium has focused on its well efficiency across the playa resulting in an overall increase in well production. This focus has allowed the site to maintain a more consistent pumping rate throughout the year. However, critical well failures have also played a role by creating well downtime and thus negatively impacting pumping rates. Rockwood Lithium has detailed plans to minimize the downtime of each well and is beginning to see long term results. These plans start with maintaining a critical inventory of parts and equipment on site along with a team of qualified personnel immediately available for well repair/rehabilitation activities. Additional development of our water distribution facilities include; continuing to optimize our existing wells, rehabilitate older wells and drill new wells where appropriate.

An overall expansion plan has been implemented to increase our total pumping to a withdrawal of the permitted 20,000 acre feet per annum. One such action was the drilling of a replacement well under permit 86029 which was issued on 04/12/2016. Another action includes the preparation of the required permitting documents for the installation of two new wells during 2016. In addition, Rockwood Lithium is in the process of completing further scientific analysis of the groundwater system (via seismic and hydro stratigraphic modeling) in order to improve on its existing reservoir of knowledge in the Basin aquifer system. In the future, these will allow for more accurate targeting of production zones within the underground source. These items will continue throughout 2017 in order to make progress towards our goal of using the full permitted volumes.

Finally it should be noted that our efforts to expand our use of the permitted resource has been hindered by the proliferation of exploratory drilling in Clayton Valley. These exploration activities are being undertaken in wells immediately contiguous to wells used by Rockwood and thus we have been working to understand the negative impact resulting from these activities.

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considerable amount of time has been expended on administratively rejecting intrusion into the mining resource held by Rockwood Lithium and in analyzing what contributing effects that the additional withdrawal of the groundwater might have on the environment and the integrity of the groundwater basin. Concerns have been raised as to the potential impact of planned reinjection from contiguous claims and its dilution/pollution impact on the groundwater/lithium resource. Rockwood Lithium has also brought forward concerns as to inappropriate drilling techniques and perhaps unknown construction issues that may result in further impacts to this resource. All of these issues have substantiated growing concerns as to the physical ability of the groundwater resource to handle the potential over drafting of the groundwater as well as the potential impact to the pumping wells held by Rockwood Lithium.



WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Well rehabilitation/drilling/development in 2014-2015 ultimately resulted in greater capacity. However, some critical well failures resulted in downtime. Plans to minimize the downtime of each well are continuing to improve. These plans include having qualified personnel readily available and an inventory that meets the needs of our wells. Addition development for our water distribution facilities include, continuing to optimize our current wells, rehabilitate older wells and drill new wells. These items will continue throughout each year in order to make progress towards our goal of using the full permitted volumes. Currently the completion date is underdetermined.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping.

 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period.
 11,720 acre-feet was used in 2014, during the period from August 2014-July 2015 the use was 11,533 acre-feet.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Several wells were drilled towards the end of 2014. Maintenance and development of all wells continued thereafter with scheduled plans to drill new wells in the remaining months of the year 2015. Similar development activities will take place in late 2015 and into 2016.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable lates SUBBNIONE BLOWN No reports or engineering drawings are submitted for review.

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Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are continuing to improve. Our new owner, Albemarle Corp., has shown favorable spending and support for expansion. In late 2014 and early 2015 there were some critical well failures that resulted in a reduction in volume from the previous year. However, with great effort we were able to repair these wells and continue working towards our goal. Funding has been approved to continue well rehabilitation and drilling for the remainder of the year, thus production volumes will continue to fluctuate until enough wells can provide flexibility to manage pumping rates at sustainable levels.

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2012-2013 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,670 acre-feet was used in 2012.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements. In 2012-2013, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2013 and
- throughout 2014, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.

 Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use. 6.
- 7. establish full beneficial use.



Market conditions are on an upswing. Drill rig repairs started at the end of 2012 and continued through the 1st and half of the 2nd quarter of 2013. The drill rig has been rebuilt and will continue to drill new production wells during 2013 and 2014.

STATE ENGINEERS OFFICE

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STATE ENGINEER'S OFFICE

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2011-2012 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,606 acre-feet was used in 2011.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.
 In 2011-2012, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2012 and throughout 2013, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Turn over of upper management at the end of 2011 resulted in slower than expected results.

STATE ENGINEERS OFFIC

STATE ENGINEERS OFFICE

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period. 7 7566 d 6,565 acre-feet was used in 2010. 4.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements. In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been 6. submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.
- 7.

STATE ENGINEER'S OFFICE

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Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.



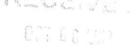


WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 1.524 acre-feet was used in 2009.
- Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production wells drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 No reports or engineering drawings are submitted for review.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.



Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.



WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2008-2009 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 10,089 acre-feet was used in 2008.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2008-2009, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2009 and throughout 2010, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 One engineering design change for Chemetall Foote Corp.'s Water Pollution Control Permit was submitted and approved by NDEP in 2009. No other reports or engineering drawings are submitted for review.

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7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products beginning in late-2008, continuing into mid-2009. The result of this was the temporary idling of wells and transfer pumps, employee reduction in force, and budget cuts. Wells normally operated during this time are in recovery from pumping, with occasional pumping needed to exercise the pumping system. 2009 stimulus money, approved in August, is intended to aid this situation, allowing for restarting production wells and new well drilling and/or rehabilitation of older wells.

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- What type of mineral is being mined?
 Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

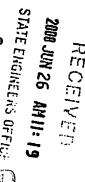
Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period.
 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 None have been submitted or recorded.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

 No known adverse conditions.



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BRADLEY CROWELL Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES **DIVISION OF WATER RESOURCES**

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

> Permit(s) 52918, 52919, 52920, and 52921 RE:

This is to inform you that upon review of the Applications for Extension of Time for Permits 52918, 52919, 52920, and 52921, including attached exhibits, and, considering the grounds raised in the objection by Pure Energy Minerals, Ltd. to the Applications for Extension of Time, the Applications for Extension of Time for filing Proof of Beneficial Use have been granted for ONE YEAR, until September 30, 2018, not the requested 5 years, with the provision that no further extensions will be granted for filing of the Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr cc:

Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

Albemarle U.S., Inc.

Parsons, Behle & Latimer (email) (Permits 52919, 52920, and 52921 Only)

BRIAN SANDOVAL Governor BRADLEY CROWELL Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

Re: Permits 52918, 52919, 52920 and 52921

Dear Ladies and Gentlemen:

Applications for Extension of Time submitted by you and received in this office on September 28, 2017, are being approved; however, an extension of time is only being granted for **ONE YEAR** and not the five years that were requested on the application.

The \$1920.00, receipt 34544 in filing fees in excess of a one year extension will be returned to you under separate cover.

Should you have any questions regarding this matter, please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee P.E. Water Resource Specialist I

AB/sg Enclosure

ABSTRACT OF TITLE

Please retain this sheet underneath the Summary of Ownership form

PERMIT 52918
PAGE 1 of 1

DEED NO.	GRANTOR	GRANTEE	CFS	AF	Units	FILE UNDER 	DOC # DATE	DOCUMENT DESCRIPTION REMARKS
info only	Foote Mineral Company	Original Applicants filed 2/9/1989 for mining and domestic purposes Permit Approved 8/30/1993	5	3619.85	I	52918 2/9/1989 8/30/1993	Original Application	Application to Appropriate an underground source POD SW4NE4. Sec. 19, T. 1S., R. 40E., M.D.M.
-	Foote Mineral Company	Cyprus Foote Mineral Company	_	I	ı	10/9/1989	1/19/1989	Cert. of Amend - Corp. Name Chg. State of PA.
7	Foote Mineral Company	Cyprus Foote Mineral Company	တ	3619.85	I	10/9/1989	10/5/1989	Cert. of Amend - Corp. Name Chg. State of NV.
ю	Cyprus Foote Mineral Company	Chemetall Foote Corporation	. v	3619.85	ı	3/12/1999	2/5/1999	G, B & S Deed Water Rights (Corp. Name Chg)
4	Chemetall Foote Corporation	Rockwood Lithium Inc.	S.	3619.85	I	7/8/2014	3/22/2012	Cert. of Amended Corporation Name Change State of DE
5	Rockwood Lithium Inc.	Albemarle U.S., Inc.	S.	3619.85	ı	10036	202732140	Certificate of Amended Corporation Name Change, State of Delaware
info only	Albemarle U.S., Inc.	Original Applicant filed Nov 3, 2017 for mining and milling purposes	0.2	145	I	RFA 87458T 11/3/2017	Application to Change	Application to Change the POD, POU & MOU of a portion of Permit 52918
info	Albemarle U.S., inc.	Original Applicant filed Nov 3, 2017 for mining and milling purposes	0.25	181	ı	RFA 87461T 11/3/2017	Application to Change	Application to Change the POD, POU & MOU of a portion of Permit 52918

State of Nevada Division of Water Resources Request for Correspondence and Change of Address

In reg	ard to permit	number(s) 52918, 52919, 52920, 52921, 85746	_ (Check applicable item)
7		ny name to the mailing list and send copies of all correspondence to the address below: / ADDRESS information only.)	
		ge the address for copies to be sent as indicated below: VADDRESS and OLD ADDRESS information.)	
		mit holder. Please change my address as indicated below: / ADDRESS and OLD ADDRESS information.)	
NEW	ADDRESS		
Name	: :	Tim O'Connor	
Addr	ess:	108 North Minnesota Street	
City,	State, ZIP:	Carson City, NV 89703	
Telep	hone:	775-882-9900	
Emai	1:	paul@legaltnt.com; tim@legaltnt.com	
7	I prefer to re Documents.	ceive correspondence by email. By checking this box, I agree to the terms under Consent to	Electronic Delivery of
OLD	ADDRESS		
Name	: :		
Addr	ess:		
City,	State, ZIP:		
Telep	hone:		
I am	the:		
V	Individual n	amed above. (Complete signature below only.)	
	Agent (Com	plete signature, name and address below.)	7
	Representati	ve (Complete signature, name and address below.)	AON LIST
		ly reflects the mailing address for the permit holder or other individual identified above.	
Signa	iture:		C, ===
Name	e :	Tim O'Connor	<u> </u>
Addr	ess:	108 North Minnesota Street	<u> </u>
City,	State, ZIP:	Carson City, NV 89703	****
Telep	hone:	775-882-9900	
Emai		paul@legaltnt.com; tim@legaltnt.com	
V	I prefer to re Documents.	ceive correspondence by email. By checking this box, I agree to the terms under Consent to SE	Electronic Delivery of EROA 288

ABVANTAGE Payment Voucher (PV) Input Farm

*Only use "T" or "D" numbers.

Field must include numbers, or all zeros.

"Only use end of fiscal year (Jul, Aug, Sept)

11/15/17

Misc. 705

Vendor Code/Number*:

Acct. Period*:

Fiscal Year: FY 2018

Doc Number: PVE 705 - 0000 | 10| 7

Vendor Name: Rockwood Lithium, Inc.

70/5 g Cat 10 Line Description (27 Spaces) 417210 Excess Remit - Ext Grant/Program Name: BSR Clear Date: By: Program/Project #: Approval (Sign): Date Approved: Div. #/Cat. #: Grant#: B/A #: PEND4 approved by: E-52919 V E-52920 🗸 E-52918 V E-52921 V Invoice # (12 sp) Comments/Text Box (F3) (only first 2 lines print on warrant): Division of Water Resources - Contact Julie Sermeno 775-684-2850 480.00 480.00 480.00 480.00 1,920.00 Amount ₩ ₩ 69 H Julie Sermeno Job# (Prog/Proj) (8 sp) Date: PEND3 approved by: Object Revenue (GL#) (4 sp) TOTAL: 7650 7650 7650 7650 Appr. Unit (BA# & Cat) (6 sp) 417210 417210 417210 417210 Why: Sub Org (Unit) (2 sp) Your Ck #28751, refer to letter dated 10/20/17 Doc. Prepared by: Julie Sermeno Date: 11/15/17 Org (DivSec) (4 sp) 0000 0000 0000 000 PROBLEMS / REJECT By: Date: 705 705 705 705 Fund # (4 sp) 5 10 101 101 # Ei 8 5 05 8 8 60 = 12 9 20 8 9

SE ROA 289

Revised: October 1, 2001

STATE OF NEVADA DIVISION OF WATER RESOURCES SUMMARY OF OWNERSHIP Please retain this sheet on top of file	52918 USE: MM CFS: 5 DUTY: 3619.85 AF ISSUED: CFS: DUTY: AF	REVIEW 7/18/2014 BY: SUPPLEMENTAL TO: 44251 thru 44261, 44267 thru 44270, 49988, 52918 thru 52921 TCD	UPDATE: 11/16/2017 BY: DZ DUTY CHANGED BY REFERENCED CFS AF UNITS STATUS DOCUMENTS DESCRIPTION	i.S., Inc.	i.S., Inc. — 0 87061T RFA	.S., Inc. — 0 87058T RFA	GRAND TOTALS & 3810 86
	PERMIT: 529 CERTIFICATE:	REVIEW 7/18/2 DATE:	LAST UPDATE: 11/16/ Owner	Albemarle U.S., Inc.	Albemarle U.S., Inc.	Albemarle U.S., Inc.	

SE ROA 290

BRIAN SANDOVAL Governor



JASON KING, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov December 4, 2017

VIA EMAIL



Parsons, Behle & Latimer Mr. Ross De Lipkau 50 W Liberty, Suite 750 Reno, NV 89501

RE: Water Rights Title

Mr. De Lipkau:

Please be advised that your *Reports of Conveyance* received on August 2, 2017, are hereby confirmed to update ownership of water rights and applications as listed in the table below. These water rights are now in the name of **ALBEMARLE U.S., INC.** Details of the permits, including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	cfs	Duty (afa)	Acres/Units
10036/2627	0.334		
15847/4838	0.530		
24382/7234	1.000	723.95	
44248	1.000	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.000	723.97	
44252/12771	0.430	311.30	
44253/12772	0.840	608.13	
44255/12773	0.390	282.35	
44256/12774	0.220	159.27	
44257/12775	0.350	253.39	
44258/12776	0.270	195.47	
44260/12777	0.200	144.79	
44261/12778	0.220	159.27	
44267/12779	0.440	318.50	
44268/12780	0.462	334.47	
44269/12781	0.260	188.23	
44270/12782	1.000	723.97	
49805/14655	0.130	20.16	
49988/14295	2.000	1448.00	

Parsons Behle & Latimer Mr. Ross De Lipkau Permit 10036+ December 4, 2017 Page 2 of 2

52917	1.000	21.63	
52918	5.000	3619.85	
52919	3.000	2171.91	87053T por. change
52920	5.000	3619.85	
52921	5.000	3619.85	
85746	***		
86951T			
86952T			
87053T	2.000	1447.94	

Also be advised that the confirmation of your Report of Conveyance does not guarantee that the water right is in good standing with the office of the State Engineer; the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and, this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right. See NRS 533.386(2)(a)-(b).

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, call (775) 684-2829.

Sincerely,

Dan Zampirro

Engineering Technician III

Dan Zampirno

DZ/arp

cc: Albemarle U.S., Inc.

$\frac{No.529}{}$	19	Date File	d FEB 09	1989					
Ind	lexed under	~				W	ell Log	No	Loc
Name of applicat	nt	$\geq \leq$							
Map			Basin CLAYTON VALLEY						
Stream	Stream			10 - 14					
Township 2 S	Range 39 E.						County E	CHEF	281 DA
Point of diversion	SW 1/4 NE 1	/4 Section	1 /3					DMEK	LALUA
Applicant	Applicant FOOTE MINERAL						Ad	0@P/	AMP
Source of Water	UNDERGRO	UND	COMPANY					300	
Source of Water Returned for corr				Abroga	ted by \$7	NCAT	0.0	00%	
Corrected applica	Returned for correction Abrogated by 87053T 2.0 port. Corrected application received								
Map filed 12/8	181 UNDER	44251	(POD DN	SHEET	#1055				·
	Map filed 12/8/81 UNDER 44251 (POD ON SHEET #1 0 F 5) Sent for publication MAR 1 1989								
Proof of publicat	Proof of publication filed APR 1 0 1989								
Investigated on gr	Investigated on ground by								
Protested									
Protested									
Ready for action	Ready for action MAY 6 1989								
Approved Qux 30,1993 5,0cfs mining domestic									
Approved OD Denied	0	<u></u>	910	CFS	11111111	A COUR	STIC		
Denied Denied De	PROOF COMMENCE	OF EMENT	PROOF OF COMPLETION		PROOF OF BENEFICIAL USE		CULTURAL MAP		
			SEP 30	10000	SFP 3 0 19980a		 		
1st extension			OLI OU	1330×60	CKOS ON STATE		 		
2nd extension			<u> </u>		1300	14 0 X 0X			
			NO FLATHER EXTENSION		NO FORTHE	+			
Date filed			MAY 2	1 1998	10101111		 		
Date filed									
	-						Filed	under	map
CERTIFICATE NO.			ISSUED						
Use			ISSOED			AMOUNT	<u> </u>		
COMPUTER CHECK	File Entry		Publication	Noh	Permit	<u> </u>	G. 15		
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Ross de Lipkau P.O. Box 2790 Reno, NV 89505

108

DIVISION OF WATER RESOURCES

CARSON CITY, NEVADA

TRANSMITTAL OF COPIES

FEB 2 4 1988

The following xerox copies were forw Office, Division of Water Resources, thi	arded to the Las Vegas Branch s date:
NO. 52919	
Application	FEB 2 4 1988 //
Amended Application	
Мар	3-1-89 JSF
Publication	MAR 1 1989 (ma)
Ready for Action Card	<u>3-14-890</u>
Permit	8.31-93 aB
Final Notice	10-2-97 Kg
Final Notice	
Proof of Completion	9/28/98 OS
Extension of Time	11-13.95 cmg/5/19/98.05.
Proof of Beneficial Use	
Cultural Map	WAY 2 2001 I T
Extension of Time	1-16-02 DR 1023-0354 101 1 2 2004 LT
Cultural Map	
Certificate	
Assignment Sheet	1-28-92 Cat
Cancellation	

THIS SHEET TO BE KEPT AT THE TOP OF THIS FILE FOR EASY REFERENCE

Form 22 (Rev. 12-88)

SE ROA 295

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

	THIS SPACE FOR	R OFFICE USE ONLY
	Date of filing in State Engineer's Office. FEB. 0.9.	1989
	Returned to applicant for correction	•••••••••••••••••••••••••••••••••••••••
	Corrected application filed	Map filed DEC 08, 1981 under 44251
The	e applicant FOOTE MINERAL COMPANY	
••••	Street and No. or P.O. Roy No.	of Silver Peak City or Town
		, hereby make.s. application for permission to appropriate
1C(orporation; if a copartnership or association give nam	stated. (If applicant is a corporation, give date and place of members.)
s a	applicant a U.S. citizen? Yes No No napplicant 21 years of age or older? Yes No No Second Second 25 requires that applicants be a citizen of the come a citizen, and that they be 21 years of age or older.	he United States or have legally declared their intention to
s a NR Dec	Applicant 21 years of age or older? Yes No Case S 533.325 requires that applicants be a citizen of the come a citizen, and that they be 21 years of age or older.	he United States or have legally declared their intention to
s a VR vec	applicant 21 years of age or older? Yes No Cas 533.325 requires that applicants be a citizen of the come a citizen, and that they be 21 years of age or older. The source of the proposed appropriation is	he United States or have legally declared their intention to er. underground. Name of stream, lake, spring, underground or other source.
s a VR ecc	As 533.325 requires that applicants be a citizen of the come a citizen, and that they be 21 years of age or older. The source of the proposed appropriation is	he United States or have legally declared their intention to er. underground. Name of stream, lake, spring, underground or other source. fs
s a NR vecco	applicant 21 years of age or older? Yes No Cas 533.325 requires that applicants be a citizen of the come a citizen, and that they be 21 years of age or older. The source of the proposed appropriation is	he United States or have legally declared their intention to cr. underground. Name of stream, lake, spring, underground or other source. fs
s a NR reco 1.	applicant 21 years of age or older? Yes No Cas 533.325 requires that applicants be a citizen of the come a citizen, and that they be 21 years of age or older. The source of the proposed appropriation is	he United States or have legally declared their intention to cr. underground. Name of stream, lake, spring, underground or other source. fs
s a NR veco 1.	The source of the proposed appropriation is	he United States or have legally declared their intention to cr. underground. Name of stream, lake, spring, underground or other source. fs
(s a NR neco	The amount of water applied for is	he United States or have legally declared their intention to cr. .undergroundName of stream, lake, spring, underground or other source. .fs
s a NR reco 1.	The amount of water applied for is	the United States or have legally declared their intention to be an intention to be a second foot equals 448.83 gallons per minute. Legally declared their intention to be a second foot source. Legally declared their intention to be a second foot source. Legally declared their intention to be a second foot source.
s a NR reco 1.	The amount of water applied for is	the United States or have legally declared their intention to be read. underground. Name of stream, lake, spring, underground or other source. fs
(s a NR neco	The source of the proposed appropriation is	he United States or have legally declared their intention to be an advergence of stream, lake, spring, underground or other source. Landerground Stream, lake, spring, underground or other source. Landerground Stream, lake, spring, underground or other source. Landerground Stream, lake, spring, underground or other source. Landerground Stream, lake, spring, underground or other source.



5.	The water is to be diverted from its source at the following point within the SW4 NE4 Section 13 Describe as being within a 40-acre subdivision of public
	Township 2 South, Range 39 East, MDB&M, at a point from which the southwest survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
	corner of Section 22 Township 2 South, Range 39 East, MDB&M bears South 58°18'54"
	West a distance of 16,265 feet.
6.	Place of use Refer to Exhibit "A" attached hereto. Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7.	Use will begin about January 1 and end about December 31 of each year. Month and Day Month and Day
	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 and cased well, distribution State manner in which water is to be diverted, i.e. diversion structure,
	system, delivery to evaporation ponds. ditches and fluxes, drilled well with pump and motor, etc.
9.	Estimated cost of works \$30,000
10.	Estimated time required to construct works. Five years If well completed, describe works.
11.	Estimated time required to complete the application of water to beneficial use. Ten years
12.	Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.
	The brine pump pursuant to this application contains the mineral, lithium. The
	area which includes the point of diversion and place of use is appurtenant is
	located pursuant to the Mining Laws of 1872, as found in 30 USC Sec 22, et seq.
	The brine solution is pumped to evaporation ponds, where the lithium is recovered
	from the dehydrated solution. This water right will be utilized in conjunction
	with others held by the applicant. Use map on file under Permit 44253.
	by Signature, applicant or/agent Ross E. de Lipkau
A 5>	P. O SLEEP and No. Or P.O. Box No.
	PLICATION MUST BE SIGNED Reno, NV 89505 THE APPLICANT OR AGENT City, State, Zip Code No.

2888 (Rev. 4-82) SE ROA 297

EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 28 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

* On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1983 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

]	Date of filing in State Engineer's Office
J	Returned to applicant for correction
(Correction application filed
1	Map filed
	The control of the co
	The applicant FOOTE MINERAL COMPANY
	Street and No. or P.O. Dox No. Of Silver Peak City or Town
-	Nevada 89047 hereby make S application for permission to appropriate the public State and Zip Code No.
V	vaters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorpora-
	on; if a copartnership or association, give names of members.)
	Incorporated in the State of Pennsylvania on September 30, 1964.
	The source of the proposed appropriation is
	2. The amount of water applied for is 5.0 cfssecond-feet
	(a) If stored in reservoir give number of acre-feet
	3. The water to be used forMining_and_domestic.purposes
	4. If use is for:
	(a) Irrigation, state number of acres to be irrigated:
	(b) Stockwater, state number and kinds of animals to be watered:
	(c) Other use (describe fully under "No. 12. Remarks"
	(d) Power:
	(1) Horsepower developed
	(2) Point of return of water to stream.
5	
	The water is to be diverted from its source at the following point: Within the SW4 NE4 Section 13, Describe as being within a 40-acre subdivision of public Township 2 South, Range 39 East, MDB&M, at a point from which the southwest survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
	corner of Section 22. Township 2 South, Range 39 Fast MDR&M hears South
5	Place of use Refer to Exhibit "A" attached hereto
	Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7	Use will be begin aboulanuary 1 and end about December 31 , of each year.
8.	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 and cased well, distribution, system. State manner in which water is to be diverted, i.e. diversion structure, ditches and
	delivery to evaporation ponds. (limits, drilled well with pump and motor, etc.
Э.	Estimated cost of works\$30,000
	SE ROA 299

10.	Estimated time required to construct works	Five years					
		If well completed, describe works.					
11.	Estimated time required to complete the application of water to beneficial use						
12.	Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.						
	pursuant to the Mining Laws of 1872 solution is pumped to evaporation ped dehydrated solution. This water righeld by the applicant. Use map on i	lication contains the mineral, lithium. The area on and place of use is appurtenant is located, as found in 30 USC Sec 22, et seq. The brine onds; where the lithium is recovered from the ght will be utilized in conjunction with others file under Permit 44253.					
		/s/ Ross E. de Lipkau					
_		Ru Ross E. de Linkau					
	11.7	By Ross E. de Lipkau P.O. Box 2790					
Com	pared kh/ps ab/se	Reno, Nv 89505					
Prote	ested						
FIOR	cstcu						
	APPROVAL	OF STATE ENGINEER					
	This is to cartify that I have aromined the force						
follo	wing limitations and conditions:	oing application, and do hereby grant the same, subject to the					
		existing rights. It is understood that the					
amoun	t of water herein granted is only a	temporary allowance and that the final water					
right	obtained under this permit will be	dependent upon the amount of water actually					
prace	d to beneficial use. It is also	understood that this right must allow for a					
reaso	nable lowering of the static wate	r level. This well shall be equipped with a					
two	(2) inch opening for measuring dept	h to water. If the well is flowing a walve					
Pat	be installed and maintained to	prevent waste. A totalizing meter must be					
Msta	lled and maintained in the discha	prevent waste. A totalizing meter must be rge pipeline near the point of diversion and					
accura	ate measurements must be kept of wat	er placed to beneficial use The totalizing					
meter	must be installed before any	use of water begins or before the Proof of					
	etion of Work is filed.	•					
public	c, private or corporate lands.	permittee the right of ingress and egress on					
Pastr	The total combined duty of water un-	der Permits 44251, Certificate 12770; 44252,					
Certi	ficate 12771: 44253. Certificate	10550 11050 - 11-					
Certi	ficate 12774; 44257, Certificate	12772; 44255, Certificate 12773; 44256, 12775; 44258, Certificate 12776; 44260,					
(CONT)	INUED ON PAGE 2)	,,					
The s	emount of water to be appreciated shall be limite	-4 4- 4					
1110 0	amount of water to be appropriated snan be inmite	ed to the amount which can be applied to beneficial use, and					
not to	exceed	cubic feet per second . but not to exceed 3619.85					
acre	e-feet annually.						
	must be prosecuted with reasonable diligence and						
Proof	of completion of work shall be filed before	September 30, 1995					
	cation of water to beneficial use shall be filed on o						
Proof	of the application of water to beneficial use shall be	filed on or before September 30, 1998					
Map i	n support of proof of beneficial use shall be filed o	n or beforeN/A					
Comple	etion of work filed IN TE	STIMONY WHEREOF, L. R. MICHAEL TURNIPSEED, P.E.					
_	Str	ate Engineer of Nevada, have hereunto set my hand and the seal of					
Proof o	or denencial use filed						
Colonia	n) man filed	y office, this 30th day of August					
Cutura	al map filed	D1993					
Certific	ate NoIssued						
-	218 (Rev.)	Alfreday for sout is					
_	•	State Daniana					

Page 2 52919

(PERMIT TERMS CONTINUED)

Certificate 12777; 44261, Certificate 12778; 44267, Certificate 12779; 44268, Certificate 12780; 44269, Certificate 12781; 44270, Certificate 12782, 49988, 52918, 52919, 52920 and 52921 shall not exceed 17.86 million gallons per day or 20,000 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 ground water basin.

permanent effects on existing rights and the resource within the ground water basin.

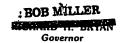
The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.



EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., N.D.N., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 28 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1933 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.





PETER G. MORROS, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710 (702) 885-4380 March 6, 1989

RE: 52918 through 52921

Foote Mineral Company Silver Peak, Nevada 89047

Ladies and Gentlemen:

The above referenced applications to appropriate water for mining, and domestic purposes have been reviewed by this office. Before further consideration can be given towards the issuance of any permit should the applications become ready-for-action, it will be necessary for you to submit additional justification data and information concerning the annual consumptive use of water for mining and milling purposes under your applications. Therefore, the following information is hereby requested (please answer all applicable items):

- 1. The number of hours per day and days per year of plant operation that water will be consumed.
- 2. The number of tons of ore to be processed on a daily basis.
- 3. The amount of water in gallons per ton of ore required by your plant operation.
- 4. Accurate description of all plant operation components utilizing water along with the hourly/daily volume of water (i.e. gallons per hour) required for each component.
- 5. Minimum total volume of water required for plant operations on a daily basis.
- Total annual volume of water calculated to be recycled or the % Recycle Factor of Item (5) above, and description of recycling method(s).
- 7. Projected total annual consumptive use, including plant losses, dust control and domestic use.

Page 2

3

RE: 52918 through 52921

March 6, 1989

Your earliest response would be greatly appreciated. Should you have any questions regarding this matter, please contact this office.

Sincerely,

Diana Jean Lefler

Hydraulic Engineer II

Wrong sean defler

DJL/kh

Certified Mail No. P 965 007 659

cc: Ross E. de Lipkau, Certified Mail No. P 965 007 660

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

June 26, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Gentlemen:

The referenced ready for action applications have once again been reviewed and to date this office has not received the required information requested in our last letter of March 6, 1989, a copy of which is enclosed. Justification of consumptive use is imperative before further consideration can be given to the issuance of any permit.

Further action will be withheld on these applications for a period of thirty (30) days from the date of this letter. At that time, we will assume you are no longer interested in pursuing these applications and appropriate actions will be considered for their denial.

Should you so desire, NRS 533.370, Subsection 2.(a) provides "Action can be postponed by the state engineer upon written authorization to do so by the applicant..." This office would require a written authorization from the applicant to the State Engineer requesting postponement of further action for a period of up to one year.

Should you have any questions regarding this matter, please contact this office.

Sincerely,

Diana Jean Lefler

Hydraulic Engineer II

DJL/jm

Certified Mail No. P 179 142 879

Enclosure

cc: Ross E. deLipkau

Certified Mail No. P 179 142 880

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

July 17, 1989

WITH OFFICES IN:

DENVER, COLORADO Sherman & Howard 3000 FIRST INTERSTATE TOWER NORTH 639 SEVENTEENTH STREET DENVER, COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET DENVER, COLORADO 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER IO2 SOUTH TEJON COLORADO SPRINGS, COLORADO 80903 TELEPHONE 719 475-2440 TELECOPIER 719 635-4578

TELEPHONE: 702 323-1601 TELECOPIER: 702 348-7250 8971987

ROSS E. DELIPKAU

Ms. Diana Jean Lefler Aydraulic Engineer II Division of Water Resources 201 South Fall Street Carson City, Nevada 89710

Applications 52918-52921, Inclusive

Dear Ms. Lefler:

This is to acknowledge receipt of your letter dated June 26, Pursuant to NRS 533.370(2)(a), request is hereby made that you postpone action on the above referred to applications for a period of one year.

Should you wish to discuss the matter, please contact me.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

By Nos E. de Lipkau

REd/lbe 33593.003

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex
201 S. Fall Street
Carson City, Nevada 89710

August 8, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Ladies & Gentlemen:

As requested on your behalf by agent Ross E. deLipkau, and pursuant to NRS 533.370, 2(a), a one-year postponement of further action from the date of this certified letter is hereby granted for Application No.'s 52918 through 52921, inclusive.

Sincerely,

Diana Jean Lefler

Hydraulic Engineer II

Mian fran Lifter

DJL/jm

Certified Mail No. P 965 008 306

cc: Ross E. deLipkau

Certified Mail No. P 965 008 307

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

WITH OFFICES IN:

DENVER, COLORADO

Sherman & Howard

3000 FIRST INTERSTATE TOWER NORTH 633 SEVENTEENTH STREET DENVER, COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET PARKWAY DENVER, COLORADO 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

August 24, 1989

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER

102 SOUTH TEJON COLORADO SPRINGS, COLORADO 80903

Honorable Peter Morros Nevada State Engineer 201 South Fall Street Carson City, Nevada 89710 TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

Foote Mineral Company; Application Nos. 52917-52921

Dear Mr. Morros:

TELEPHONE: 702 323-1601

TELECOPIER: 702 348-7250

ROSS E. DELIPKAU

6971967

TELEX:

This is to confirm our conversation of August 23, 1989. Under Item 12, entitled "Remarks", I wish to make it quite clear that the four above-entitled applications seek to appropriate new water, and are not to be included within the annual limitation of 16,800 acre feet annually as permitted in Permit Nos. 44251-44270, inclusive, and Permit Nos. 49988-49996, inclusive.

Should you, or other members of your staff have any questions, please call.

Very truly yours,

HILL CASSAS de LIPKAU AND ERWIN

RED/kb

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

WITH OFFICES IN:

DENVER COLORADO Sherman & Howard

3000 FIRST INTERSTATE TOWER NORTH 633 SEVENTEENTH STREET DENVER, COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

Suite 700, Stanford Place 3 4582 South Ulster Street Denver, Colorado 60237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER 102 SOUTH TEJON COLORADO SPRINGS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

TELEPHONE: 702 323-1601 TELECOPIER: 702 348-7250 TELEX: 6971967

Ross E. DELIPKAU

September 14, 1989

Ms. Marilyn Meyer
Division of Water Resources
201 South Fall Street

Carson City, Nevada 89710

Re: Clayton Valley Groundwater Basin (10-143)

Applications 52918-52921, Inclusive

Dear Marilyn:

Enclosed herewith is our check in the amount of \$4.00 to cover the groundwater abstract. I note that Applications 52918-52921, inclusive, do not contain an annual duty set forth under that column. It is the intention of the applicant, as affirmed by my letter of August 24, 1989, that the applications seek to appropriate "new water" as contrasted to being supplemental to the other permits held by permittee. Accordingly, would you kindly change your records to reflect a duty of 3618.97 acre-feet annually for each application.

If you have any questions, please advise.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

By Ross E. de Lipkan

REd/lbe Enclosure 33593.003

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710 (702) 885-4380

February 13, 1990

52918, 52919, 52920, 52921

Ross E. deLipkau Hill, Cassas, deLipkau & Erwin P.O. Box 2790 Reno, NV 89505

Dear Mr. deLipkau:

In a letter dated September 14, 1989 you advised this office that applications 52918, 52919 52920 and 52921 in the name of Foote Mineral Company were filed to appropriate additional water than previously appropriated by the applicant. This office has incorporated that information into the record on the above referenced applications and will review the applications as requests for additional appropriation at the described locations.

If you have any questions on this matter, feel free to call me.

Sincerely,

Christine Thiel, P.E.

Chief, Office Engineering Section

CT/bc

cc: Foote Mineral Company

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

OFFICE MEMORANDUM

To: 529/8-21

Date: 5 /11AR 90

From: HUGH RICCI

above applicution Subject: Action on

A court case is on young between Frate and the U.S Government in regard to some of the mining claims in which the place of use of the whove applications coner.

A letter date 8 tros 89 allowed for a one year post porement for taking action.

And vicici





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 (702) 687-4380

December 20, 1991

RE: Water Rights Assignment

Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, NV 89047

Attn: C.B. Loundagin

Dear Mr. Loundagin:

Please be advised that the attached list of water rights have been assigned to show Cyprus Foote Mineral Co. as current owner of record.

This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions please contact this office.

Sincerely,

Rich Robinson

Engineering Technician III

RR/js

cc: Ross De Lipkau

S'ATUS REPURT

'ERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	A C.
10036	Cyrpus Foote Mineral Company	Cert #2627	0.334		ММ
15847	Cyprus Foote Mineral Company	Cert #4838	0.530		мм
24382	Cyprus Foote Mineral Company	Cert #7234	1.0	235.9 MGA	MM
44248	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
44249	Cyprus Foote Mineral Company	Abr. By 49805	1.0	6.57 MGA	QM
44250	Cyprus Foote Mineral Company	Cert #11268	0.003	100 Cattle	Stk
44251	Cyprus Foote Mineral Company	Cert #12770	1.0	723.97	ММ
44252	Cyprus Foote Mineral Company	Cert #12771	0.430	311.3 AFA	ММ
44253	Cyprus Foote Mineral Company	Cert #12772	0.84	608.13 AFA	ММ
44254	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	
14255	Cyprus Foote Mineral Company	Cert #12773	0.39	282.35 AFA	
14256	Cyprus Foote Mineral Company	Cert #12774	0.22	159.27 AFA	
14257	Cyprus Foote Mineral Company	Cert #12775	0.35	253.39 AFA	
14258	Cyprus Foote Mineral Company	Cert #12776	0.27	195.47 AFA	
l4259	Cyprus Foote Mineral Company	Abr. By 49990	1.5	1086.0 AFA	
:426	Cyprus Foote Mineral Company	Cert #12777	0.20	144.79 AFA	MM
4261	Cyprus Foote Mineral Company	Cert #12778	0.22	159.27 AFA	MM
4262	Cyprus Foote Mineral Company	Abr. By 49995 Abr. By 49996	1.5	1086.0 AFA	MM
4263	Cyprus Foote Mineral Company	Abr. By 49992 Abr. By 49993	1.5	1086.0 AFA	MM
4264	Cyprus Foote Mineral Company	Abr. By 49989	1.5	1086.0 AFA	MM
4265	Cyprus Foote Mineral Company	Abr. By 49994	1.5	1086.0 AFA	MM
4266	Cyprus Foote Mineral Company	Abr. By 49991	1.5	1086.0 AFA	ММ
4267	Cyprus Foote Mineral Company	Cert #12779	0.44	318.5 AFA	мм
4268	Cyprus Foote Mineral Company	Cert #12780	0.462	334.47 AFA	MM
		TOTALS			
			S	ROA 313	

STATUS REPORT

ERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	A.C.
4269	Cyrpus Foote Mineral Company	Cert #12781	0.26	188.23 AFA	мм
4270	Cyprus Foote Mineral Company	Cert #12782	1.0	723.97 AFA	мм
9805	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
9988	Cyprus Foote Mineral Company	Permit	2.0	1448.0 AFA	ММ
9989	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	ММ
9990	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	мм ·
9991	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	ММ
3992	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	MM
1993	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	мм
1994	Cyprus Foote Mineral Company	Permit	1.5	1330.0 AFA	мм
1995	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	MM
1996	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	ММ
:917	Cyprus Foote Mineral Company	RFA	2.0		QM
918	Cyprus Foote Mineral Company	RFA	5.0		мм
919	Cyrpus Foote Mineral Company	RFA	5.0		MM
920	Cyprus Foote Mineral Company	RFA	5.0		MM
921	Cyprus Foote Mineral Company	RFA	5.0		MM

			· · · · · · · · · · · · · · · · · · ·		
		TOTALS			
			S	ROA 314	

PERMIT TERMS SHEET

a.	APPLICATION NO. 52919	i.	Status of Basin: De	sig. 🤇	Non-Desig.
b.	Ready for Action May 6, 1989	j.	Basin Name	n Ush	Voy
с.	Source Underground		Basin Number		,
d.	Amount <u>56</u> 656		Reviewed: Office En		
e.	No. of Units, Cattle, Acres, etc.		7-30-97 By		
			Reviewed: Groundwate		er
f.	Manner of Use Mining and Demostic		30 JUL93 By A	,	
g.	Period of Use		Reviewed: Surface Wa	ater Eng	ineer
h.	Fees		Ву		
	ice Notes:			Pen	ce71_
				- 44251	12770
				44252	12770
				44253	12772
Peri	mit Plat Filed <u>೮೨೪/8</u>	Supp	olemental to:	44255	12773
***	************	****	****	44256	12774
				44257	12775
Perr	mit terms: $A(c)$			44258	12776
				44260	12777
	<u> </u>			44261 44267	12778
	5/21			44268	12779 12780
				44269	12731
				44270	12762
	17,86 million gallas po	a de	· /		
	<u>ie daty Od 1996. Hyd</u> eth	4 ^ €	i series of the	49988	PERMIT
	5(10) B		J	52918	RFA
				52919	RFA
	5 (11)			52920	RFA
				52921	RFA
	amount of water to be appropriated shall		Completion	2,,2	
	ited to the amount which can be applied to efficial use, and not to exceed	-	Completion	3.18	
	5.0 cubic feet per second, but	-	Cultural Map	, , , , , , , , , , , , , , , , , , , ,	
	unt to exceed 3619.75	_	Date: 7-37-93		
	now food praintly	-			4
rorm	17 sed 3/84		-1-		N

SE ROA 315





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710

Re: 52918 through 52921 (702) 687-4380

August 31, 1993

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak, NV 89407

Dear Gentlemen:

Enclosed herewith you will find Permits Nos. 52918 through 52921 for the waters of an underground source.

You are advised that if the various proofs thereunder, together with any map which may be required, are not filed in this office prior to the dates set for such filings, the permits will be subject to cancellation. For your assistance a sheet is enclosed which will advise you of the requirements to fulfill the terms of your permits.

Sincerely,

R. Michael Turnipseed, P.E.

State Engineer

RMT/ab

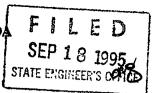
Enclosures

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record	Cyprus Foote	Mineral Company	1 10000 CTCP\$00 \$ \$ \$ \$ \$ \$	
In the Matter of P	BRMIT No. 52919 Underground (Name of stream, Lize, F	Source		Waters of —
This Application Is Respec		pring, underground or other s	жигое)	
	Hardy Person Signing Application	•	<u> </u>	
under Permit No52919 following questions in compli	who after being ance with the requirements	first duly sworn and a s as set forth in the pe	nswering to the best of the	icir knowledge the
1. If this permit has multiple PYES XX NO (C)	owners, is this request for neck the Appropriate Box)	an extension of time	submitted on behalf of a	all the owners?
2. If "NO", on whose behal	f is this extension being file	d7 Cyprus Foote	Mineral Company	1000 to 1 1000 to 1 1000 to 1 1 1000 to 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
3. How much time is needed 4. To date, what is the total c 5. In order to complete this p 6. The permittee requests an with the provisions for fille 7. Explain in detail why this See Attachment "A	expenditure on this project? roject as set forth in the pereception of time for	\$170,000 ermit terms, what add year (Not be accessed to of of Completion From of ecception of work time is being submit	litional funds will be spe within of Work and or proof of beneficial use) led (Use additional sheet	ont?\$1,400,000 which to comply
Subscribed and sworn to before Notary Public in and for the Commission expires		Address P. 0	Permittoe or Agent Box 98, Silver Permittoe or Agent Box 98, Silver Permittoe or Pro. Box Cliv, State, Zip Code N 937-2222, ext. 226 OFFICIAL SEAL MARILYN E. O NOTHEY FUGLIC - STATE O FRINCIPAL OFFICE ESMERALLA COUNTY My appointment expires A	COLE OF NEVADA DE IN NEVADA



Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

ATTACHMENT "A"

1. Permittee is actively constructing an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant is scheduled for the second quarter of 1996. Due to the large capital expenditure incurred for this plant expansion, the \$1,400,000 production drilling program has tentatively been rescheduled to begin the second quarter of 1996. To date, \$170,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work of aforementioned permits.



STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane

In reply refer to

52919, 52920,

Carson City, Nevada 89710 November 13, 1995

This is to inform you that Application for Extension of Time

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

Cyprus Foote Mineral Company Silver Peak Operations Hwy 265 Silver Peak NV 89047

> > Sincerely,

except for good cause shown as provided under NRS 533.390 and 533.410.

Christine Thiel, P.E.

Deputy State Engineer

CT/cmg

cc: Michael Hardy

Ross de Lipkau

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex
Carson City, Nevada 89710
October 3. 1996

Address All Communications to the State Engineer, Division of Water Rescurces Telephone (702) 687-4380

In reply refer to

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work

on or before September 30, 1996

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

State Engineer

RMT/cmm

CERTIFIED MAIL NO. Z 703 059 206

cc: Ross de Lipkau, Cert. Mail #Z 703 059 207 Michael Hardy, Cert. Mail #Z 703 059 208

Southern Nevada Branch Office

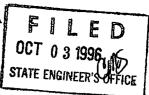
Enclosures: Proof of Completion of Work forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Cyprus Foote Mineral Company	
IN THE MATTER OF PERMIT No. 52919	Filed to Appropriate / Change the Waters of
Underground Source	
	underground or other source)
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
Comes now Michael Hardy Person Signing Application	the Agent Permittee or Agent
under Permit No52919, who after being first following questions in compliance with the requirements as	duly sworn and answering to the best of their knowledge the
1. If this permit has multiple owners, is this request for an YES XX NO (Check the Appropriate Box)	extension of time submitted on behalf of all the owners?
2. If "NO", on whose behalf is this extension being filed?	Cyprus Foote Mineral Company
3. How much time is needed to finish this project? 1 year	ar completion of work
4. To date, what is the total expenditure on this project?\$.	
5. In order to complete this project as set forth in the perm	it terms, what additional funds will be spent?\$1,070,000
6. The permittee requests an extension of time for 1 Yes	(Not to exceed 1 year) within which to comply
with the provisions for filing the Proof of complet	ion of work and beneficial use of of completion of work and/or proof of beneficial use)
7. Explain in detail why this request for an extension of times an extension of times and the same and the sa	
	Signed.
Subscribed and sworn to before me this 34 day of	Permittee or Agent
	Address PO Box 98 Sirce Nor of P.O. Box No. Silver Peak, NV 89047
Splenher 1994. Darlys & G. B	City, State, Zip Code No.
2	Phone (702) 937-2222 ext. 226
Notary Public in and for the County of Essentiala,	OFFICIAL SEAL MARILYN E. COLE NOTARY PUBLIC - NEVADA
State of Menale	PRINCIPAL OFFICE IN ESMERALDA COUNTY No. 92-0903-7
My commission expires (LRA) 02 , 1976.	The second secon

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

10-3-91

AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT.

SE ROA.321

Photo-Copy original in FiloNo 52918

ATTACHMENT "A"

1. Permittee has just recently completed an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant began the second quarter of 1996. The \$1,400,000 production drilling program is currently under way with the first of several water wells completed in mid September. We are scheduled to start test pumping this first well as early as next week. To date, \$500,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work and Beneficial Use of aforementioned permits.

in reply refer to

No.

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 October 4, 1996

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

Cyprus Foote Mineral Company P.O. Box 98, Highway 265 Silver Peak, NV 89047

52918, 52919,

52920, 52921

	This is to inform you that Application for Extension of	Time
	has been granted to	10
	for filing of the	***************************************
	***************************************	************************************
	has been granted to	er 30 ₁₉ 97
	with the provision that no further extensions will be granted for filing of the Proof of Completion of Wo:	
	_	
	except for good cause shown as provided under NRS 533.39	
	Sincerely,	
	Christine !	Thiel, P.E.
CT/c	ms Deputy State Engi	neer
cc:	Ross de Lipkau Michael Hardy	

Southern Nevada Branch Office

STATE OF NEVADA

R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246

Carson City, Nevada 89706-0818

October 2, 1997

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

In reply refer to

No.

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work



on or before September 30, 1997

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

14/1/1

RMT/kdg

CERTIFIED MAIL NO.

Z 703 035 689

cc: Ross de Lipkau, Cert. Mail No. Z 703 035 690 Michael Hardy, Cert. Mail No. Z 703 035 691 Southern Nevada Branch Office

Enclosures: Proof of Completion of Work forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE



PROOF OF COMPLETION OF WORK

Permit No. 52919	
STATE OF Nevada)
COUNTY OF Esmeralda	ss.
Comes now Michael Hardy	,
on behalf of <u>Cyprus Foote Mineral</u>	, the Permittee, who after being first sworn, deposes
and says that at least two million	dollars (\$.2,000,000) has been expended in
	itions provided in Permit No. 52919, pertaining to
the completion of said works, and at the expense of the pe	
	borehole to 1146 feet, Installed 10 inch state size and depth of well with casing and make and type of pump and motor.
nominal casing to 1090 feet with ful flo	louver screen from 715 to 1060 feet.
Installed Johnston 8 AC 23st pump assemb	ly with a 75 Hp electric turbine motor.
The flow meter installed is a 4 inch Vato	er S pecialty mechanical propeller meter, mode
ML-03 with a totalizer in gallons. Seria	al # 962942-4
FM-343	
said permit. Said work completed prior toJune, 1993	7 A Sec
	•
WELL DRILLER Layne-Western Co., 275 Cour	Name and Address
WELL LOG FILED Yes \(\square\) No \(\square\)	
Subscribed and sworn to before me this 5 day of	Signed Si
Melster, 97	Permittee or Agen
Tand O O	Address P.O. Box C. Street No. or P.O. Box No.
[andy G. Jewell	SILVER Peak NU 89047 City, State, Zip Code No.
Notary Public in and for the County of	51.9, 641.9, 2.9 2000 No.
State of Olevada	OFFICIAL STATE
My commission expires 10/6/ 49 2000	CANDY J. JEWETT No. 96-0422-14 NOTARY PUBLIC, STATE OF NEVADA NYE COUNTY, NEVADA
State of Jenada	OFFICIAL SUAL CANDY J. JEWETT No. 96-0422-14 NOTARY PUBLIC, STATE OF NEVADA NYE COUNTY, NEVADA

(Ten dollar filing fee must accompany this proof)

APPLICATION FOR EXTENSION OF TIME

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					FFICE	١

Owner of Record <u>Cuprus Foote Mineral Company</u>		OCT 2 1 1997 Postate engineers office
IN THE MATTER OF PERMIT NO52919 Underground source (Name of stream, lake, spring.) This Application Is Respectfully Submitted.	FILED TO APPROPRIATE	
Comes now Michael Hardy Person Signing Application under Permit No. 52919 , who after being first of the following questions in compliance with the requirements as s	duly sworn and answerir	
 If this permit has multiple owners, is this request for an e YES NO (Check the Appropriate Box) If "NO", on whose behalf is this extension being filed? 	extension of time submit	tted on behalf of all the owners?
3. How much time is needed to finish this project? 1 year 4. To date, what is the total expenditure on this project? 5. In order to complete this project as set forth in the permit. 6. The permittee requests an extension of time for 1.	t terms, what additional	funds will be spent? \$500,000
with the provisions for filing the <u>proof of benef</u> (Proof 7. Explain in detail why this request for an extension of tim <u>See attachment "A"</u>	1cial use of completion of work and/or properties of submitted (Us	+ COMP oof of beneficial use) se additional sheets if necessary):
Subscribed and sworn to before me this 15 day of Albert 19.97. Andy James Notary Public in and for the County of Mys. State of Muada	Signed Manager Address Po Box	Permittee for Agent

My commission expires 10,00 POOL My Appointment Exp. Oct. 69 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct. 60 My Appointment Exp. Oct.

5/11/ (Rev. 7-9



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (702) 687-4380 • Fax (702) 687-6972

52918 thru 52921

April 30, 1998

Michael Hardy P.O. Box 98 Silver Peak, Nevada 89047

Dear Mr. Hardy:

This office received Proofs of Completions for Permits 52918 thru 52921. These proofs are being returned for the following corrections:

The location given on the proofs does not correspond to the location in the permit. Please clarify which one goes with which permit, etc., and refile the amended documents.

The Proofs of Completion are herewith returned and must be resubmitted within thirty (30) days from the date of this letter. If the corrected proofs or applications for extension of time are not received and filed with the State Engineer within thirty (30) days of the date of this notice, your permit may be subject to cancellation.

Very turly yours,

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds Enclosures

cc: NDWR, Las Vegas

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 thru 52921

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

May 19, 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

has been granted to		19
for filing of the		••••••••••
		······
has been granted to	September 30	98
	rther extensions will be granted	·
for filing of theProof	of Completion (all	Permits)
		·····
except for good cause shown	as provided under NRS 533.390 ar	nd 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau

Ross de Lipkau Michael Hardy

MARSHALL HILL CASSAS & de LIPKAU LAWYERS

ROBERT W. MARSHALL EARL M. HILL FRANK CASSAS ROSS E. de LIPHAU JOHN P. ROWLER DAVID S. MCELROY REW R. GOODENOW MICHAEL R. KEALY A. STANYAN PECK

300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

TELEPHONE (702) 323-1601

FACSIMILE (702) 348-7250

May 20, 1998

Thomas K. Gallagher, P.E. Division of Water Resources 123 West Nye Lane Carson City, NV 89710

Re: Cyprus Foote / Permits 52918-52921

Dear Tom:

This is to confirm our recent conversation concerning your letter to Mike Hardy dated April 30, 1998. You asked that I supply you with a short history of the water rights appurtenant to and utilized at the lithium plant.

Cyprus Foote, through succession, is the owner/operator of the lithium plant located in Silver Peak, Esmeralda County, Nevada. My knowledge of the project goes back to the early 1970's. At that time, Cyprus Foote was operating under the federal mineral leasing program. It was believed, at least at that time, that lithium was a "leasable" mineral, as contrasted to a "locatable" mineral under the Mining Laws of 1866 and 1877.

In the early 1980's, a dispute arose between the United States and Cyprus Foote regarding royalty payments. The result of that litigation was a finding by the Courts that lithium was a locatable mineral, and not a leasable mineral. During the phase when the parties, including the State Engineer, believed the federal leasing laws were in effect, Cyprus Foote decided and believed that it was not within the jurisdiction of the Nevada State Engineer. A multitude of legal opinions supported that position. However, when lithium was determined to be locatable, we promptly set up a meeting with the then-State Engineer, Roland D. Westergard. It was agreed that Cyprus Foote would file 20 applications to appropriate, basically scattering the wells uniformly or fairly so throughout the thousands of acres included within the mining claims. The annual volume pumped from all wells could not and did not exceed the annual duty. Thereafter, with Peter G. Morros then being State Engineer, certain applications to change were filed

May 20, 1998 Page 2

based upon an increased area of mineral extraction. Cyprus Foote would drill its own wells, pump them for a period of time, abandon them an drill additional wells. The statutory permitting process did not allow for the rapid change in wells -- a condition similar to the several mine dewatering programs authorized by your office.

In order to comply with the water law, Cyprus Foote was directed to file Proofs of Completion of Work upon representative wells or wells fairly close to the points of diversion as reflected on the various permits. Over the course of years, Proofs of Beneficial Use were filed, with the above four permits being the only unperfected rights. The amended Proofs of Completion of Work, which are being refiled, are representative of recently drilled wells as previously agreed to between representatives of your office and Cyprus Foote, and regulate the flow and quality of brine. The amended Proofs of Completion of Work, which are representative of the production wells, are enclosed.

Additionally, and as we discussed, generally Cyprus Foote drills its own wells, pumps them for a matter of months or years, and thereupon abandons them, drilling new wells. The multitude of wells is constantly changing to meet the production needs of Cyprus Foote.

For your information, Steve Brown has worked with Cyprus Foote for many years and is aware of the facts. You may wish to discuss this subject with him.

Many thanks for your assistance.

Very truly yours,

Ross E. de Lipkau

REdL/lbe Enclosures 33593.003

AMENDED

PROOF OF COMPLETION OF WORK

) ss.	MAY 2 1 1998 T STATE ENGINEER'S OFFICE
NTY OF Esmeralda)	
	Sec. 2	일찍 하셨다는 사람들은 사람들이 되었다. 그 사람들 이 없었다. 사람들
half of <u>Cyprus Foote Mineral</u>	연중에 돌아버린다. 아이 맛이 나들아가 되니? 어느 아이는 말라는데만 아니다. 나를 만했다.	선생님 1층 경영을 된 사람이 경영을 가지 않는 것이 하는 것이 하는 것을 살아 있다. 그는 가는 전혀 있다.
ays that at least two million	경험 화가 있다면 하는 사람들은 사람들이 되었다. 기술 사람들은	요즘하다 살았다고 하다고 그 그들은 나는 밥이다니 맛이 아니었다.
or improvements performed or made under the con-	발표를 받고 있다면 보면 보고 있다면 하는데 된다. 기계를 받고 있는데 하는데 되었다면 되었다면 되었다면 하는데 되었다면 되었다면 되었다면 되었다면 되었다면 되었다면 되었다면 되었다면	1919 pertaining to
ompletion of said works, and at the expense of the p Said improvements consisted of	불발가 19 나는 하나 보고 보는 그는 그들은 보고 있다. 한국	Installed 10 inch ake and type of pump and motor.
inal casing to 1090 feet with ful flo	o louver screen from 715	to 1060 feet.
talled Johnston 8 AC 23st pump assem	bly with a 75 Hp electric	turbine motor.
flow meter installed is a 4 inch Va	ter S pecialty mechanical	propeller meter, model
03 with a totalizer in gallons. Ser		
343	중요한 100 등 등을 보고 있는 것이 되고 있다. 중요한 100 원리 12일 등을 보고 있는 것이 되었다.	
work being essential to the actual diversion of the wat permit. Said work completed prior toJune, 1990. Point of diversion located within the NW 4 SW	97 ¼ Sec2, T2S., R	40E., M. D. B. & M.
L DRILLER Layne-Western Co., 275 Cou	unty Rd. 98, Woodland, CA Name and Address	95695
No IX Solution of the control of th		ittee or Agona
No ▼	Address Po Box Ch Street No	ttee or Agent or P.O. Box No. NU 89047 te, Zip Code No.

(Ten dollar filing fee must accompany this proof)

FILED



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (702) 687-4380 • Fax (702) 687-6972

52918 thru 52921

September 22, 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

Ladies & Gentlemen:

This is to confirm that the Proofs of Completion required under the above-referenced permits were filed in this office on May 21, 1998. Please advise this office of any address or ownership changes. If you have any questions please call me at (702) 687-3861.

Very truly yours

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds

cc: NDWR, Las Vegas

Ross de Lipkau

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818 October 2, 1998

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

In reply refer to

52918 through 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use



on or before September 30, 1998

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

RMT/kdg

Z 559 486 195 CERTIFIED MAIL NO.

cc: Ross de Lipkau, Cert. Mail No. Z 559 486 196 Michael Hardy, Cert. Mail No. Z 559 486 197 Southern Nevada Branch Office

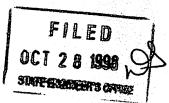
Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record	Chemetall Foote Co	rporation	
In the Matt	er of Permit No. 52919	Filed to Appropriate / Change the Water	s of
	Underground source	ring, underground or other source)	
THIS APPLICATION IS RESI		ing, underground of other source)	
Comes now Patr	rick R. Fischer	the Agent	
under Permit No529	Person Signing Application	Permittee or Agent ag duly sworn and answering to the best of their	r knowledge the
1. Does this permit have	multiple owners? ☐ YES 꼭	NO (Check the Appropriate Box)	
2. If "YES" on question ☐ YES ☐ NO	No. 1 is checked, is this request fo (Check the Appropriate Box)	er an extension of time submitted on behalf of all the	he owners?
3. If "NO" on question I	No. 2 is checked, on whose behalf i	is this extension being filed?	••••••
Chemetall Foot	e Corporation		
4. How much time is need	led to finish this project?	l year	
5. To date, what is the tot	al expenditure on this project?i	n_excess of 50 million_dollars	•
6. In order to complete th	is project as set forth in the permit	terms, what additional funds will be spent?3.	5 million
7. The permittee requests	an extension of time for1	yearwithin	which to comply
with the provisions for	filing the Proof of benef	icial use Proof of completion of work and/or proof of beneficial use)	************
	his request for an extension of time	is being submitted (Use additional sheets if necesnd are planning a \$200,000 expansion	sary):
		Signed 727	
Coherenthad and account to the	27th	Permittee or Agent	***************************************
Subscribed and sworn to b	erore me this <u>~1</u> ,da	y of Address Street No. or P.O. Box N	ON SHAGE
// Cec	ldy J. Newell	City, State, Zip Code No	
Notary Public in and for the	of Notary Public Required		
State of Perace		CANDY J. JEWETT No. 96-0422-14 NOTARY PUBLIC. STATE OF NEVADA	
My commission expires	Octobes 6, 2000	NO ARY E COUNTY, NEVADA NY APPOINTMENT FOR OCT. OF A 2000 My Appointment For Oct. Of	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMITS ROA 334



Supplier Notification:

We are pleased to announce that on October 13, 1998 Chemetall GmbH completed the acquisition of Cyprus Foote Mineral Company. Reflecting this purchase, our name has been changed to Chemetall Foote Corp. Together with the Lithium Division of Chemetall GmbH Europe, we will become a worldwide operating, fully integrated supplier of base and performance lithium products.

Attached is our updated credit account information document. Please do not hesitate to contact writer should you require any additional information.

Sincerely, Randall J. Weld

Randall S. Weld Sourcing Manager

Please note:

The following address is to be used for shipping and billing for material ordered from the Silver Peak location.

NAME:

Chemetall Foote Corp. 348 Holiday Inn Drive

Kings Mountain, NC 28086

TELEPHONE:

(704) 739-2501

OPERATING LOCATIONS:

Silver Peak, Nevada

Kings Mountain, North Carolina New Johnsonville, Tennessee Santiago and Antofagasta, Chile

DUNS NUMBER:

00-232-9456

INCORPORATED:

July 26, 1916

STATE OF INCORPORATION: IRS IDENTIFICATION NUMBER:

Pennsylvania 23-0589510

TYPE OF BUSINESS:

Owns and Operates Lithium Extraction and Processing Facilities

PARENT:

Chemetall GmbH

Frankfurt, Germany

Duns Number: 31-580-9632

BANK REFERENCE:

PNC Bank, N. A.

Account No. 1008963455

Two PNC Plaza

Officer: Jeffrey Statmore

Pittsburgh, PA 15265

(908) 220-3078

TRADE REFERENCES:

Tg Soda Ash, Inc.

Phillips Chemical Company P. O. Box 968

4300 Six Forks Road, #850

Raleigh, NC 27619-9248

Borger, TX 29008-0968

(919) 785-2040

(800) 858-4327

J. L. Clark Inc. 2300 6th Street Rockford, IL 61108 (815) 962-8861

OFFICERS:

President & CEO

Juergen Deberitz

Vice President, CFO & Treasurer

Ronald A. France

Vice President, Human Resources

James E. Sanderson

Vice President, Operations

Paul J. Seaman

Vice President, Sales

Jeffrey S. Watson

Secretary

Arthur G. Taylor

We certify that all of the information on this form is correct. We understand your credit terms and agree to pay within the terms. If further information is required, please contact Sue Hartwyk at (704) 734-2663.

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52920	52921		

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918, 52919, 52920, 52921

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

November 13, 1998

Cyprus Foote Mineral Co. P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

has been granted to	September 30	**********************	1999
for filing of the Proo	f of Beneficial	Use (all	Permits
has been granted to		•••••••••••••	, 19
with the provision that no fu	rther extensions will be gi	ranted	
for filing of the		***************************************	
			•
		••••••	***************************************
except for good cause shown	as provided under NRS 5	533.390 and 533	3.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau



ABSTRACT OF TITLE NON - DECREED

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62010	. 36313		Document Description and	REMARKS	WATER RIGHTS DEED													
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Type or print in ink

	State of Nevada Oc REPORT OF CONVEYANCE
E M	to Department of Conservation and Natural Resources. Division of Water Resources. Office of the State Engineer
	APPL., PERMIT, PROOF, or CLAIM No: 52919 STATUS: permit USE: MD
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER: CYPRUS FOOTE MINERAL COMPANY
	If any item requires additional space, please attach additional 8 1/2" X 11" sheets referencing appropriate form number.
	NEW HOLDER(S): CHEMETALL FOOTE CORPORATION ADDRESS: Silver Peak Operations, Hwy 265
	CITY: Silver Peak STATE: NV ZIP CODE: 89047 PHONE: 775/937-2222
	INVENTORY DOCUMENTS BY CATEGORY AND NUMBER OF EACH IN CHAIN OF TITLE. DEED(S)
	ONE \$25 FILING FEE MUST ACCOMPANY THIS REPORT +\$10 PER CONVEYANCE DOCUMENT LISTED ABOVE.
	record (ITEM 2) with the Division of Water Resources, Office of the State Engineer, to the proposed, new holder(s) of record (ITEM 3). Document(s) must be recorded in the Office(s) of the respective County Recorder(s). If the legal description on any deed(s) refer(s) to a subdivision lot or parcel or assessor's parcel number, or lists any deviation(s) different than the place of use in a Quarter/Quarter/Section/Township/Range format, a copy of the map referred to in said deed(s) is required. Copies of maps should be 8 1/2" x 11" or 11" x 17". Please refer to instruction sheet for details.
	LIST SUPPLEMENTAL RIGHTS
	COUNTY: POINT OF DIVERSION Esmeralda COUNTY: PLACE(S) OF USE Esmeralda PLACE(S) OF USE: * QTR QTR SEC TWN RNG APN
	AMOUNT (DUTIES) TO BE ASSIGNED: 5.0 CFS Acre Feet or MG Acres or Units DOES THE CURRENT HOLDER INTEND TO RETAIN ANY PORTION OF THE WATER RIGHT? YES NO XX
2	List any other water rights relating to this Report of Conveyance that has been filed using this same abstract and chain of title.
	하는 사람들은 그 집에 가는 사람들이 살았다. 그는 하다는 그 그는 사람들은 전에는 전혀 가는 바람들이 되었다.
	Remarks: *Refer to permit for place of use.
ir	I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer.
ir S	I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer." SUBSCRIBED AND SWORN TO SIGNATURE:
ir S	I swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer." SUBSCRIBED AND SWORN TO SIGNATURE: Ross E. de Lipkau
<i>ir</i> S E	SUBSCRIBED AND SWORN TO SEFORE ME THIS 1/th DAY OF Mo. Margh Yr. 1999 MAILING ADDRESS: P. 0. Box 2790 FIRM NAME: Marshall Hill Cassas & de Lipkau Marshall Hill Cassas & de Lipkau
	If swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer." SUBSCRIBED AND SWORN TO SIGNATURE: PRINT NAME: Moreover September Notary September NOTARY PUBLIC IN AND FOR THE CITY: Reno STATE: NV ZIP CODE: 89505
	SUBSCRIBED AND SWORN TO SIGNATURE: Mo. Margh Yr. 1999 MAILING ADDRESS: Notary Signature SIGNATURE: MOTARY PUBLIC IN AND FOR THE COUNTY OF WASHOE March Swear, under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the water is placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer.* SIGNATURE: PRINT NAME: Ross E. de Lipkau Marshall Hill Cassas & de Lipkau Reno STATE: NV ZIP CODE: 89505 COUNTY OF WASHOE LINDA B. ELLER PHONE: 775/323-1601
	SUBSCRIBED AND SWORN TO SEFORE ME THIS 1/th DAY OF Mo. March Yr. 1999 MAILING ADDRESS: P. 0. Box 2790 FIRM NAME: Marshall Hill Cassas & de Lipkau NOTARY PUBLIC IN AND FOR THE COUNTY OF WASHOE STATE OF NEVADA Notary Public - State of Nevada Notary Public - State of Nevada Notary Public - State of Nevada Notary Public - State of Nevada Notary Public - State of Nevada Notary Public - State of Nevada Notary Public - State of Nevada Notary Public - State of Nevada
	SUBSCRIBED AND SWORN TO SIGNATURE: Mo. March Yr. 1999 MAILING ADDRESS: P. 0. Box 2790 FIRM NAME: Morth Yugurus March Yr. 1999 MAILING ADDRESS: Marshall Hill Cassas & de Lipkau NOTARY PUBLIC IN AND FOR THE COUNTY OF WASHOE MAILING AB. ELLER PHONE: 775/323-1601

	OR OFFICE U	BY / DATE	FEE RECORDS
Previous reports/submittals pendi	ing	8-6/1199	Receipt No.(s) 123699 Date of Receipt 3-12-9
Compet holder(e) verified		. / / .	Date of Receipt
New holder(s) information completion inventory verified. Fees correct.	ete		Receipt No.(s)
Technical review			Date of Receipt
Abstract / Chain of Title			\$\$ This R.O.C. 10/275
Supplemental rights recognized . Counties compared POD/POU .			네트 전에 가는 사람이 가지 않아 가장 그렇게 하다 되었다.
Place of Use determinable	•••••		Original Receipt(s) Located In File No. <u>10036</u>
Duties determinedAppurtenancy / portions / percent			
Related rights by deeds and abst	ract	•	Deeds/Docs Filed in File No
Pemarks reviewed	<u> </u>		FIIB NO.
Notary/SS legible and logical	······		
• • • DEFICIENC	ES REQUIRING	HEIUAN	
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[Received Stamp Date]

SE ROA 341





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (775) 687-4380 • (775) 687-6972

July 16, 1999

RE: Permits 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 44255, 44256, 44257, 44258, 44260, 44261, 44267, 44268, 44269, 44270, 49805, 49988, 52917, 52918, 52919, 52920 & 52921

Mr. Ross E. de Lipkau Marshall Hill Cassas & de Lipkau PO Box 2790 Reno, NV 89505

Dear Mr. de Lipkau:

The above-listed permits have been assigned to show Chemetall Foote Corporation as owner of record. Copies of the Summaries of Ownership are enclosed for your information.

These assignments reflect only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions, please contact this office at (775) 687-4381.

Sincerely,

Robert 14. Zeisloft

Engineering Technician III

RHZ/ld

CC:

Enclosures

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246
Carson City, Nevada 89706-0818
October 6, 1999

Address All Communications to the State Engineer, Division of Water Resources Telephone (775) 687-4381

In reply refer to

52918 through 52921

Chemetal Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use



on or before September 30, 1999

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

State Froinger

RMT/kdg

CERTIFIED MAIL NO. P 444 470 273

cc: Ross de Lipkau, Cert. Mail No. P 444 470 274

Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILE DOCT 2 5 1999

(O)-1582 **@@**

Owner of Record Chemetall Foote Corporation	STATE ENGINEER'S OFFICE
and the company of th	
In the Matter of Permit No. 52919Fi	ED TO APPROPRIATE / CHANGE THE WATERS OF
Underground Source	
	rground or other source)
This Application Is Respectfully Submitted.	
Comes now Partick R. Fischer	the Agent Permittee or Agent
under Permit No. 52919, who after being duly following questions in compliance with the requirements as set forth	sworn and answering to the best of their knowledge the in the permit terms:
1. Does this permit have multiple owners? YES NO	(Check the Appropriate Box)
 If "YES" on question No. 1 is checked, is this request for an ex □ YES □ NO (Check the Appropriate Box) 	tension of time submitted on behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this e	xtension being filed?
Chemetall Foote Corporation	
A Horn much since is morded to finish this maniput 0 1 work	
4. How much time is needed to finish this project?1_year	
5. To date, what is the total expenditure on this project?	excess of 50 million dollars
6. In order to complete this project as set forth in the permit terms,	what additional funds will be spent? 3.5 million
7. The permittee requests an extension of time for 1 year	
with the provisions for filing the Proof of beneficial	11 use
Explain in detail why this request for an extension of time is being	
We have not reached maximum capacity, and are	
.xz	"KTOWITHE OF AND POOL OF THE STOOP

•	•
	Signed 222—
12th	Permittee or Agent
Subscribed and sworn to before me thisday of	Address Street No. or P.O. Box No.
Veloper 1989	Silver Reak NV 89047
and Sewell	City, State, Zip Code No. Phone 725- 937-222
Signature of Notary Public Required	Phone 775 - 937 - 2272
Notary Public in and for the County of,	CANDY J. JEWETT
State of Jevada	No. 96-0422-14 No. 196-0422-14 Notary Public, State of Nevada NYE COUNTY, NEVADA
My commission expires Utuber 6, 2000	My Appointment Exp. Oct. 6th, 2000 Notary Stamp or Seat Regulated

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMISE ROA 344

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to

52918 through 52921

December 20, 1999

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 587-4360

Chemetall Foote Corporation
Silver Peak Operations, Highway 265
Silver Peak, NV 89047

Sincerely.

Christine Thiel, P.E.

Deputy State Engineer

CT/my

CC:

Ross deLipkau

Chemetall Foote Corp./Patricia R. Fischer

Southern Nevada Branch Office

Form M (Rev. 11-4)

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

In reply refer to No. 52918 through 52921

October 4, 2000

Address All Communications to the State Engineer, Division of Water Resources Telephone (775) 687-4381

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof

of Beneficial Use

on or before September 30, 2000

Our records show that you have not filed said Proof(s) an therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

HR/kdg

CERTIFIED MAIL NO. 7000 0520 0023 8631 0900

cc: Ross de Lipkau, Cert. Mail No. 7000 0520 0023 8631 0917 Patrick R. Fischer, Cert. Mail No. 7000 0520 0023 8631 0924

Enclosures: Proof of Beneficial Use form(s) and Application for Extension of Time form(s)

Fee for filing Proof of Completion \$10.

Fee for filing Proof of Beneficial Use \$50.

Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

Address all communications to the State Engineer, Division of Water Resources

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Chemetall Foote Corp.	OCT 19 2000 STATE ENGINEER'S OFFI
IN THE MATTER OF PERMIT NO. 52919 FILED 1	O APPROPRIATE / CHANGE THE WATERS OF
Underground Source (Name of stream, lake, spring, undergroun	d or other source)
This Application Is Respectfully Submitted.	
Comes nowMelissa R. Jennings , th	e Agent Permittee or Agent
under Permit No. 52919, who after being duly swo following questions in compliance with the requirements as set forth in the	rn and answering to the best of their knowledge the ne permit terms:
1. Does this permit have multiple owners? ☐ YES 🛣 NO (Ch.	eck the Appropriate Box)
If "YES" on question No. 1 is checked, is this request for an extensi ☐ YES ☐ NO (Check the Appropriate Box)	on of time submitted on behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension. Chemetall Foote Corp.	sion being filed?
4. How much time is needed to finish this project? 1 year	
5. To date, what is the total expenditure on this project? <u>in excess</u>	of 50 million dollars
6. In order to complete this project as set forth in the permit terms, what	
7. The permittee requests an extension of time for 1 year (Not	to exceed 1 year) within which to comply
with the provisions for filing the <u>Proof of Beneficial Use</u> (Proof of complete	on of work and/or proof of beneficial use)
Explain in detail why this request for an extension of time is being su We have not reached maximum capacity, and have a	bmitted (Use additional sheets if necessary):
progress. Production well drilling program of \$	
Si	gned Melisia L. Tenning
Subscribed and sworn to before me this day of Ad	Idress P.O. Box 98 Street No. or P.O. Box No.
Laudy J. Newell Ph	Silver Peak, NV 89047 City, State, Zip Code No.
Signature of Motary Public Required Notary Public in and for the County of	7
State of Junada My commission expires October 6 2004	OFFICIAL SEAL CANDY J. JEWETT No. 00-0422-14 NOTARY PUBLIC, STATE OF NEVADA
1 201	MANAGESTATA SALES SEPT SOLO
190, 180 s100 filing fee must accompany this application must be fi	LED FOR EACH PERMIT.
(Rev. 8-99)	SE ROA 347

(Rev. 8-99) 10- 20- 2000

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4380 or 1-800-992-0900x4380

In reply refer to:

October 23, 2000

52918, 52919, 52920, 52921

Chemetall Foote Corporation PO Box 98 Silverpeak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2001** with the provision that no further extensions will be granted for filling of the **Proof of Beneficial Use** (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

CC:

Southern Nevada Branch Office Ross E. de Lipkau

Notice of Proposed Action

by the

State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for the renewal of Water Pollution Control Permit for the Silver Peak Lithium Facility, a beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for Permit NEV70005 is:

Chemetall Foote Corporation P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

The facility, known as the Silver Peak Lithium Facility, is located in Sections 26-28 of Township 1 South, Range 40 East; Sections 1, 12, 13, 21-25 of Township 2 South, Range 39 East; and, Sections 1-11, 15-20, 29-32 of Township 2 South, Range 40 East in Esmeralda County, Nevada. The project primarily consists of numerous deep wells, solar evaporation ponds, liming facilities, and process plant for the production of lithium carbonate, lithium hydroxide monohydrate and anhydrous lithium hydroxide. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event. The groundwater beneath the playa is the source of lithium and it contains a very high total dissolved solids concentration. However, the groundwater quality from the production well and the town of Silver Peak well meet drinking water standards.

The Administrator is constrained to renew the water pollution control permit or to deny the application. The Administrator has made the tentative determination to renew the permit.

Persons wishing to comment upon the proposed permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to the

Nevada Administrative Code, NAC Chapter 445A, must submit their comments, objections, or requests no later than October 22, 2001 to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation Capitol Complex 333 W. Nye Lane, Room 138 Carson City, NV 89706-0851

All comments or objections received during the public notice period will be considered in the final determination regarding this permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-4670, extension 3130, toll free in Nevada (800) 992-0900, extension 4670, or visit our website at www.state.nv.us/ndep/bmrr/bmrr01.htm

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SE ROA 350

STATE OF NEVADA



Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation

Permit Number:

NEV70005

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Facility, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

This facility is located in Esmeralda County in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999 as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of XXXX XX, 2001, and shall remain in effect until XXXX XX, 2006, unless modified, suspended, or revoked.

Signed this XX day of XXXX, 2001.

David Gaskin, P.E.

Bureau Chief

Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.

B. Schedule of Compliance:

- 1. By November 1, 2001, submit a proposal to NDEP for the installation of a monitoring well near R-2 pond in accordance with NAC 445A.425.2. This monitoring well shall be installed by January 1, 2002
- C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plant and building including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and,
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components;

D. Monitoring Requirements

Ide	entification	<u>Parameter</u>	Frequency
1.	Fresh Water Well (WS) and well installed adjacent to the R-2 pond (R-2W)	Profile I ² and, Elevations of static water levels (amsl)	Initially; then Annually
2.	R-2 pond solution (R-2S)	Profile II ³ and, Report minimum freeboard	Annually Quarterly
3.	Plant waste stream (combined PWS)	Profile II ³	Annually
4.	Brine well* (BW)	Profile II ³ and,	Annually





		Elevations of static water level	
4.	continued -	(amsl)	
5.	Plant influent (PI)	Profile II	Annually

The Permittee may request a reduction in the number of elements and frequency of analyses after one year of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

* A different production (brine) well shall be sampled each year.

Note: Secondary containment sumps must be inspected and evacuated on a more frequent basis than weekly if the fluid level is at the top of the sump or above the invert of any pipe which discharges into the sump, whichever level is lower. Records are required documenting the volume, date and time of extraction to show that sumps are maintained in this condition.

(2) Profile I

Alkalinity (as CaCO₃)

Bicarbonate

Total

Aluminum

Antimony

Lead

Magnesium

Manganese

Mercury

Nickel

Aluminum Mercury
Antimony Nickel
Arsenic Nitrate
Barium pH (± 0.1 units)

Beryllium Potassium
Boron Selenium
Cadmium Silver
Calcium Sodium
Chloride Sulfate
Chromium Thallium

Copper Total Dissolved Solids

Fluoride Zinc

(3) Profile II

Iron

Alkalinity (as CaCO₃)

Bicarbonate

Total

Aluminum

Antimony

Barium

Beryllium

Boron

Cadmium

Calcium

Arsenic Chloride

Chromium
Cobalt
Copper
Fluoride
Gallium
Iron
Lead
Lithium
Magnesium
Manganese
Mercury
Molybdenum
Nickel

pH (± 0.1 units)
Phosphorus
Potassium
Scandium
Selenium
Silver
Sodium
Strontium
Sulfate
Thallium
Tin

Total Dissolved Solids

Vanadium

Zinc

- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations

Nitrate

1. A minimum two (2) feet of freeboard shall be maintained in the R-2 pond at all times.

Exceeding these limitations may be permit violations and shall be reported as specified in Part II.B.3

- H. The facility shall install and maintain a calibrated rain gauge which shall be monitored daily. A record of all daily accumulations of precipitation shall be maintained on site.
- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device;
 - 3. The presence of liquids in leak detection systems; and
 - 4. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.



Permit No. NEV70005 Page 5 of 10

DRAFT

- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from this Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining a General or Individual Mining Bioremediation Facility Permit from the Division.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance item in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which the Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements

- 1. The Permittee shall submit an annual report by February 28th of each year which contains the following:
 - a. Monitoring results from those locations identified in Parts 1, 2 and 4;
 - b. Analytical results of the solution collected from monitoring locations identified

in Part I.D.1 through 5;

- A record of spills and releases and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0390 or equivalent;
- d. A brief summary of site operations, including the number of tons of ore processed during the year, construction and expansion activities and major problems with the fluid management system; and,
- e. Graphs of pH, total dissolved solids, sulfate, chloride, nitrate (as nitrogen), zinc, and arsenic concentrations (as applicable), versus time for all fluid sampling points. These graphs shall display a five year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.



- 2. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.
 - a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 p.m. of the first working day after knowledge of the release. An oral report shall be made by telephone to (775) 687-4670, extension 3023, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
 - b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.



- c. A release of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds 500 gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If the quantity is equal to or greater than 100 gallons, report in the time frame specified in Part II.B.3.a. Smaller spills are reported quarterly on NDEP Form 0390 or equivalent.
- 3. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-4670, extension 3123, not later than 5 p.m. of the next regular work day from the

time the Permittee has knowledge of the circumstances. This report shall include the following:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the facility;
- iii. Date, time, and type of incident, condition, or circumstance;
- iv. Name and quantity of materials released; if process solution is released, report total gallons and quantity of contaminant;
- v. Human and animal mortality or injury;
- vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
- vii. The estimated quantity of material that will be disposed and the disposal location.
- b. A written summary shall be provided to the Division within 10 days of the time the Permittee makes the oral report. The written summary shall contain a description of the release or discharge and its cause, the periods of the release or discharge (including exact dates and times), whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring, to:
 - i. Determine the effect and extent of each release or discharge;
 - ii. Minimize any adverse impact to the waters of the State arising from each release or discharge;
 - iii. Minimize the effect of each release or discharge upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each release or discharge.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than 120 days before this permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any

relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.

- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities, and analytical results including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action as provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.





E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in this permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416 and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.

Permit No. NEV70005 Page 10 of 10

- 3. The Permittee must notify the Division in writing at least thirty days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Renewed 9/01



FACT SHEET (pursuant to NAC445A.401)

Permittee Name: Chemetall Foote Corporation

P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

Permit Number: NEV70005

A. <u>Description of Facility</u>

Location: This project is located in and near the town of Silver Peak, Nevada in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32 in Esmeralda County.

Characteristics: The Silver Peak Lithium Facility primarily consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, the Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Subsurface brines are pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. The lithium carbonate product is then dried and packaged, processed, or used as head feed for the lithium hydroxide facility. In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced. Evaporation produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

Brine ponds were built directly on top of native clay that has a coefficient of permeability of $1 \times 10E-6$ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability with the exception of one pond (the strongest brine pond) that is lined with 20-mil PVC liner.

The R-2 pond, located on the peripheral edge of the playa, is asphalt lined and receives CaCO3 solution that is pumped to the playa as needed. Piping changes are being made to facilities.

Storm water runoff and accumulation is within a closed system. All storm water is maintained within the Clayton Valley.

Secondary containment within the post-regulation hydroxide plant meets secondary containment requirements and was constructed to standard engineering principles and practices. The existing pre-regulation plant appears to be provided with adequate secondary containment.

C. <u>Site Hydrology/Hydrogeology and Background Groundwater</u> <u>Ouality</u>

The ground water pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids as documented by the long history of lithium production. It would be economically impractical to render the water fit for human consumption due to the very high total dissolved solids concentrations (see data) and it is not reasonably expected to become a drinking water supply. However, the Silver Peak water supply well and the freshwater production well for Chemetall produce high quality water that Hydrogeologically, the meet drinking water standards. location where the groundwater quality exceeds drinking water standards and becomes non-potable is complex. Establishment of a monitoring well adjacent to the R-2 pond will provide groundwater quality and elevation at this location.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate, and close subject to the conditions contained within the permit, is being sent to the Tonopah Times-Bonanza in Tonopah for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator, or any interested agency, person or group of persons.





The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed facility or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the proposed permit.

F. <u>Proposed Effluent Limitations</u>, <u>Schedule-of-Compliance and Special Conditions</u>

See Part I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. Also, the facility is located in the Clayton Valley where the playa ground water does not serve as a source of drinking water and would probably not serve as an economically viable source of drinking water. The groundwater is the source of lithium, contains very high total dissolved solids concentration and is not reasonably expected to become a drinking water supply. However, potable wells in and near the town of Silver Peak will be protected.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50CFR10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with state permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical

isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of toxic water. Methods which attempt to make uncovered ponds attractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Blvd., Suite 234, Reno, Nevada 89502-7147, for additional information.

Bob Carlson September 2001

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STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

In reply refer to No.

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

October 3, 2001

Address All Communications to: The State Engineer Division of Water Resources Telephone (775) 687-4381

52918 through 52921

Chemetall Foote Corporation
Silver Peak Operations, Highway 265
Silver Peak NV 89047
CERTIFIED MAIL: 7000 0520 0023 4553 1162

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file **Proof of Beneficial Use**



on or before September 30, 2001

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

lice , P. E.

HR/cmf

cc: Ross E. DeLipkau, Certified Mail No. 7000 0520 0023 4553 1179 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use form with instructions

Fee for filing Proof of Completion - \$10 Fee for filing Proof of Beneficial Use - \$50 Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

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OCT 1 5 2001 (xe)
STATE ENGINEER'S OFFICE
PARTICIPATION OF THE PARTICIPA

Owner of Record Chemetall Foote Corp.	STATE ENGINEER'S OFFICE
IN THE MATTER OF PERMIT NO52919FILED TO APPROPRIATE / CHANGE TH	E WATERS OF
Underground Source (Name of stream, lake, spring, underground or other source)	****************
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
Comes nowDannyZampirro, the Agent	
1. Does this permit have multiple owners? YES YES (Check the Appropriate Box)	
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behal YES	f of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?	
Chemetall Foote Corp	***************************************
4. How much time is needed to finish this project?1year	
5. To date, what is the total expenditure on this project?in excess of 51 million dollar	'S
6. In order to complete this project as set forth in the permit terms, what additional funds will be spen	nt? 1.1 million
7. The permittee requests an extension of time for 1 year (Not to exceed 1 year)	
with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use))
8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets We have not reached maximum capacity, and have a well drilling progr	s if necessary):
for 2001-2002 at a cost of 1.1 million dollars . A deep aquifer sys	tem has been
identified with plans to explore and test as a resource.	***************************************
Signed Dan Jan	upino) of Agent
Subscribed and sworn to before me this day of Address	P.O. Box No. A// 89047
Signature of Notary Public Required Phone (775) 937-222	Zip Code No.
Notary Public in and for the County of,	**************************************
State of OF CAN My commission expires October 6, 2004 State of S	FICIAL SEAL DY J. JEWETT O. 00-0422-14 BLIC, STATE OF HEVADA O SCHEMICHEVADA
My Appoint	TIME

745 12. 26-2001 PER CT SE ROA 366

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 687-4381 or 1-800-992-0900x4381 (within Nevada)

January 15, 2002

52918, 52919, 52920, 52921

Chemetall Foote Corporation Silver Peak Operations, HWY 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2002</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/dr

cc: Ross De Lipkau
Dan Zampirro
Southern Nevada Branch Office

HUGH RICCI, P.E. State Engineer

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

In reply refer to No.

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

October 1, 2002

Address All Communications to: The State Engineer Division of Water Resources Telephone (775) 687-4381

52918 through 52921

Chemetall Foote Corporation
Silver Peak Operations, Hwy 265
Silver Peak, Nevada 89047
CERTIFIED MAIL 7106 7808 0630 0000 5937

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file **Proof of Beneficial Use under all Permits referenced above**

on or before September 30, 2002

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

lice , P. E.

HR/cac

.

cc: Danny Zampirro, Certified Mail 7106 7808 0630 0000 5951 Ross E. de Lipkau, Certified Mail 7106 7808 0630 0000 5944 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use forms with instructions

Fee for filing Proof of Completion - \$10 Fee for filing Proof of Beneficial Use - \$50 Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owne	Chemetall Foote Corporation	OCT 15 20020
	50010	The state of the same of the s
•	IN THE MATTER OF PERMIT NOFILED TO APPROPRIATE / C	hange the Waters of
	Underground source (Name of stream, lake, spring, underground or other source)	
This A	Application Is Respectfully Submitted.	
	Danny Zampirro	
	omes now	Permittee or Agent
under follow	Permit No, who after being duly sworn and answering ing questions in compliance with the requirements as set forth in the permit terms:	to the best of their knowledge the
1. Do	es this permit have multiple owners? YES NO (Check the Appropriate	Box)
	'YES'' on question No. 1 is checked, is this request for an extension of time submitte YES NO (Check the Appropriate Box)	d on behalf of all the owners?
3. If '	'NO" on question No. 2 is checked, on whose behalf is this extension being filed?	
*****	Chemetall Foote Corporation	***************************************
4. Ho	w much time is needed to finish this project?one year	
5. To	date, what is the total expenditure on this project? in excess of \$51.0	000,000
6. In	order to complete this project as set forth in the permit terms, what additional funds w	vill be spent? \$50,000
7. Th	e permittee requests an extension of time for <u>one year</u> (Not to exceed I year)	within which to comply
wit	h the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of	beneficial use)
	plain in detail why this request for an extension of time is being submitted (Use addition	
)	Maximum_water_usage_has_not_heen_achievedExpansion_is_p	lanned
*****	with resultant increased water usage scheduled this year.	***************************************
******		nny Zampirso
	-th	Permittee or Agent
Subse	gloed and sworn to before the thisday of Address	Foote Corporation Street No. or P.O. Box No.
<u>Ų</u>	1000 PO Box 98	Silver Peak, NV 89047 City, State, Zip Code No.
	Audy J - Lewel Phone 1-775-937	- · · · · ·
Notary	Public in and for the County of	OFFICIAL SEAL
State of	() and a	CANDY J. JEWETT No. 00-0422-14 NOTARY PUBLIC, STATE OF NEVADA
	(Africa to 2000)	KYE COUNTY, NEVADA
му со	mmission expires a entropy Notes	y Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

In reply refer to:

November 21, 2002

52918, 52919, 52920, and 52921

Chemetall Foote Corporation Silver Peak Operations, Highway 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2003** with the provision that no further extensions will be granted for filling of the **Proof of Beneficial Use** (all permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/dl

cc: Ross de Lipkau

Southern Nevada Branch Office

Chemetall Foote Corp.

July 27, 2003

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, NV 89706-0818

COPY

Subject: Permit numbers 52918, 52919, 52920 & 52921 and Quarterly Production Data

Dear Mr. Ricci,

Enclosed please find four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400 to cover the filing of the Extensions. We are conducting a drilling program to supplement our aging wellfield to meet product demand. Additionally, please find our quarterly production report for the second quarter, basin 143. A total of 2,174 acre feet were pumped from the basin of which 5.6% was fresh water, the remainder brine for production purposes. Please contact our office should you have any questions. Thank you.

Sincerely,

Danny Zampirro, CPG, RG

Danny Zampsino

Hydrogeologist

Certified Mail # 7099 3220 0006 0137 6548

cc Mr. Ross de Lipkau Marshall, Hill, Cassas & de Lipkau

Enclosures: Quarterly prod. report, Ext. of Time Renewals, check #26799

QUARTERLY PRODUCTION REPORT



. !		CHEMETALL			i	1	7	EAR: 2003			REPORT DA	TE: July 31st,	2003
		SILY	PER PEAK OI	PERATIONS	1								
	PERMIT NU	ARPRS. 52016	2. 52010. 5202	0. 52021			BASIN: 143 (C	LAYTON V	ALLBY)				
SITE I.D.		· - DE CO: 547 [6	, 24717; 3494	0, 36761			WATED	UMPED IN C	PALLAS	 		 	AMOUNT
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9C	2,550,000	2,250,000	2,500,000	2,580,000	2,700,000	2,720,000	0,	0	0	0		0	15,300,000
10B	5,880,000	4,844,000	5,411,000	5,530,000	5,944,000	5,749,800	0	0	0	0			
16C	3,866,000	3,162,000	3,702,000	3,819,000	3,972,000	3,882,500	0	0				0	22,403,500
23A 41B	3,532,000	3,034,000	3,491,000	3,513,000	3,826,000	3,523,800	0	0				0	20,919,800
43A	2,545,000 3,105,000	2,251,000 2,537,000	2,762,000 3,102,000	2,653,000 3,040,000	2,855,000 3,159,000	2,733,200 3,074,600	0; 0	0					
45B	0,105,000	2,557,000	3,102,000	3,040,000	3,139,000	3,074,900	0					0	
59	4,369,000	3,486,000	4,080,000	2,979,000	3,928,000	4,394,400	0	0					
62A	6,798,000	2,631,000	5,662,000	6,672,000	7,117,000	6,831,300	0	0					35,711,300
65A	6,329,000	5,624,000	6,527,000	6,335,000	6,412,000	6,296,400	0	0					37,523,400
71A 73A	8,311,000	5,787,000	0	0	0	0	0	0				<u> </u>	
76	6,388,000 6,492,000	5,530,000 5,771,000	6,490,000	5,041,000	6,767,000	6,308,500	0	0					
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156	2,084,000	7,908,000	12,209,000	12,002,000	12,796,000	12,358,800	0	0				0	
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170	1,165,000 3,748,000	3,108,000	3,909,000	3,705,000	2,616,000	8,986,100	0	0	-				
172	6,455,000	5,358,000	6,692,000	6,424,000	3,871,000 6,732,000	3,534,100 6,059,400	0	0				0 0	
173	5,486,000	4,558,000	5,739,000	5,521,000	5,767,000	5,049,200	0			0		0 0	
180	8,328,000	6,863,000	8,196,000	7,787,000	8,498,000	7,820,000	0	C				0	
	ļ	CHEMETALL						YEAR: 2003	!				
ļ	 	SIL	VER PEAK O	PERATIONS:									
							DACEN: 142.00	T ATPONIA	1	REI	PORT DATE:	July 31st, 2003	
	PERMIT NU	MBERS: 5291	•				BASIN: 143 (LAYTON V	ALLEY)	REI	PORT DATE:	July 31st, 2003	-
SITE I.D.		MBERS: 5291	•					CLAYTON V		REI	PORT DATE:	July 31st, 2003	AMOUNT
		MBERS: 5291 FEB	•		MAY	אטנ				REI	PORT DATE:	July 31st, 2003	AMOUNT
SITE I.D. Well #	JAN		8; 52919; 5292	20; 52921	MAY		WATER P	UMPED IN	GALLONS			DEC	
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300 302	JAN 1,209,000 509,000	0 1,258,000 3,754,000 3,735,000	8; 52919; 5292 MAR 0 1,499,000 4,383,000 4,437,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000	0 1,525,000 4,464,000 4,362,000	JUN 0 1,405,200 4,119,800 4,239,700	WATER P JUL 0 0 0 0	UMPED IN C	GALLONS SEP	OCT	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700
300 302 303 304 305	1,209,000 509,000 4,296,000 4,303,000	FEB 0 1,258,000 3,754,000	8; 52919; 5292 MAR 0 1,499,000 4,383,000	0; 52921 APR 0 1,311,000 4,180,000	0 1,525,000 4,464,000	JUN 0 1,405,200 4,119,800 4,239,700 10,435,300	WATER P JUL 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 0000	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300
300 302 303 304 305	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000	0 1,525,000 4,464,000 4,362,000 10,608,000	JUN 0 1,405,200 4,119,800 4,239,700 10,435,300	WATER P JUL 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500
300 302 303 304 305 8 314 319	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000 5,269,000	MAR 0 1,499,000 4,383,000 10,297,000 7,274,000 3,545,000 5,927,000	0; 52921 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000	1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,656,000 6,436,000	3UN 0 1,405,200 4,119,800 10,439,700 7,113,500 3,504,400 6,290,900	WATER P JUL 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900
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300 300 300 302 303 304 105 8 44 319 330 333 334 337 343	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 1,509,100 2,130,000 8,920,000 3,502,000	FEB 0 1,258,000 3,754,000 3,755,000 8,652,000 6,054,000 2,898,000 5,269,000 2,810,000 6,707,000 1,232,200 1,745,000 7,796,000 2,639,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 3,545,000 5,927,000 3,222,000 8,243,000 2,069,000 9,150,000 3,444,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 5,803,000 8,318,000 1,301,600 1,931,000	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,450,000 3,450,000 8,827,000 1,389,900 2,120,000	JUN 0 1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 6,209,900 3,265,100 8,166,800 1,278,750	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000
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SITE I.D. well # 300 302 303 304 305 # 319 330 333 334 337 344 346 347 356	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 8,245,000 1,509,100 2,130,000 8,920,000 3,502,000 2,512,000 2,463,000 1,766,000	\$\frac{1}{1,258,000}\$ 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,888,000 5,269,000 2,810,000 6,707,000 1,232,200 1,745,000 7,796,000 2,639,000 2,102,000 0 0	MAR 0 1.499,000 4.383,000 4.437,000 10.297,000 7.274,000 3.545,000 3.545,000 1.473,700 2.060,000 9.150,000 3.444,000 2.457,000 2.452,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 1,301,600 1,931,000 1,931,000 2,414,000 2,298,000 0	0 1,525,000 4,464,000 4,362,000 10,603,000 7,450,000 3,456,000 3,450,000 8,827,000 1,389,900 2,120,000 9,216,000 3,518,000 2,618,000 2,455,000 1,382,000	JUN 0 1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 8,166,800 1,278,750 2,047,200 8,831,000 3,258,000 2,479,300 2,315,200 2,345,200 2,345,200	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000 19,492,000 14,588,300 14,072,200 5,517,800
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SITE I.D. well # 300 302 303 304 305 4 319 330 334 337 344 346 347 356 357 358 359 360	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 8,245,000 1,509,100 2,130,000 8,920,000 3,502,000 2,463,000 1,766,000 1,766,000 1,3543,000 2,512,000 2,463,000 1,569,100 2,130,000 4,531,000	FEB 0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000 5,269,000 1,232,200 1,745,000 7,796,000 2,639,000 1,993,000 0,5502,000 3,502,000 318,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 3,545,000 3,522,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,429,000 0,2,611,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 3,008,000 8,318,000 1,931,000 1,931,000 2,414,000 2,228,000 0 12,492,000	0 1,525,000 4,464,000 10,603,000 7,450,000 3,655,000 6,436,000 3,450,000 8,827,000 1,389,900 2,120,000 9,216,000 2,618,000 2,455,000 1,382,000 1,382,000	JUN 0 1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 6,290,900 3,265,6800 1,278,750 2,047,200 8,831,000 3,258,000 2,479,300 2,325,200 11,933,100 0 1,679,100	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000 19,492,000 14,588,300 14,072,200 58,511,100 4,050,000 12,613,100
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300 302 303 304 305 34 319 330 331 334 347 346 356 357 358 359 360	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 8,245,000 1,509,100 2,130,000 8,920,000 3,502,000 2,463,000 1,766,000 1,766,000 1,3543,000 2,512,000 2,463,000 1,569,100 2,130,000 4,531,000	FEB 0 1,258,000 3,754,000 3,755,000 8,652,000 6,054,000 2,898,000 5,269,000 1,232,200 1,745,000 7,796,000 2,639,000 1,998,000 2,102,000 0,5502,000 318,000 2,224,000 4,400,000	MAR 0 1,499,000 4,383,000 4,383,000 7,274,000 3,545,000 5,927,000 3,222,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,567,000 0 2,611,000 2,654,000 5,321,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,008,000 8,318,000 1,301,600 1,301,600 1,301,600 2,414,000 2,298,000 0 12,492,000 48,000 2,007,000 5,049,000	0 1,525,000 4,464,000 4,362,000 3,655,000 6,436,000 3,450,000 8,827,000 1,2120,000 9,216,000 2,455,000 1,382,000 12,430,000 12,430,000 11,468,000 5,377,000	JUN 0 1 1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 6,290,900 3,265,600 1,278,750 2,047,200 8,331,000 3,258,000 2,479,300 2,345,200 2,345,200 11,933,100 0 1,679,100 4,816,900	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 35,968,900 19,041,100 48,506,800 8,185,250 12,033,260 52,847,000 14,588,360 14,072,200 55,517,800 58,511,000 12,613,100 29,494,900
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SITE I.D. well # 300 302 303 304 305	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 1,509,100 2,130,000 3,502,000 2,512,000 2,163,000 1,563,0	FEB 0 1,258,000 3,754,000 3,755,000 8,652,000 6,054,000 2,898,000 5,269,000 1,232,200 1,745,000 7,796,000 2,639,000 1,993,000 0 5,502,000 318,000 2,224,000 4,400,000 11,040,000 11,040,000 663	MAR 0 1.499,000 4.383,000 4.437,000 10.297,000 7.274,000 3.545,000 2.597,000 2.060,000 9.150,000 2.4429,000 2.429,000 4.41,000 4.41,000 5.321,000 12.112,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,303,000 3,003,000 8,318,000 1,301,600 1,931,000 2,414,000 2,298,000 0 12,492,000 48,000 2,007,000 5,049,000 15,078,000	0 1,525,000 4,464,000 4,362,000 3,655,000 6,436,000 3,450,000 8,827,000 2,120,000 9,216,000 3,518,000 2,455,000 12,430,000 12,430,000 0 1,468,000 5,377,000 11,611,000 738	JUN 0 1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 8,166,800 1,278,750 2,047,200 8,831,000 3,258,000 2,479,300 2,355,200 2,369,800 11,933,100 0 1,679,100 4,816,900 12,926,000	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN C	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000 19,492,600 14,588,300 14,072,200 5,517,800 58,511,100 4,050,000 12,613,100 29,494,900 75,721,000
300 302 303 304 305 319 330 331 331 331 341 346 347 356 357 358 359 360 *FWW	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 1,509,100 2,130,000 3,502,000 2,512,000 2,163,000 1,563,0	1,258,000 1,258,000 3,754,000 3,755,000 8,652,000 5,054,000 2,898,000 5,269,000 1,232,200 1,745,000 2,639,000 1,998,000 2,102,000 318,000 2,102,000 318,000 1,040,000 11,040,000 11,040,000 11,040,000 215,905,200	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 3,545,000 3,222,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,452,000 4,41,000 2,654,000 4,554,000 2,654,000 2,654,000 12,112,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 1,301,600 1,931,000 2,414,000 2,298,000 0 12,492,000 48,000 15,078,000 15,078,000	0 1,525,000 4,464,000 4,362,000 3,656,000 3,450,000 8,827,000 1,389,900 2,120,000 9,216,000 3,518,000 2,618,000 1,382,000 1,488,000 5,377,000 11,611,000	JUN 0 1,405,200 4,119,800 4,229,700 10,435,300 7,113,500 3,504,400 6,290,900 3,265,100 8,166,800 1,278,750 2,047,200 8,831,000 2,479,300 2,325,200 2,359,800 11,933,100 0 1,679,100 4,816,900 12,926,000	WATER P JUL 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN AUG	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000 14,588,300 14,072,200 5,517,800 58,511,100 4,050,000 12,613,100 29,494,900 75,721,000 1,428,109,250 4,383
300 302 303 304 305 319 330 331 331 331 344 346 347 356 357 358 359 360 *FWW	JAN 1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 3,286,000 8,245,000 1,509,100 2,130,000 3,502,000 2,463,000 17,666,000 13,543,000 3,243,000 4,531,000 4,531,000 4,531,000 4,531,000 4,531,000 836 ESH WATER FWW sum	1,258,000 1,258,000 3,754,000 3,755,000 8,652,000 6,054,000 2,888,000 5,269,000 1,232,200 1,745,000 7,796,000 2,639,000 2,102,000 318,000 2,102,000 318,000 2,102,000 1,040,000 11,040,000 215,905,200 6315,005,200 6	MAR 0 1,499,000 4,383,000 4,37,000 10,297,000 7,274,000 3,545,000 5,927,000 2,060,000 9,150,000 9,150,000 2,429,000 0 2,429,000 2,429,000 441,000 2,557,000 2,557,000 2,1112,000 12,112,000	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 1,301,600 1,931,000 2,414,000 2,298,000 0 12,492,000 48,000 15,078,000 15,078,000	0 1,525,000 4,464,000 4,362,000 3,655,000 6,436,000 3,450,000 8,827,000 2,120,000 9,216,000 3,518,000 2,455,000 12,430,000 12,430,000 0 1,468,000 5,377,000 11,611,000 738	JUN 0 1,405,200 4,119,800 4,229,700 10,435,300 7,113,500 3,504,400 6,290,900 3,265,100 8,166,800 1,278,750 2,047,200 8,831,000 2,479,300 2,325,200 2,359,800 11,933,100 0 1,679,100 4,816,900 12,926,000	WATER P JUL 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN AUG	GALLONS SEP	OCT OCT OCT OCT OCT OCT OCT OCT	NOV	DEC DEC	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000 19,492,000 14,588,300 14,072,200 55,517,800 58,511,100 4,050,000 12,613,100 29,494,900 75,721,000
300 302 303 304 305 319 330 331 334 337 343 346 347 356 357 358 359 360 *FWW	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 1,509,100 2,130,000 8,920,000 3,502,000 2,512,000 2,512,000 1,766,0	\$\frac{1}{1,258,000}\$ 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,888,000 5,269,000 1,232,200 1,745,000 7,796,000 2,639,000 2,102,000 318,000 2,102,000 318,000 2,224,000 11,040,000 215,905,200 663 719,823,000 WELL 36,106,000 2209	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 3,545,000 2,060,000 9,150,000 2,429,000 2,429,000 2,657,000 2,429,000 2,657,000 2,429,000 12,112,000 12,112,000 710	0; 52921 APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 3,008,000 8,318,000 1,391,000 1,391,000 2,414,000 2,414,000 2,298,000 0 12,492,000 48,000 2,007,000 15,073,000 15,073,000 PWW sum all AP sum	0 1,525,000 4,464,000 4,362,000 10,603,000 7,450,000 3,455,000 8,827,000 1,389,900 2,120,000 9,216,000 2,455,000 1,382,000 12,430,000 0 1,468,000 5,377,000 11,611,000 738 708,286,250 39,615,000	JUN 1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 3,265,100 8,166,800 1,278,750 2,047,200 8,311,000 3,258,000 2,479,300 2,379,300 11,933,100 0 1,679,100 4,816,900 12,926,000	WATER P JUL 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	UMPED IN AUG	GALLONS SEP	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000 14,588,300 14,072,200 5,517,800 58,511,100 4,050,000 12,613,100 29,494,900 75,721,000 1,428,109,250 4,383
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BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED
AUG 0 6 2003 58
STATE ENGINEER'S OFFICE

All DioAllon I oli Ex	l l	200134
Owner of Record Chemetall Foote Corporation	STATE ENGINEER	SUPPLE

IN THE MATTER OF PERMIT NO. 52919 FI	LED TO APPROPRIATE / CHANGE THE WATERS OF	
Underground source	erground or other source)	
This Application Is Respectfully Submitted.	Resoning of other zonice)	
Comes now Danny Zampirro Person Signing Application	the Agent Permittee or Agent	
under Permit No. 52919 , who after being duly following questions in compliance with the requirements as set forth	sworn and answering to the best of their kno	wledge the
1. Does this permit have multiple owners? YES NO	(Check the Appropriate Box)	
2. If "YES" on question No. 1 is checked, is this request for an ex YES NO (Check the Appropriate Box)	ctension of time submitted on behalf of all the ow	ners?
3. If "NO" on question No. 2 is checked, on whose behalf is this	extension being filed? Chemetall Foote Cor	<u>:p.</u>
4. How much time is needed to finish this project?two years		
6. In order to complete this project as set forth in the permit terms,	what additional funds will be spent? \$5.70,000)
7. The permittee requests an extension of time foroneyear	(Not to exceed 1 year) within which	to comply
with the provisions for filing the <u>Proof of Beneficial</u> (Proof of	Use completion of work and/or proof of beneficial use)	
8. Explain in detail why this request for an extension of time is being	ng submitted (Use additional sheets if necessary):	:
Old wells are being supplemented by the	construction of new wells in order	*****************
meet expanding demend for production.	***************************************	****************
•••••••••••••••••••••••••••••••••••••••	·	******************
	Signed Army and	mo
Subscribed and sworn to before me this 3/14 day of	Address Chemetall Foote Corporation Street No. or P.O. Box No.	
July 2003/	P.O. Box 98 Silver Peak, City, State, Zip Code No. 1-775-937-2222	NV 89047
Signature of Notary Public Required	Phone	
Notary Public in and for the County of (70/140 SN)	CANDY J. JEWE	π
State of Sta	NO. 00-0422-14 NOTARY PUBLIC, STATE OF NI NYE COUNTY, NEVAL	EVADA DA

My commission expires <u>(Letabean a, 2007</u>

1909 State of Seat Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

** PM-10-15-03 per 4

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 through 52921

October 23, 2003

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4380

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

	This is to inform you that Application for Extension of Time	
	has been granted to,	
	for filing of the	
	has been granted to September 30 20	04
	with the provision that no further extensions will be granted	•
	for filing of the Proof of Beneficial Use	
9		
	except for good cause shown as provided under NRS 533.390 and 533.410.	
	Sincerely,	
	Christine Thiel, P.E.	

Deputy State Engineer

CT/sg

cc:

Chemetall Foote Corp., (additional address)

Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED AUG 192004

Owner of Record Chemetall Foote Corporat	lon	STATE ENGINEER'S OFFICE
In the Matter of Permit No52919	Filed to Appropriate	CHANGE THE WATERS OF
Undergro	und Source	
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	ing, underground or direr source)	
Comes now. Sherry L Huelsen-Wilks		Agent
Person Signing Application		Permittee or Agent
under Permit No. 52919 , who after being following questions in compliance with the requirements as se	g duly sworn and answering torth in the permit terms:	g to the best of their knowledge the
1. Does this permit have multiple owners? ☐ YES 🖾	NO (Check the Approprie	ite Box)
If "YES" on question No. 1 is checked, is this request for YES XX NO (Check the Appropriate Box)	r an extension of time submi	tted on behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is	s this extension being filed?	Chemetall Foote Corporation
4. How much time is needed to finish this project?	Two Years	
5. To date, what is the total expenditure on this project?	\$52,900,000	
6. In order to complete this project as set forth in the permit7. The permittee requests an extension of time for		will be spent? \$2,000,000 within which to comply
with the provisions for filing the (P		
Explain in detail why this request for an extension of time Old wells are being supplemented	is being submitted (Use add	itional sheets if necessary):
Yo meet expanding demand of prod		
		्रा । वर्ष्ट्रमञ्जूद्वाद्वाद्वाद्वाद्वाद्वाद्वाद्वाद्वाद्वा
	Signed Shary	Likuba Willian Permittee or Agent
Subscribed and sworn to before me this 17 day	of Address Chemeta	all Foote Corporation Street No. or P.O. Box No.
D. Wywor 2004	P.O.Box	c 98, Silver Peak, NV 89047 City, State, Zip Code No.
Signature of Notary Public Required A	Phone 775-93	7-2222 ext. 230
Notary Public in and for the County of	·····	
State of // levada_1	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	**************************************
My commission expires Cluber 6, 2004		CANDY J. JEWETT
rped		NOTARY PUBLIC, SYME OF NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA Associatorent Pro Oct. 6, 2004
\$100 FILING FEE MUST ACCOMPANY THI A SEPARATE APPLICATION MU	S APPLICATION FOR ACC	XYENSTON OF TIME
69.66 11-10-04 per TK		SE ROA 37,5 🌉

11-10-04 per JK

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

> Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

52918, 52919, 52920, and 52921

November 12, 2004

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2005</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Jason King, P.E. Deputy State Engineer

JK/lt

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED

Owner of Record Chemetall Foote Corporation AUG 2 9 2005

		and the second of the second o			DITTER S OFFICE
In	THE MATTER OF PERMIT NO. 5291	FILED TO APPR	OPRIATE/CHANC	JE THE WATERS OF	
			ing a second second second second second second second second second second second second second second second		
		nderground Source e, spring, underground o	r other course)		
		c, spring, underground o	outer source)		
THIS APPLICATION IS 1	RESPECTFULLY SUBMITTED.				
0		*			
Comes now	Sherry L Huelsen-Wilks Person Signing Application		, the	Agent Permittee or Agent	
	r craon organing Approcation			remnittee or Agent	
under Permit No.	52919 , who after bein	g duly sworn and ar	nswering to the b	est of their knowledge	the following
questions in compliand	ce with the requirements as set forth in	the permit terms:			
1 Dogs this name that	Type				
1. Does this permit have	ve multiple owners?	☑ NO (Check th	e Appropriate B	ox)	
2. If "YES" on question	on No. 1 is checked, is this request for	an extension of time	submitted on be	ehalf of all the owners?	
☐ YES	☑ NO (Check the Appropriate B			man or all all owners.	
If "NO" on question	No. 2 is checked, on whose behalf is	this extension being	filed? <u>Cheme</u>	tall Foote Corporation	
			· · · · · · · · · · · · · · · · · · ·		
4 How much time is n	needed to finish this project?	Two Years			
4. How mach time is in	recued to minsh ans project:	1WO 1 Cais			
5. To date, what is the	total expenditure on this project?	\$53,900,000			
6. In order to complete	this project as set forth in the permit t	erms, what addition	al funds will be	spent?\$2,000,000	
7. The permittee reque	ests an extension of time for	One Yea	ır	within which	ch to comply
··· ···· pointmoo roque	an extension of third for	(Not to exceed 1		v	in to compry
with the provisions i	for filing the	Proof of	Beneficial Use	E 8	
die provinsione		(Proof of completion of	work and/or proof o	f beneficial use)	TI.
8 Evalois is detail wh				G)	O
o. Explain in detail will Old wells are	y this request for an extension of time being supplemented by the construction	n of new wells in o	(<i>Use aaaitional s</i> arder to meet evn	ineets if necessary).	
	come suppremented by the constitution	on or new wons m o	raci to inect exp		addition.
				<i>i</i> o = 1	ril .
			0/	/// OF ::	<u></u>
Subscribed and sworn	to before me this <u>25</u> th day of	Signed (MIMA	714.0= 3	1.0%
	4	Signed 7	Jiwing	Permittee or Agent	CERT
august	<u>, 2005</u> .	Address	Chemeta	Ill Foote Corporation	
J/1/	2. d. Q (X)			Street No. or P.O. Box No.	
Sizz	may J. Lewell			4 98, Silver Peak, NV 8	20047
Signa	ture of Notary Jublic Required	_	1.0. 20	City, State, Zip Code No.	13047
Notary Public in and fo	or the County of // Lue	Phone	775-937.	-2222 ext. 230	
		1 1000	,,,,,,,,		
State of \mathcal{L}	ada	 ·		CANDY J. JEWETT	1
l Mu commicaioni	s October 4, 200	\ \		NOTARY PUBLIC	1
My commission expire	s_ your a, and	<u>v</u> .	(现在是)	STATE OF NEVADA APPT, No. 92-0422-14	· •
			M	Y APPT. EXPIRES OCT. 6, 2	2008

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. Jy PBM

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

OK Der 1K 11/1/05

SE ROA 377

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701

Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 684-2800 or 1-800-992-0900x2800 (In Nevada Only)

In reply refer to:

January 20, 2006

52918, 52919, 52920 and 52921

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2006</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King

Jason King, P.E.

Deputy State Engineer

JK/mc

cc: Southern Nevada Branch Office Sherry L. Huelsen-Wilks

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

AUG 3 1 2006
STATE ENGINEER'S OFFICE

Owner of Record	Chemetall Foote	Corporation			STATE ENGINE	ER'S OFF
In	THE MATTER OF PER	міт No. <u>529</u>	19 FILED TO APPRO	OPRIATE/CHANGE THE W	VATERS OF	
		U	nderground Source		•	
			e, spring, underground or	other source)		
THIS APPLICATION IS R	ESPECTFULLY SUBMI	TTED.				
Comes now	Sherry I	L Huelsen		the	Agent	
		gning Application		Pe	ermittee or Agent	
under Permit No				swering to the best of th	eir knowledge the fol	lowing
quostions and our phanto.	o willi like requiremen					
1. Does this permit have	e multiple owners?	□ YES	☑ NO (Check the	Appropriate Box)		
2. If "YES" on question	No. 1 is checked, is	this request for	an extension of time	submitted on behalf of a	all the owners?	
☐ YES	☑ NO (Check the	he Appropriate B	Box)			
If "NO" on question	No. 2 is checked, on	whose behalf is	this extension being	filed? Chemetall Foot	te Cornoration	
4. How much time is no	eeded to finish this p	roject?	Two Years			
5. To date, what is the t	otal evnenditure on t	his project?	\$54 <u>,350</u> ,000	• • • • • • • • • • • • • • • • • • •		
or re-auto, what is are t			<i>\$5</i> 1,55 0,000			
6. In order to complete	this project as set for	th in the permit	terms, what additions	al funds will be spent?_	\$2,000,000	
7. The permittee reques	ts an extension of tir	ne for	One Year		within which to co	omply
with the provisions fo	or filing the		Proof of 1	Beneficial Use		
			(Proof of completion of v	vork and/or proof of beneficia	al use)	
8. Explain in detail why Old wells are b				Use additional sheets if der to meet expanding o		n
<u> </u>				•	· · · · · · · · · · · · · · · · · · ·	
Subscribed and sworn t	o before me this /	yth day or	f Signed	Shen Ille	ZOS AUG	3
	0.	20/2	0.500	Permit	tee or Agent W	<u>;</u>
Mugyst) φ	Address	Chemetall Foote		
Laua	ly Ox O	ewell			or P.O. Box No.	i.
Signati	ure of Notary Public Requ	ired			ver PeakzNV -89047.	
Notary Public in and fo	r the County of	1/42.	Dhana	City, State	e, Zip Code, No.	\
		J	, Phone	CA	NDY J. JEWETT	
State of	vada		<u>_</u> .	N ₂	OTARY PUBLIC	
My commission expires	s <u>Actober</u>	6, 200	<u>P</u> .	R 10 10 10 10 10 10 10 10 10 10 10 10 10	ATE OF NESSADA PPT. No: 92-0482-14 T. EXPIRES OOD 6, 2008	
the state of the s				Notary Stamp or SATION FOR EXTE	ension of tim	E.
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STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 684-2800 or 1-800-992-0900x2800 (In Nevada Only)

October 5, 2006

52918 through 52921

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2007</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Benefial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

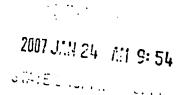
Jason King, P.E.

Deputy State Engineer

KH/ef

cc: Southern Nevada Branch Office

Notice of Proposed Action By the



State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for renewal of a Water Pollution Control Permit for the **Silver Peak Lithium Project**, a mining and beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for renewal of Water Pollution Control Permit **NEV0070005** is:

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

The facility is located on public and private land in Esmeralda County, within Sections 26-28, Township 1 South, Range 40 East, Sections 1, 12, 13, 21-25, Township 2 South, Range 39 East, and Sections 1-11, 15-20, 29-32, Township 2 South, Range 40 East, Mount Diablo Baseline and Meridian, near the town of Silver Peak. Nevada.

The project consists of a dewatering and beneficiation facility, designed to extract lithium, with a maximum permitted process rate of 6,000 tons of naturally occurring material per year. The facility is comprised of numerous deep wells, solar evaporation ponds, lime sludge pond, process plants, stockpiled salt dumps, and appurtenances such as the lime slaker. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

The Administrator is constrained to either issue the renewed Water Pollution Control Permit or to deny the application. The Administrator has made the tentative decision to issue the renewed permit.

Persons wishing to comment upon the proposed Water Pollution Control Permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to Nevada Administrative Code, NAC Chapter 445A, must submit their written comments, objections, or requests no later than 5:00 PM on the 30th day following the date of publication of this notice to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation 901 South Stewart Street, Suite 4001 Carson City, Nevada 89701-5249 All comments or objections received during the public notice period will be considered in the final determination regarding this Water Pollution Control Permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Water Pollution Control Permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-9401 or visit our website at http://ndep.nv.gov.bmrr/bmrr01.html

STATE OF NEVADA



Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation Silver Peak Lithium Project

P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of February Day, 2007, and shall remain in effect until February Day. 2007, unless modified, suspended, or revoked.

Signed this #### day of February 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
 - B. Schedule of Compliance: None Required
 - C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

Ide	entification	<u>Parameter</u>	Frequency
l.	Fresh Water Well (WS)	Profile I ¹ and Static water level (amsl)	Quarterly
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually
6.	Brine well ³ (BW)	Profile II ² and Static water levels (amsl)	Annually
7.	Plant influent (PI)	Profile II ²	Annually





Silver Peak I (thium Project Permu N° NI V0070005 Page 3 of 9

DRAFT

The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkalinity (as CaCO3)	Boron	Lead	Selenium
Bicarbonate	Cadmium	Magnesium	Silver
Total	Calcium	Manganese	Sodium
Aluminum	Chloride	Mercury	Sulfate
Antimony	Chromium	Nickel	Thallium
Arsenic	Copper	Nitrate (NO3+NO3 as N)	Total Dissolved Solids
Barium	Fluoride	pH (± 0.1 std units)	Zinc
Beryllium	Iron	Potassium	

(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum of two (2) feet of freeboard shall be maintained in the R-2 Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.

- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements



- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, and 3;
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2;
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6;
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent;
 - d. A brief summary of site operations, including the number of tons of naturally occurring material processed during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal:
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.

- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
 - b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;





- ii. The periods of the incident (including exact dates and times);
- iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
- iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident:
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any



Nilver Peak Lithium Project Permit Nº NI-V0070005 Page 8 of 9

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injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents. Profile II constituents that





Nilver Peak 1 (thium Project Permit N° NEV0070005 Page 9 of 9

have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: Bob Carlson

Date:

January 2007

Revision:

16 February 2005; employee access statement deleted.

24 May 2005, Bureau Chief title changed to Chief, Bureau of Mining Regulation and Reclamation.

25 May 2006; modified Part LL to include new PCS Management Plan wording.

January 2007 - Permit renewal process

FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address:

Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number:

NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1 x 10⁻⁶ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.







The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being



sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater



Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 5 of 5

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quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

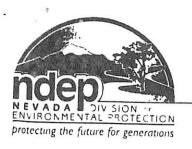
Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by:

Bob Carlson

Date:

January 2007 Renewal



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

March 8, 2007

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NOTICE OF DECISION

WATER POLLUTION CONTROL PERMIT NUMBER NEV0070005

Chemetall Foote Corporation Silver Peak Lithium Project

The Nevada Division of Environmental Protection has decided to renew Water Pollution Control Permit NEV0070005 to Chemetall Foote Corporation. This permit authorizes the construction, operation, and closure of approved mining facilities in Esmeralda County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the groundwater quality will not be degraded by this operation, and that public safety and health will be protected.

The permit will become effective March 23, 2007. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, March 18, 2007, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Bob Carlson at (775) 687-9401 or visit the Division website at www.ndep.nv.gov/bmrr/bmrr01.htm.

Comments were not received during the public comment period.



STATE OF NEVADA

2007 MIR - 3 / 11 10: 52

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation Silver Peak Lithium Project

P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of March 23, 2007, and shall remain in effect until March 23, 2012, unless modified, suspended, or revoked.

Signed this 8th day of March 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

- A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
- B. Schedule of Compliance: None Required
- C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

Id	entification	<u>Parameter</u>	Frequency
1.	Fresh Water Well (WS)	Profile I ¹ and Static water level (amsl)	Quarterly
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually
6.	Brine well ³ (BW)	Profile II ² and Static water levels (amsl)	Annually
7.	Plant influent (PI)	Profile II ²	Annually





The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkalinity (as CaCO3)	Boron	Lead	Selenium
Bicarbonate	Cadmium	Magnesium	Silver
Total	Calcium	Manganese	Sodium
Aluminum	Chloride	Mercury	Sulfate
Antimony	Chromium	Nickel	Thallium
Arsenic	Copper	Nitrate (NO3+NO2 as N)	Total Dissolved Solids
Barium	Fluoride	pH (± 0.1 std units)	WAD Cyanide
Beryllium	Iron	Potassium	Zinc

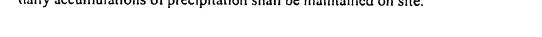
(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum of two (2) feet of freeboard shall be maintained in the R-2 Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.



- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements



- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, 3, and 4;
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2:
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6;
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent;
 - d. A brief summary of site operations, including the number of tons of ore milled or placed on heaps (as applicable) during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal;
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), WAD cyanide, fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved

Emergency Response Plan, then all spills must be reported as per NAC 445A.347.

- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.





- b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause:
 - ii. The periods of the incident (including exact dates and times);
 - iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident;
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.



7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.





6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Protile I constituents. Profile II constituents that have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: Bob Carlson

Date: Lamary 2007

Revision. 01 March 2007 - Permit renewal process

FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address:

Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number:

NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

Chemetall Foote Corp.
Fact Sheet for WPCP NEV0070005
Page 2 of 5

pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1 x 10⁻⁶ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.





Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 3 of 5

The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being

Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 4 of 5

sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

E. <u>Proposed Determination</u>

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater

Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 5 of 5

quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by:

Bob Carlson

Date:

January 2007 Renewal

Chemetall Foote Corp.

2607.003.24 4011:00

August 22, 2007

STATE ENGINCERS OFFICE

Chemetall Foote Corporation Silver Peak Operations PO Box 98, Hwy 265 Silver Peak, NV 89047

Office of the State Engineer Nevada Division of Water Resources 901 South Street, Suite 2002 Carson City, NV 89706-0818

Subject:

Permit Numbers 52918, 52919, 52920, 52921

Enclosed are applications for Extension of Time for Permits 52918, 52919, 52920, and 52921. A check in the amount of \$400.00 is also enclosed to cover the filing of the extensions.

If you have any questions or need additional information, please feel free to call me at 775-937-2222 ext. 229.

Sincerely,

Melissa Jennings

Mine Superintendent

Melina Tenning

Cc. Mr. Ross de Lipkau, Marshall, Hill, Cassas and de Lipkau File

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BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record <u>Chemetall F</u>	oote Corportation			STATE I	ENGINEER'S OFFICE
IN THE MATTE	R OF PERMIT No. 52919	FILED TO	O APPROPRIATE/CHA	NGE THE WATER	RS OF
	Under	ground Source			
THIS APPLICATION IS RESI	(1) 1. The second of the s	am, lake, spring, underground or	other source)		
Comes now	Melissa Jennings	, the		Agent	
	Melissa Jennings Person Signing Application			ermittee or Agent	
in compliance with the requirer	onents as set forth in the permit to	being duly sworn and an erms:	swering to the best of th	eir knowledge the i	following question
1. Does this permit have mul	tiple owners? YES • 1	NO (Check the Approp	riate Box)		
	1 is checked, is this request for neck the Appropriate Box)	an extension of time sub	omitted on behalf of all th	he owners?	
3. If "NO" on question No. 2 i	s checked, on whose behalf is th	nis extension being filed	?Chemetall Foote Co	rporation	
9					
4. How much time is needed to	o finish this project?Two Y	ears			
5. To date, what is the total ex	penditure on this project?\$5	5,900,000.00	<u> </u>		
6. In order to complete this pro	pject as set forth in the permit te	rms, what additional fun	ds will be spent?\$3	,200,000.00	
7. The permittee requests an ex	ctension of time for One (Not to e	Year exceed 1 year)	within	which to comply w	ith the provisions
for filing the	Proof of Be	enenficial Use f completion of work and/or proo	f of heneficial use)		
8. Explain in detail why this	request for an extension of time	•		essary):	
Old wells are being s	upplemented by the cons	struction of new	wells in order to	meet expandi	ng demand fo
production.					
)		Signed	Melissa	Jenning)
Subscribed and sworn to before	e me this <u>22 nd</u> da	y of Addres	s <u>Chemetall Foote Co</u>	rporation	20
Mugust	. 20,07	· .	PO Box 98. Silver P	eak. Nevada 8904	7 ~
Landy	Or Newell	Phone		City, State, Zip Code No.	1/2 C
Signature of Mo Notary Public in and for the Co	tary Pyblic Required			E KS	
State of Pevada	7 0	······································	010/	CANDY J.SEWI	
My commission expires	Petober 6, 200	8		NOTARY PUBL STATE OF NEV	±C ADA
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\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. Jyr PBN THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

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SE ROA 413





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 (775) 684-2800 • Fax (775) 684-2811

http://water.nv.gov

RE: Permits 52918, 52919, 52920 and 52921

September 19, 2007

Melissa Jennings Chemetall Foote Corporation PO Box 98 Silver Peak, Nevada 89047

Dear Ms. Jennings:

Please refer to the Application for Extension of Time forms you submitted on August 24, 2007 as Agent for Chemetall Foote Corporation for the above referenced permits.

These Applications for Extension of Time are approved; however, before any further requests for Extension of Time for the filing of the Proof of Beneficial Use are granted, this office requires that you answer the questions on the enclosed Work Progress Information Sheet. This information is needed to update the Permit files and to determine progress made towards establishing Beneficial Use. Please note that on your Applications you state that "old wells are being supplemented by the construction of new wells"; we do not currently have any Applications to Change on file in the name of Chemetall Foote. If you have any questions, please contact Tony Eng at 775-684-2800.

Please submit to this office the requested information before the next Proof Beneficial Use are due. Failure to comply may result in the denial of future requests for Extension of Time.

Sincerely,

Jason King, P.E.
Deputy State Engineer

JK/ALE/ef Enclosure

cc:

Parsons Behle & Latimer, Ross de Lipkau

Southern Nevada Branch Office

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918, 52919, 52920 and 52921

Please furnish information and documents explaining the progress to complete the project to be served under each permit. The explanation should include the following information and any other pertinent information:

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates (e.g., planning, design, construction, start-up, partial or full operation).
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of lands within the place of use? If so, detail this authorization.
- 3. What type of product or mineral is being mined? Who is buying your mineral product and for how long?
- 4. Submit the record of water measurements (e.g., meter readings) for the last one-year period. Specify the measurement volume units (e.g., gallons, 100 gallons, million gallons, or acre-feet).
- 5. Describe any work in progress and any facility or feature completed to establish full beneficial use in compliance with permit requirements.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.





STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

> Address All Communication to the State Engineer, Division of Water Resources

September 20, 2007

Telephone (775) 684-2800 or 1-800-992-0900 x 2400 (In Nevada Only)

In reply refer to:

52918, 52919, 52920 and 52921



Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2008</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E.

Deputy State Engineer

JK/ef

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record <u>Chemetall Foote Corportation</u>				STATE ENGINEE	R'S OFFICE
IN THE MATTER OF PERMIT No.	52919	FILED TO APPRO	PRIATE/CHAN	IGE THE WATERS O	F
	Underground	d Source			
	(Name of stream, lake	, spring, underground or other source)			
HIS APPLICATION IS RESPECTFULLY SUB					
Comes now Melissa Person Signing	Jennings	, the		Agent nittee or Agent	
ader Permit No. 52919	_, who after being c	duly sworn and answering to	o the best of the	ir knowledge the follov	ving questi
compliance with the requirements as set forth in	the permit terms:				
Does this permit have multiple owners?	VEC NO (
Does this permit have multiple owners?	TES • NO (C	Check the Appropriate Box)			
If "YES" on question No. 1 is checked, is this YES • NO (Check the Appropriat If "NO" on question No. 2 is checked, on whose	te Box)				
			TOURT TOOLO COL	poracion	
How much time is needed to finish this project	? Two Years				
. The permittee requests an extension of time for	One Year (Not to exceed 1	year)	within w	hich to comply with th	e provision
for filing the	Proof of Benenfic	cial Use tion of work and/or proof of beneficia	l use)		
Explain in detail why this request for an exter	-			sary):	
old wells are being supplemented by the construct rogram added three new wells, and a drilling progressor to the targeted volume.	tion of new wells in gram slated for the	order to meet expanding d fall of 2008 will add anothe	emand for produ er 5 to 8 wells, w	action. The 2006 well or which will bring product	drilling tion rates
•		· · · · · · · · · · · · · · · · · · ·			
	He	Signed <u>MJ</u>		Innung;	
ubscribed and sworn to before me this	day of	Address <u>Chem</u>	etall Foote Corp	poration A B	
Quene	4 0		Stree	et No. or P.O. Bok Tvo.	20
	008	PO B	ox 98, Silver Pe	ak, Nevada 20047	
Mandy Ch. C	Lewell	TOL (1997 11)		= 10	Ω
Signature of Notary Public Required	100	Phone(775)	937-2222 ext. 22	29 🚡 🕥	
lotary Public in and for the County of	N 1110-	Γ	(11.97)	CANDY & JEWET	-
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	6,2008	_,	1811	APPT. EXPIRES OCT. 6	. 2008
	Q, 2008	_· L	TALL INC.	APPI. EXPIRES OCT. 6	. 20

Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52919

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use?

 Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- 3. What type of mineral is being mined?

 Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

Who is buying your mineral product and for how long?

Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period. 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 None have been submitted or recorded.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

No known adverse conditions.

QUARTERLY PRODUCTION REPORT

CHEMETALL FOOTE CORPORATION SILVER PEAK OPERATIONS

YEAR: 2007

REPORT DATE: Jan. 23, 2008

BASIN: 143 (CLAYTON VALLEY)

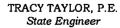
PERMIT NUMBERS: 52918; 52919; 52920; 52921

SITE I.D					BRI	NE PUMPED I	N GALLONS						AMOUNT
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10B	5,780,000	5,131,700	5,747,500	5,582,800	5,718,300	5,585,300	5.767,700	5,601,100	5,562,200	5,744,400	5,569,100	5,715,700	67,505,800
23A	3,871,000	3,529,300	3,777,700	2,684,000	3,892,416	3,799,488	3,570,240	3,479,000	3,640,000	3,796,300	3,658,000	3,777,900	43,475,344
41B	2,980,000	2,617,000	2,968,200	2,872,100	2,833,700	2,867,100	2,958,000	2,894,300	2,831,300	3,106,300	3,041,800	3,103,600	35,073,400
43A	3.201,000	2,853,400	3,193,500	3,112,400	3,191,200	3,107,900	3,203,400	3,08-1,900	3,105,300	3,201,300	3,110,900	3,173,200	37,538,400
59	4,218,000	3,737,300	4,228,700	4,081,700	4,013,800	3,858,800	3,973,100	3,830,200	3,983,100	4,080,700	3,947,800	3,999,500	47,952,700
62A	7,041,000	6,236,800	6,993,500	6,669,400	6,959,700	6,692,500	6,816,000	6.717,300	6,756,400	6,998,900	6,851,600	6,800,700	81,533,800
65A	5,761,000	4,840,500	5,443,100	5,198,700	5,187,600	5,024,500	5,200,900	5,024,900	4,994,000	5,102,100	4,979,500	5,111,000	61,867,800
73A	6,228,000	5,508,200	6,208,300	6,004,700	6,173,700	6,008,700	6,397,400	6,206,700	5,582,000	5,798,600	5,577,400	5,586,100	71,279,800
76	9,911,000	8,820,800	9,744,600	8,674,700	9,636,000	9,388,500	9,808,920	8,895,900	9,422,700	9,656,600	9,486,400	9,682,800	113,128,920
109	8,659,000	7,690,300	8,608.500	8,110,000	8,552,500	8.167,600	8,400,500	8,216,300	8,153,100	8,422,600	8,148,800	8,366,300	99,495,580
131	12,016,000	10,633,000	12,023,100	11,609,900	11,908,400	11,610,900	12,016,500	11,583,400	11,601,000	9,943,000	11,838,600	12,141,500	138,925,300
133	7,021,000	6,257,100	7,037,200	6,854,800	6,994,800	6,744.500	6,948,900	6,869,300	6,943,500	7.145.300	6,945,400	7,100,000	82,861,800
152	1,730,600	1.564,400	1,762,800	1,704,200	1,744,800	1,701,300	1,769,900	1,731,300	1,712,800	1,777,400	1,571,400	1,627,700	20,398,000
153	10,729,000	10,262,000	11,802,700	10,991,400	11,721,200	11,296,000	12,034,600	11,711,500	11,269,300	12,079,400	12,496,200	7,694,800	134,088,100
156	12,638,000	10,947,700	13,087,300	12,645,700	12,934,700	12,568,900	9,500,800	11,849,400	12,848,400	13.436,000	13,098,000	13,338,000	148,892,900
170	3,837,000	3,379,000	3,710,800	3,296,800	3,403,600	2,055,400	3,629,600	3,688,000	3,548,000	3,698,900	3,597,400	3.064,100	40,908,600
172	5,685,000	4,903,500	5.793,900	5,566,100	5,655,800	5,586,700	6,086,800	6.053.200	6,061,400	6,353,100	6,220,500	6,248,100	70,214,100
173	4,121,000	3,804,600	4.491,100	4,408,300	4,434,700	4,426,100	4,895,700	4,905,700	4,882,200	5,130,700	4,925,500	5,121,400	55,547,000
180	6,840,000	6,230,700	7,037,100	6,681,900	6,969,600	6,860,300	7,639,596	7.114,000	7,271,580	7,659,000	7,466,000	7,609,000	85,378,776
302	1,502,000	1,346,700	1,506,500	1,422,100	1,497,900	1,467,200	1.515,300	1,498,200	1,547,000	1,587,600	1,565,800	1,608,600	18,064,900
303	5,960,000	5,326,000	5,950,000	5,742,000	5,918,000	5,761,000	5,939,008	5,762,000	5,781,000	5,856,000	5,698,000	5.868,000	69,561,000
304	4,260,000	3,793,800	4,290,600	3,883,400	4,279,100	4,213,600	4.372,200	4,264,600	4,293,200	4,355,300	4,175,200	4,313,300	50,494,300
305	7.734,000	6,641,900	7,490,600	6,784,700	243,500	5,299,600	10,448,500	10,180,300	10,038,700	10.328,900	9,759,600	9,643,500	94,593,800
314	3,831,000	3,387,100	3,821,200	2,979,100	3,139,600	3,451,200	3,831,300	3.527,600	3,745,872	3.360,100	3,245,600	3,393,400	41,713,072
319	6,502,000	5,785,400	6,502,300	6,323,700	6.477,300	6,315,100	6.511.500	6,322,500	6,272,300	6,467,100	6,277,920	6,426,600	76,183,720
330	3,252,000	2,926,900	3,280,400	3,187,500	3,260,600	1,518,000	1,853,000	708,000	U	0	0	O	19,986,400
333	8,914.000	7,954,000	8,848,300	8,317,000	8,782,000	8,522,600	8,767,800	8,398,200	8,620,400	8,807,100	8,591,300	8,767,800	103,290,500
334	613,000	511,600	582,700	586,100	1,193,940	1,165,914	1,202,850	1.168,020	1,169,154	1,201,230	1.172,880	1,195,074	11,762,462
337	1,600,000	1,131,000	1,463,000	1,568,000	1,589,000	1,517,000	1.547,000	1.507,000	1,528,000	1,558,000	1.511,000	1,543,000	18,062,000
343	9.757,000	8,745,700	9,816,700	9,514,400	9,765,600	9.495,300	9,819,700	9,497,400	9,460,440	9,931,300	9,675,500	9,882,900	115,361,940
344	3.341.000	3,014,100	3,410,500	3,299,700	3,376,800	3,280,920	3,882,114	3,292,320	3,288,000	3,397,000	3,327,000	3,393,000	40,302,454
346	1.287,000	1,162,300	0	0	200	. 0	0	0	757,452	360,200	0	0	3,567,152
347	1,944,000	1,716,800	1 905 400	1,837,600	1,934,000	1.882.500	1,969,000	1,900,600	1,890,500	2,005,600	1,906,872	1.372.680	22,265,552
356	2,234,000	1,973,600	2,204,700	2,161,000	2,228,100	2,157,600	2.235.500	2,174,800	2,222,200	2,293,000	55,600	300	21,940,400
357	7,872,000	6,919,200	7,867,900	7,400,800	7,665,800	7.156,700	6,865,300	6.349,248	5,138,100	0	1,409,300	0	64,644,348
358	152,000	, D	1 0	0	0	0	0	Ð	n	0	0	0	152,080
359	2,661,000	2,237,700	2,012,300	2,512,800	2,692,500	2,488,500	2,536,190	1.533,000	700	0	1,100	2,756,900	21,432,600
360	4,646,000	4,172,000	4,663,700	4,497,900	4.492.100	4,533,480	4,725,480	4,562,800	4,576,800	4,690,800	4,622,000	4,744,200	54,927,260
374	26,117,000	16,705,000	i 0	0	0	0	3,781,000	9,221,000	8,299,000	5,595,000	9,113,000	9,255,000	88,086,000
374 378	5,251,000	10,269,000	0	9,511,200	24,548,800	22,545,000	22,184,000	19,752,000	18,795,000	19,335,000	18,813,000	19,081,000	190,185,000
379	4,132,000	3,797,000	6,248,000	3,905,000	5,349,000	2,921,000	2,205,000	2,112,000	2,069,000	2,245,000	2,154,000	2.015.000	38,252,000
380	3,182,000	1,897,100	0	2,105,800	3,012,000	2.952,700	1,269,600	1,300,800	1,802,706	1,903,900	0 .	Ü	19,426,600
384	6,164,000	5,227,000	6,016,030	5,739,000	5,794,000	3,523,000	6,149,000	6,275,000	6,175,000	6,333,000	6,140,000	6,256,000	69,791,000
386	9,873,000	15,141,000	16,562,000	16,529,000	16,891,000	16,109,000	16,290,000	11,390,000	20.477,000	19.814,000	18,376,000	18,388,000	195,840,000
392	15,135,000	7.062.700	0	4.805,000	56,724,000	54,121,000	54,771,000	52,906,000	55,609,000	57,284,000	55,133,000	56.319,000	469,869,700
394	0	1,532,000	4,466,000	3,554,000	4,074,000	3,602,000	3,438,000	3,747,000	3,548,000	3,181,000	3,283,200	2.922,480	37,347,680
*FWW	12,732,000	11,962,000	12,443,000	12,374,000	16,177,000	12,843,000	17,299,000	15,140,000	14,069,000	16,374,000	12,862,000	43,574,000	197,849,000
tora. GA	285,6477 (AN)	253,776,100	247,701,800	349,909,900	325.721.056	307.914.202	328,727,000	316.567,488	323,922 498	324,037,430	113.777,972	344,609,734	3,622,272,180
V Mouth	876	779	760	767	1000	945	1009	972	994	994	963	1058	11,116
TOTAL		787,084,900		L	883,545,158			969,216,986			982,425,136		3.622,272,180

PERMIT NUMBERS: 44248 & 52917 * FRESH WATER WELL

W AF 114 FWW AF 127 FWW AF 143 FWW AF 223	WW sum	37,137,000	FWW sum	41,394,000	FWW sum	46,508,000	FWW sum	72,870,000
223 223	ll AF sum	2415	all AF sum	2712	all AF sum	2974	ell AF sum	3015
VW % 4.72 FURN 9/ 4.69 FURN 9/ 4.90 FURN 9/	WW AF	114	FWW AF	127	FWW AF	143	FWW AF	
4.00 FWW 70 4.00 FWW 70 7.41	FWW %	4.72	FWW %	4.68	FWW%	4.80	FWW %	7:41
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ALLEN BIAGGI Director





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

October 9, 2008

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to <u>September 30, 2009</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E.
Deputy State Engineer

JK/ef

Enclosure: Important Notice: "Future Application for Extension of Time Filings"

cc: Southern Nevada Branch Office

Ross de Lipkau, Parsons, Behle & Latimer

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED
AUG 2.1 2009 &
STATE ENGINEER'S OFFICE

Owner of Record <u>Chemetall Foote Corportation</u>	STATE ENGINEER'S OFFICE
IN THE MATTER OF PERMIT No. <u>52919</u> FILED	TO APPROPRIATE/CHANGE THE WATERS OF
Underground Source (Name of stream, lake, spring, undergroun	Lor other source)
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
Comes now Melissa Jennings, the Person Signing Application	Agent Permittee or Agent
under Permit No. 52919, who after being duly sworn and in compliance with the requirements as set forth in the permit terms:	성용한 시간 그는 사람들이 되었다. 그 사람이 하고 있는 중요한 사람이 가는 하는 사람이 가장 하는 것이 되었다. 그 사람이 되었다면 하다 그 사람이 되었다.
1. Does this permit have multiple owners? YES NO (Check the Ap)	propriate Box)
2. If "YES" on question No. 1 is checked, is this request for an extension of time	
YES NO (Check the App	되는 그 씨는 하고 있다면 얼마를 받는 것이 바로 바로 다시다.
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being fi	led? Chemetall Foote Corporation
<u> (2007년 - 1905년 - 190</u> - 1907년 - 1907년 - 1905년	<u> </u>
4. How much time is needed to finish this project?	
5. To date, what is the total expenditure on this project?\$56,085,550.00	
6. In order to complete this project as set forth in the permit terms, what additional	funds will be spent?
7. The permittee requests an extension of time for One Year (Not to exceed 1 year)	within which to comply with the provisions
for filing the Proof of Benenficial Use	
(Proof of completion of work and/or 8. Explain in detail why this request for an extension of time is being submitted (
A well rehabilitation program in late 2008-early 2009 targeted older wells with structure of the structure o	
rehabilitation endeavors. Stimulus funds were approved for a drilling program in 2 everal older wells to bring production rates closer to the target 2011.	010 and well rehabilitation program that will be used to reinstate
20-0-da older wens to bring production rates closer to the target 2011.	
J_0 Sign	ned Melissa Senning
Subscribed and sworn to before me this day of Ado	Permittee or Agent U. Iress Chemetall Foote Corporation
august 2009	Street No. or P.O. Box No. PO Box 98, Silver Peak, Nevada 89047
Jandy C. Sandy	City, State, Zip Code No.
Signature of Notary Public Required	ne(775) 937-2222 ext. 229
Notary Public in and for the County of	
State of Jevada	CANDY J. JEWETT NOTARY PUBLIC
My commission expired September 12, 2012.	STATE OF NEVADA NYE COUNTY
	MY APPT. EXPIRES SEPT. 12, 2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAREN. 421

ph.

ALLEN BIAGGI Director

TRACY TAYLOR, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

September 30, 2009

Chemetall Foote Corporation PO Box 98 Silver Peak, NV 89047

RE: 52918, 52919, 52920 & 52921

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2010</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If you have any questions regarding this notification, please contact Tony Eng at (775) 684-2800.

Sincerely,

Gloria K. Lash

Administrative Assistant III

cc: Southern Nevada Branch Office Parson Behle & Latimer, Ross E. DeLipkau

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

SEP 0 2 2010,

Owner of Record Chemetall Foote Corporation	STATE ENGINEER'S OFFIC
IN THE MATTER OF PERMIT No. <u>52919</u>	FILED TO APPROPRIATE/CHANGE THE WATERS OF
Underg	ground Source
(Name of stream	am, lake, spring, underground or other source)
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	그 그 얼마 그림이 되는 이 그 그 그렇게 되는 것 같아요?
Comes now <u>Melissa Jennings</u> Person Signing Application	, the Agent Permittee or Agent
가게 있는 그 것이 있다. 이번 살로난 사람들에 반으면 그게 그리고 있는 이번에 가는 그리고 함께 모든 물람들이 되었다.	eing duly sworn and answering to the best of their knowledge the following questions
1. Does this permit have multiple owners? YES	NO (Check the Appropriate Box)
2. If "YES" on question No. 1 is checked, is this request for an	an extension of time submitted on behalf of all the owners?
☐YES ☑I	NO (Check the Appropriate Box)
3. If "NO" on question No. 2 is checked, on whose behalf is this	is extension being filed? Chemetall Foote Corporation
4. How much time is needed to finish this project?	Pars
5. To date, what is the total expenditure on this project?\$59.	
6. In order to complete this project as set forth in the permit terr	ms, what additional funds will be spent?\$2,603,750
7. The permittee requests an extension of time for One (Not to extension)	Year within which to comply with the provisions
for filing the Proof of Ben	neficial Use
(Proof of c	completion of work and/or proof of beneficial use)
8. Explain in detail why this request for an extension of time is	
In early 2009, A well rehabilitation program successfully identificable prior to temporary idling of operations in 2009. Wells we willing rig for the purpose of well rehabilitation and construction	fied an alternative means to overcome structural failures and two well were brought ere restarted in 2010 and ARRA funding will be used to purchase a production on. The budget for this project is \$2.6 MM
	Signed Melisa Jenning 1 & Permittee or Agent
Subscribed and sworn to before me this	of Address Chemetall Foote Corporation Street No. or P.O. Box No.
- Mugust 20/0	PO Box 98, Silver Peak, Nevada 89047 City, State, Zip Code No.
Signature of Notary Public Required	Phone (775) 937-2222 ext. 229
Notary Public in and for the County of	CANDY J. JEWETT
State of Usuada	NOTARY PUBLIC STATE OF NEVADA
My commission expires Leptember 12, 20	NYE COUNTY APPT. No. 92-0422-14
•	MY APPT. EXPIRES SEPT. 12, 2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. Lyr PBU THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER. SE ROA 423

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
 - 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
 - 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping.

 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
 - 4. Submit the record of water measurements for the last one-year period. 1.524 acre-feet was used in 2009.
 - establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
 - 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
 - 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.

LEO DROZDOFF
Acting Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2010

Chemetall Foote Corporation Silver Peak Operations Hwy 395 Silver Peak, NV 89047

RE: PERMIT(S) 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to **September 30, 2011**, with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Staff I Associate Engineer

ALE/ag

cc: Parsons Behle & Latimer

Southern Nevada Branch Office (via email)

Rev. 5/2010 SE ROA 426

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

DA FILED

ANG P

2 9 2011

STATE ENCINEERIS OFFICE

Owner of Record Chemetall Foote Corporation			<u>.</u> -		STATE ENGINEE	OFFICE TAN
IN THE MATTER OF PERMIT No	52919	FILED TO A	PPROPRIATE/		HE WATERS OF	
	Underground S (Name of stream, lake, spr		r source)			
THIS APPLICATION IS RESPECTFULLY SUBMI						
Comes nowJoseph L. Du	nn	, the		Agent		
Person Signing Ap		Maria de la companya	, , , , , , , , , , , , , , , , , , , ,	Permittee or		
under Permit No. 52919, win compliance with the requirements as set forth in the		y sworn and answe	ering to the best	of their know	wledge the follow	ing question
Does this permit have multiple owners?		heck the Appropri	into Dani			
2. If "YES" on question No. 1 is checked, is this re		ion of time submit heck the Appropri		f all the owne	rs?	
If "NO" on question No. 2 is checked, on whose be	ehalf is this extens	ion being filed? _	Chemetall Foo	te Corporatio	<u>n</u>	· · · · · · · · · · · · · · · · · · ·
		• 1		<u>.</u>		
4. How much time is needed to finish this project?	Two Years			en Hari Hari		
5. To date, what is the total expenditure on this project						
6. In order to complete this project as set forth in the						
	-		_			
7. The permittee requests an extension of time for	(Not to exceed I year)	w	ithin which to	comply with the	provisions
for filing thePr	oof of Beneficial U	Jse of work and/or proof of b	eneficial use)			
8. Explain in detail why this request for an extensio						
Wells were restarted in 2010 and ARRA funding was construction. The budget for this project is \$2.6 MM.	used to purchase a Well rehab and pr	production drilling of oduction drilling of the control of the con	g rig for the pur occurred during	rpose of well 2011 and wi	rehabilitation and Il continue throug	- h 2012 to
increase pumping capacity to achieve production goal						
9			1			
		Signed	pried	しっ	Mz.	· · ·
274	\\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		•	Permittee or Agen		
Subscribed and sworn to before me this	day of	Address	Chemetall Fool	Street No. or	P.O. Box No.	
	*		PO Box 98, Sil	ver Peak, Ne City, State, 2	vada 89047 Zip Code No.	
Signature of Notary Public Required A	1)evel	Phone	(775) 937-2222	ext. 222		
Notary Public in and for the County of	K.					
State of State of)					
1 206	10 01	. 2			J. JEWETT RY PUBLIC	T.
My commission expires	12,20.			STATE	OF NEVADA	
SIATE ENGINEERS OFFICE				APPT. N	COUNTY o. 92-0422-14	
				IY APPI. EXPI	RES SEPT. 12, 201	Z

\$100 FILING FEEL MOUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

\$100 FILING FEEL MOUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

1 gr PBM

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- Explain anticipated development of water distribution facilities to serve the 1. place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 6.565 acre-feet was used in 2010.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements. In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.
- 7.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.

RECEVE 1:50

LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.ny.gov

http://water.nv.gov October 19, 2011

Chemetall Foote Corporation P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to september 30, 2012, with the provision that no further extensions will be granted for filing of the Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

long Eng

Sincerely,

Tony Eng

Water Resource Specialist I

ALE/ag

cc: Parsons Behle & Latimer

Southern Nevada Branch Office

ABSTRACT OF TITLE

Please retain this sheet underneath the Summary of Ownership form

52919

PERMIT PAGE

Certificate of Incorporation (A. O.F. Permit 10036) SRV 120341 Certificate of Amendment of DOCUMENT DESCRIPTION/ REMARKS 3/22/12 DOC # DATE FILED UNDER DATE ACRES 3,619.85 AFA CFS S GRANTEE Rockwood Lithium Inc. Chemetall Foote Corporation GRANTOR DEED NO. ~ က Ŋ 4 ဖ ~ ∞

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

FILE DATE AUG 2 9 2015

APPLICATION FOR EXTENSION OF TIME

Owner of Record <u>Chemetall Fo</u>	ote Corporation			
IN THE MATTER	OF PERMIT No52919			
	OI I DRIVII 140	FILED TO A	PPROPRIATE/CHANGE TH	E WATERS OF
·	Undergro	and Source		
-		ake, spring, underground or other	source)	
THIS APPLICATION IS RESPE	CTFULLY SUBMITTED.			
Comes now	Joseph L. Dunn Person Signing Application	, the	Agent Permittee or Ag	
under Permit No. 5291		t duly every and answer	ring to the best of their knowle	
in compliance with the requireme	nts as set forth in the permit terms	; daiy sworn and answe	ing to the best of their knowle	eage the following question
D				
Does this permit have multiple ov	vners? YES X NO	(Check the Approprie	ite Box)	
2. If "YES" on question No. 1 i	s checked, is this request for an ex	tension of time submitt	ed on behalf of all the owners)
	YES NO	(Check the Appropria	te Box)	
IS "NO"				201 STA
5. If NO on question No. 2 is c	hecked, on whose behalf is this ex	tension being filed?	Chemetall Foote Corporation	·
<i>A</i> 17				E OF
4. How much time is needed to fi	nish this project?Two Years			X O III
5. To date, what is the total expen	diture on this project? \$64.104	J.791.		AH ERS
				0 = 111
6. In order to complete this project	t as set forth in the permit terms,	what additional funds w	ill be spent?\$2,00,000	
7. The permittee requests an extern	sion of time for One Year	•	within which to a	omply with the provisions
	(Not to exceed	year)	within which to eq	omply with the provisions
for filing the	Proof of Benefic	ial Use etion of work and/or proof of ben		
8. Explain in detail why this rea		•	· ·	
Funding from ARRA was used dur	uest for an extension of time is being 2012 to increase numning can	ing submitted (<i>Use addi</i> acity During 2013 dril	tional sheets if necessary): ling will continue to further in	
Silver Peak Operation. Several mo	re production wells and rehab we	lls will be brought on-lin	ne during 2013. The increase	in brine capacity at the
wide product to meet the growing	g demand.			as orme oupdotty will
		[]	1 - 1	
		Signed	med & the	~
0.1-2.1	anth.		Permittee or Agent	
Subscribed and sworn to before me	this day of	Address <u>C</u>	hemetall Foote Corporation Street No. or P.O.	D. W.
(lugust	20 12	De		
			O Box 98, Silver Peak, Nevad City, State, Zip C	a 8904/ ode No.
Signature of Notary F	dy Cy Jewell	Phone	75) 937-2222 ext. 222	
Notary Public in and for the County	70. ()			
	7 7 7			
State of wada	,			J. JEWETT Y PUBLIC
My commission expires Lepte	mhar 12 7 112			F NEVADA
wry commussion expires	aj durid	_•	NYE C	OUNTY
			APPT. No.	92-0422-14

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

SE ROA 432

LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 12, 2012

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: PERMITS 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2013</u> with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Water Resource Specialist 1

ALE/mt

c: Parsons, Behle and Latimer (via email)
Southern Nevada Branch Office (via email)

Rev. 9/2011 SE ROA 433

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED

mer of Record Rockwood Lithium Inc. (previously known as Chemetall Foote Corporation)

IN THE MATTER OF PERMIT No.	i2919	FILED TO	APPROPRIAT	E/CHANGE THE	NGINEER'S WATERS O	dictive L
					1. 10 p. 1	
	Underground Sou					
• (Na	ime of stream, lake, spring	g, underground or o	ther source)	•		
THIS APPLICATION IS RESPECTFULLY SUBMITT	ſ E D.					
Comes now Joseph L. Dunr Person Signing Appli	cation	, the		Agent Permittee or Ager	nt .	<u> </u>
under Permit No. 52919, whi in compliance with the requirements as set forth in the part of the part o		sworn and ans	wering to the b	est of their knowled	dge the follov	ving question
Does this permit have multiple owners?	S NO (Ch	eck the Appro	oriate Box)			
2. If "YES" on question No. 1 is checked, is this required YES	NO (Ch	eck the Appro	oriate Box)			
f "NO" on question No. 2 is checked, on whose bel	iaii is this extensio	n ceing mea?	Rockwood)	Junum Mc.		
4. How much time is needed to finish this project?	Iwo Years					
 5. To date, what is the total expenditure on this project 6. In order to complete this project as set forth in the p 7. The permittee requests an extension of time for 	ermit terms, what a		ls will be spent	2 \$2,00,000 within which to co	omply with th	e provisions
7. The permittee requests an extension of time for	(Not to exceed 1 year)			widini which to co	mpiy with th	e provisions
for filing the Pro	of of Beneficial Us (Proof of completion of	se	-6h6-i-l			
8. Explain in detail why this request for an extension Funding from ARRA was used during 2013 to increase Silver Peak Operation. Several more production wells provide product to meet the growing demand.	of time is being su pumping capacity	ubmitted (Use During 2014	additional shee	ontinue to further in	ncrease capac in brine capa	ity at the
		Signed	Jany	12 -12	2	<u>ي</u>
Subscribed and sworn to before me this 27	day of	Address	Rockwood I			
Chane 201	3 \		PO Box 98.	Silver Peak, Nevao	四 图 8904 7	<u> </u>
Landy G. Go	well	Phone _	(775) 937-22	City, State, Zip (222 ext. 222	<u> </u>	III CO
Signature of Nogary Public Required Notary Public in and for the County of	<u>. </u>			01115111	Fig. 43	1
State of Mada				CANDY J. JE NOTARY PU STATE OF NE	IBLIC	
My commission expires	2014.		N. N. S.	APPT. No. 92-0 APPT. EXPIRES (422-14	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

M & By 9/10/13

LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

September 25, 2013



Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2014</u>, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.



Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

long Eng

Sincerely,

Tony Eng

Water Resource Specialist I

ALE/dl

cc: Parsons, Behle and Latimer, email Joseph L. Dunn, Rockwood Lithium Inc. Southern Nevada Branch Office

ı	State of Neva						
Ţ	REPORT OF CONVEYANCE of a water right to						
E M	Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer						
1	APPLICATION / PERMIT No.: 52919 or PROOF/CLAIM No.: STATUS: PER USE: M&D						
	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEER.: Chemetall Foote Corporation						
2							
1	If any item province additional array places use from 12 Permether	or attach 8 1/2" X 11" sheets referencing appropriate item number.					
	NEW OWNER(S): Rockwood Lithium Inc.	NEW BENEFICIARY(S):					
3							
	ADDRESS: P.O.Box 98	ADDRESS:					
	CITY: Silver Peak STATE: NV ZIP: 89047	CITY: STATE: ZIP: Email confirmation OK? See below YES					
	Email confirmation OK? See below YES						
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBI						
ļ	DEED(S)						
	DEED(S) OF TRUST RECONVEYANCE at NOTICE(S) OF PLEDGE MAP(S) at no charge						
	DEATH CERTIFICATES AFF OF ID at no charge						
	DECREE(S) OF DISTR OTHER: Corporate	X TOTAL FEES SUBMITTED* \$ 20 .00					
	ONE, ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE I	REPORTS + \$20 PER CONVEYANCE DOCUMENT LISTED ABOVE.					
5	*WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION FEE OF \$120 IS REQUIRED. SEE GUIDELINES FOR MORE INFOI	ON TO CONVEYANCE DOCUMENTS, AN ADDITIONAL FILING RMATION.					
6	This REPORT may require an ABSTRACT OF TITLE listing th	e above documents in chronological order. A copy of the map					
Ľ.	referred to in said deed(s) may be required. Copies of maps shou						
7	LIST SUPPLEMENTAL RIGHTS: 44251, 44252, 44253, 4425	55, 44256, 44257, 44258, 44260, 44261, 44267, 44268, 44269 ————————————————————————————————————					
8	COUNTY: POINT OF DIVERSION: Esmeralda	COUNTY: PLACE(S) OF USE: Esmeralda					
9	AMOUNT (DUTIES) TO BE ASSIGNED: 5 CFS	3,619.85 ACRE-FEET ACRES or UNITS					
10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OF	M.O.U. OF THIS RIGHT TO BE FILED? YES NO					
11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.I	J. IS ALREADY FILED, INDICATE THE NUMBER:					
	List any other water rights relating to this Report of Conveyance that h 10036, 15847, 24382, 44248,44250, 44251,44252, 44253, 4425	as been filed using the same abstract and chain of title. 5, 44256, 44257, 44258, 44260, 44261, 44267, 44268, 44269.					
12	44270, 49805, 52917,52918, 52919, 52920, 52921.						
· 		15000					
13	Additional Space/Remarks: #7 - Continued - 44270, 49988, 5	2918, 52919, 52920 and 52921					
13							
14	"I swear under penalty of perjury, that this represents a complete and thorough	sh search of the records of the county recorder of each county in which the water is					
'-	placed to beneficial use or diverted from its natural sou	rce and the records on file in the office of the state engineer." SIGNATURE:					
STATI	E OF Nevada	PRINT NAME, John R. Zimmerman					
ı	NTY OF Washoe	MAILING ADDRESS: 50 W. liberty St., Suite 750					
SUBSO	CRIBED AND SWORN TO BEFORE ME ON 07.01.14	FIRM NAME: Parsons Behle & Latimer					
BY:	MAK CUITTE CITIES THE WARK	CITY: Reno STATE: NV ZIP: 89501					
		PHONE: 89501 OWNER					
12	RONI L. SHA	FFEH & E-MAIL:					
	Notary Public - State Appointment Recorded in	Washoe County 1 Is a consent to receive email VEC					
Signa	ture of Notary Public Required No: 99-38517-2 - Expire	s May 5, 2015 Correspondence aiready on file?					
	Notary Stamp or Seal Required	If not, please download from our website and include					

SLC 7/18/14

FEE RECORDS Receipt No.(s)	
- Consist	101. 6 5 200
Date of Receipt \$\$ This Permit	\$ 20,00
Original Receip	t Lecated
In File No	0036
Deeds / Docs I	Filed in
ere	1 U

LEO DROZDOFF Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov July 23, 2014

John R. Zimmerman Parsons Behle & Latimer 50 W. Liberty St., Suite 750 Reno, NV 89501

RE: Permits 10036, 15847, 24382, 44248, 44250 – 44253, 44255 – 44258, 44260, 44261, 44267 – 44670, 49805, and 52917 – 52921

To Whom It May Concern:

Please be advised that your *Reports of Conveyance* received on July 8, 2014, are hereby confirmed to update ownership of the above mentioned permits in the name of **Rockwood Lithium Inc.**, as listed in the table below. Details of the above permit(s), including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	Diversion Rate (cfs)	Duty (AFA/AFS)	Acres/Units
10036/2627	0.334		400
15847/4838	0.53		
24382/7234	1.0	723.95	
44248	1.0	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.0	723.97	
44252/12271	0.43	311.3	
44253/12772	0.84	608.13	
44255/12773	0.39	282.35	
44256/12774	0.22	159.27	
44257/12775	0.35	253.39	
44258/12776	0.27	195.47	
44260/12777	0.20	144.79	
44261/12278	0.22	159.27	
44267/12779	0.44	318.50	
44268/12780	0.46	334.47	
44269/12781	0.26	188.23	
44270/12782	1.00	723.97	
49805/14655	0.13	20.13	
52917	1.0	21.63	
52918	5.0	3619.85	
52919	5.0	3619.85	
52920	5.0	3619.85	*
52921	5.0	3619.85	SE ROA

Zimmerman, John Permit 10036+ July 23, 2014 Page 2 of 2

Permits 29728, 44248, 49805, 52917, 69220, 76343 and 77966 have a total combined duty not to exceed 588.67 acre feet annually.

Permits 44251 - 44258, 44260, 44261 , 44267 - 44270, 49988, and 52918 - 52921 have a total combined duty not to exceed 20,000 acre feet annually.

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) the water right is in good standing with the office of the State Engineer; or b) the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and c) this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2830.

Sincerely,

Shaunel H. Clayson

Engineering Technician III

SLC/sgc

cc: Rockwood Lithium Inc.

SNBO

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

SEP 0 5 2014 S

Wher of Record Rockwood Lith	num inc. (previously known as Chen	netall Foote Corporation)		
IN THE MATTER O	F PERMIT No. <u>52919</u>	FILED TO APPROP	RIATE/CHANGE THE WA	ATERS OF
	Underground (Name of stream, lake, s	Source pring, underground or other source)		
HIS APPLICATION IS RESPEC		pg		
IIS AIT LICATION IS RESPEC	THULLI SUBMITTED.			
Comes now	Melissa Jennings Person Signing Application	, the	Agent	
der Permit No. 52919	who after being dunts as set forth in the permit terms:	ily sworn and answering to	the best of their knowledge	the following quest
comprisince with the requirement	as as set form in the permit terms.			
oes this permit have multiple ow	mers? YES X NO (Check the Appropriate Box	;)	
IESTEON on acception No. 1 is	and and a different and for an and a		habalf of all the assess	
II TES on question No. 1 is	s checked, is this request for an exter	Check the Appropriate Box		
If "NO" on question No. 2 is cl	hecked, on whose behalf is this exter	sion being filed? <u>Rocky</u>	vood Lithium Inc.	1 1/4 3
		. ^		20
How much time is needed to fin	nish this project?Two Years	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	2014 S
To date what is the total evnen	iditure on this project? \$68,104,7	01		SEP
To date, what is the total expen	diture on this project:	, , , , , , , , , , , , , , , , , , , 		ISINE -5
In order to complete this project	ct as set forth in the permit terms, wh	at additional funds will be	spent? <u>\$2,00,000</u>	
The manufacture and an end on the control of the co	one Wee		within which to comp	
The permittee requests an exter	nsion of time for One Year (Not to exceed 1 year)	ear)	within which to comp	
for filing the	Proof of Beneficial	l Use		OFF OFF
		on of work and/or proof of beneficial o		ic:
Explain in detail why this req	quest for an extension of time is being production wells were brought online	g submitted (Use additional	l sheets if necessary):	tad farma as sither
monitoring or production we	production wells were prought online its like in-house drilling operation is	s expected to continue throu	inping wens were renabilitated in the control of th	naximize production
well availability, resulting in	operations more near to capacity. T	he harsh environment, deep	aquifer depths, and fluctua	ting recharge make
	s difficult; however, the goal is to inc	crease brine capacity to opti	imize production needs to m	neet the growing
demand for lithium.		7.4		
		Signed ////	lessa Jenning	2
	enthis 28th day of			
ubscribed and sworn to before m	te this day of	Address <u>Rockw</u>	vood Lithium Inc. Street No. or P.O. Bo	x No.
Magus	V 1, 20 1M	PO Bo	x 98, Silver Peak, Nevada_	89047
To and			City, State, Zip Code	
Signature of Notary	Public Variant	Phone(775) 9	37-2222 ext. 229	
Notary Public in and for the Coun	V /1 14 0		CAMBY LIEUTE	
· 1			CANDY J. JEWETT NOTARY PUBLIC	
state of Unado			STATE OF NEVADA	
Au commission arrive (1)	tober 6, 2016		APPT. No. 92-0422-14	.
Ty commission expires	2000000, 20.00		APPT. EXPIRES OCT. 6, 201	6
			Notary Stamp or Seal	Required

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.



Division of Water Resources Receipt for Payment



Rockwood Lithium Inc.

P.O. Box 98

Silverpeak, NV 89047

Check #: 28336

Check Date: 9/3/2014

Date Received: 9/5/2014

Receipt #: 1,508

FY

Amount

Permit #

Invoice #

Fee Type/Fee desc

Notes

2015

\$120.00

52919

- Extensions

Covers Ext No's

52918 through 52921

LEO DROZDOFF
Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 25, 2014

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit 52918, through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2015</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2803.

Sincerely,

Chris Thorson

Water Resource Specialist I

CMT/sg

cc:

Parsons, Behle & Latimer, e-mail Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED
SEP 0 4 2015 %
STATE ENGINEER'S OFFICE

Owner of Record Rockwood Lithium Inc. (previously known as Chemetall Foote Corporation)
IN THE MATTER OF PERMIT No. <u>52919</u> FILED TO APPROPRIATE/CHANGE THE WATERS OF
용하다 하는 사람들은 사람들은 사람들이 되었다. 그 사람들은 사람들은 사람들이 되었다. 그는 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은
Underground Source (Name of stream, take, spring, underground or other source)
THIS APPLICATION IS RESPECTFULLY SUBMITTED.
일본시간 물론이 하시고 빌려가 되었다. 그는 그 남은 말라면 없는 그 그는 그는 그는 것이 되었다. 한다.
Comes now Scott Thibodeaux, the Agent Person Signing Application Permittee or Agent
under Permit No. 52919 , who after being duly sworn and answering to the best of their knowledge the following questi
in compliance with the requirements as set forth in the permit terms:
Does this permit have multiple owners? YES NO (Check the Appropriate Box)
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? YES NO (Check the Appropriate Box)
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc.
2. 11 110 On question 110. 2 is unested, on whose bolian is and extension bolig med.
<u> 불위한 그는 그리면 하루 회에는 동안하는 등 하는 것이 하면 중심하는 것이 하는 것이 되는 이 경우를 받는다.</u>
- [문화보다] - [편집 등 및 모든 [편집] - [편집] - [편집] - [편 화면 # # # # # # # # # # # # # # # # # #
4. How much time is needed to finish this project? <u>Two Years</u>
5. To date, what is the total expenditure on this project? \$70,104,791.
5. To date, what is the total experience on this project:
6. In order to complete this project as set forth in the permit terms, what additional funds will be spent?\$2,00,000
7. The permittee requests an extension of time for One Year within which to comply with the provision (Not to exceed 1 year)
for filing the Proof of Beneficial Use
(Proof of completion of work and/or proof of beneficial use)
8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary):
In 2014 several replacement production wells were brought online and several previously pumping wells were rehabilitated for use as either
monitoring or production wells. The in-house drilling operation is expected to continue through 2014 and into 2015 to maximize production
well availability, resulting in operations more near to capacity. The harsh environment, deep aquifer depths, and fluctuating recharge make
maintaining pumping systems difficult; however, the goal is to increase brine capacity to optimize production needs to meet the growing demand for lithium.
desiration for individual.
Signed Walkly
Permittee or Agent
Subscribed and sworn to before me this day of Address Rockwood Lithium Inc. Street No. or P.O. Box No.
/ W. c. II
PO Box 98, Silver Peak, Nevada 89047 City, State, Zip Code No.
Phone (775) 937-2222 ext. 226
Signature of Notary Public Required
Notary Public is and for the County of 0 14
State of / evada CANDY J. JEWETT
State of OPPUBLIC NOTARY PUBLIC
My commission expires Uctuber 6 2015 APPT. No. 92-0422-14
8102, 9, TOP SERIPINA THE WILL ENGINEERS OFFICE POPULATION AND AND AND AND AND AND AND AND AND AN

50 : E Hd 1- d35 5107
\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

9/8/15

AB



Division of Water Resources Receipt for Payment



Rockwood Lithium Inc.

P.O. Box 98

Silverpeak, NV 89047

Check #:

28485

Check Date: 8/31/2015

Date Received: 9/4/2015

Receipt #: 9,104

FY

Amount

Permit #

Invoice #

Fee Type/Fee desc

Notes

2016

\$120.00

52919

- Extensions

COVERS EXT NO'S 52918, 52919, 52920

AND 52921

CK TOTAL \$480.00

LEO DROZDOFF Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2015

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2016</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/sg

cc: Parsons, Behle & Latimer

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

DA Sala la col

SEP 23 2016

Owner of Record Rockwood Lithium Inc. (previously known as Chemetall Foote Corporation)

	O APPROP	RIATE/CHA	NGE THE WA	TERS	òF OFI	FICE	
Underground Source							
(Name of stream, lake, spring, un	iderground or	r other source)					
THIS APPLICATION IS RESPECTFULLY SUBMITTED.							
Comes now Scott Thibodeuax		, the	Agent	t			
			Permittee or			-	
who after being duly sworn and answering to the best of their knowledge the the permit terms:	following q	uestions in c	ompliance with		uiremer	nts as se	forth in
				? <u>`</u>	5	um. q	
1. Does this permit have multiple owners? Yes V No	(Check the	appropriate	box)	-	S	1777	
2. If "Yes" on question 1 is checked, is this request for an extension of time s	submitted or	n behalf of al	I the owners?	ENGINEERS	<i>™</i>	()	
Yes No (Check the appropriate box)				Ä	ယ်	[7]	
				20		4	
3. If "No" on question 2 is checked, on whose behalf is this extension being f	filed?						
Rockwood Lithium Inc.				0FF		yester iş	
4. How much time is needed to construct the works of diversion or place the	water to be	neficial use?	Two years	C	c		
5. What is the expenditure on the project under this permit? Last year? \$1	,000,000		Total to date?	\$71,	104,79	1	_
6. The permittee requests an extension of time for One Year	with	nin which to o	comply with the	provis	ions for	filing th	ie
(Not to exceed 1 year)						
Proof of Beneficial Use							
(Proof of completion of work and	/or Proof of t	beneficial use)					
7. Describe progress made during the last year and explain in detail why this back. Use additional pages if necessary):	request for	an extension	of time is being	submi	tted (Se	e instruc	ctions on
In 2016 a high volume well was targeted to increase production needs for t	he facility;	however, the	harsh environi	nent, d	leep aqu	uifer der	ths, and
fluctuating recharge have made maintaining other pumping systems diffic	cult. The fa	acility has a	lso been worki	ng wit	h exper	rts to de	velon a
Hydrostratigraphical Model of the basin. This model, and continued research	h, will allov	w the facility	to determine w	here th	e optim	al locati	on for a
well is, and also the depth at which we should drill. Our goal is to continuincrease our brine capacity to optimize production needs and meet the growin	ue increasin ig demand f	ig our knowi Or lithium	edge of the Cla	yton V	alley B	Basin in	order to
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	0: 1		#-11/	_/	1		
State of Nevada	Signed	la	1 ////2 Permitte	2000	~		
County of (/) U.S.	A ddman	Rockwood		e or Ag	ciii		
))	Address	ROCKWOOG	Street Addr	ess or P	O Boy		
Subscribed and sworn to before me on 09/20/2016		PO Box 98	Silver Peak, NV				
1 100 100		- 0 201 70,	City, Stat				
by Scott J. Thibodeaux	Phone	(775) 937-2		.,			
		· · · · / · · · ·					
^	E-mail	scott.thibode	eaux@rockwoo	dlithiur	n.com		
	•						
1 and () ()		/60	الله CAI	NDY.	J. JEW	/ETT	• ;

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 07/13 - ext_app

Signature of Notary Public Required

NOTARY PUBLIC STATE OF NEVADA

APPT, No. 92-0422-14

Notary Stamp or Seal Required CT. 6. 20



Division of Water Resources Receipt for Payment



Rockwood Lithium Inc.

P.O. Box 98

Silverpeak, NV 89047

Check #:

28616

Check Date: 8/29/2016

Date Received: 9/23/2016

Receipt #: 27141

FY

Amount

Permit #

Invoice #

Fee Type/Fee desc

Notes

2017

\$120.00

52919

- Extensions

COVERS EXT NO'S 52918, 52919, 52920

AND 52921

CK TOTAL \$480.00

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 12, 2016

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit(s) 52918, 52919, 52920, and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2017</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr

cc: Parsons, Behle & Latimer (email)

Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

I T	State of Neva REPORT OF COM		C E Rev 10/16					
Ε	of a water right to							
М	Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer							
1	APPLICATION / PERMIT No.: 52919 or PROOF/CLAIM No.: STATUS: PER USE: M&D							
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEE Rockwood Lithium Inc.	SK						
	Rockwood Lithium Inc.							
	If any item requires additional space, please use Item 13 Remarks:							
3	NEW OWNER(S): Albemarle U.S., Inc.	NEW BENEFI	CIARY(S):					
	ADDRESS: P.O. Box 98, State Route 265	ADDRESS:	•					
	CITY:Silver Peak STATE:NV ZIP:89047	CITY:	STATE: ZIP:					
	Email confirmation OK? See below YES	Email confirmat	tion OK? See below YES					
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBER	ER OF EACH IN	CHAIN OF TITLE. See Guidelines Page 2					
4	DEED(S) CORRECTION DEED(S		OTHER:					
	DEED(S) OF TRUST RECONVEYANCE at		TOTAL ## OF \$\$ Documents = > 1					
	NOTICE(S) OF PLEDGE MAP(S) at no charge	-	TOTAL # x \$20 each = \$ 20 .00					
	DEATH CERTIFICATES AFF OF ID at no charge		Report filing fee = \$120.00*					
	DECREE(S) OF DISTR OTHER: Cert. of Ame ONE, ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE F							
5	*WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION FEE OF \$120 IS REQUIRED. SEE GUIDELINES FOR MORE INFORMATION OF THE SEE OF \$120 IS REQUIRED.	ON TO CONVEYA	ANCE DOCUMENTS, AN ADDITIONAL FILING					
6	This REPORT may require an ABSTRACT OF TITLE listing the referred to in said deed(s) may be required. Copies of maps shou	ne above docume ald be letter or leg	nts in chronological order. A copy of the map gal size. Refer to <i>Guidelines</i> sheet for details.					
7	LIST SUPPLEMENTAL RIGHTS: See attached.							
8	COUNTY: POINT OF DIVERSION: Esmeralda COUNTY: PLACE(S) OF USE: Esmeralda							
9	AMOUNT (DUTIES) TO BE ASSIGNED: 5.0 CFS	3619.85 A	ACRE-FEET ACRES or UNITS					
10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR							
11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.							
	List any other water rights relating to this Report of Conveyance that h 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 442	as been filed using 55, 44256, 44257	the same abstract and chain of title. 7, 44258, 44260, 44261, 44267, 44268,					
12								
1.	Additional Space/Remarks: This Report of Conveyance mem	norializes only a	corporate name change and not an					
13	assignment or conveyance of water rights.							
14	"I swear under penalty of perjury, that this represents a complete and thorous	gh search of the recor	ds of the county recorder of each county in which the water is					
14	placed to beneficial use or diverted from its natural sou	ırce and the records o	11. 11 15 16 34 171.					
STATE	E OF Nevada		PRINT NAME: Ross E. de Lipkau					
COUN	NTY OF Washoe		FIRM NAME: Parsons Behle & Latimer					
SUBSO	CRIBED AND SWORN TO BEFORE ME ON $0.38.17$		MAILING ADDRESS: 50 W. Liberty, Ste. 750					
_	loss E. de Lipkau		CITY: Reno STATE: NV ZIP: 89501					
,	Print name of Permittee or Agent signing form		PHONE: 775.323.1601 OWNER?					
1	RONI L. SHAFI	FER	E-MAIL: rdelipkau@parsonsbehle.com X AGENT?					
Signa	Notary Public - State of Appointment Recorded in We No: 99-38517-2 - Expires	of Nevada ashoe County	Is a consent to receive email correspondence already on file?					
	\$17044 MANAGAMAN PROPERTY AND AND AND AND AND AND AND AND AND AND	may 0, 2019 5	If not, please download from our website and include.					
1	Notary Stamp or Seal Required		-1					

FEE RECORDS Receipt No.(a) 33374
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Date of Practical 8/2/17
% This Permit 20.00
Griginal Fleculpt Lection In Pile No
10036
THE RESERVE THE PERSON NAMED IN COLUMN 2 IS NOT THE OWNER.
Deeds / Docs Filed in File No.

10036

SOLL AUG - S. AM 10: 29

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF

(See instructions on back)

FILED

SEP 2 8 2017

A. NDWR's Owner(s) of Record Albemarle U.S	., Inc. (formerly known as	Rockwood Lit	hium Inc.)	02. 8	0 2017	
				STATE ENGINE	FRISOFFICE	
B. IN THE MATTER OF PERMIT NO52	919 FILED TO AP	PROPRIATE/	CHANGE THE	THE PERSON NAMED IN COLUMN TWO IS NOT THE OWNER.	STATE OF THE PERSON NAMED IN COLUMN 1	
Underground Source						
· ·	ame of stream, lake, spring, un	derground or ot	her source)			
C. THIS APPLICATION IS RESPECTFULLY S	UBMITTED.					
Comes now John Mayes		·, 1	the Per	mittee 🗸 Age	ent	
who after being duly sworn and answering to the tempermit terms:	pest of their knowledge the	following que	stions in complia	ance with the requ	~~ ∙	forth in
1. Does this permit have multiple owners?	Yes No	(Check the ap	propriate box)	ENGINEERS	SEP.	
2. If "Yes" on question 1 is checked, is this reques	st for an extension of time s	ubmitted on b	ehalf of all the o	wners?	28 28	
Yes No (Check the app	ropriate box)			E R	PM	
3. If "No" on question 2 is checked, on whose bel	nalf is this extension being t	īled?				
Albemarle U.S., Inc.	_			OF THE		
4. How much time is needed to construct the work	ks of diversion or place the	water to benef	ficial use? Five	Years		
5. What is the expenditure on the project under th	is permit? (a) Last year	\$1,000,000	(b)	Total to date	\$72,104,791	
6. The permittee requests an extension of time for	Five Years (Not to exceed 5 years		which to comply	y with the provision	ons for filing the	:
Droof of Completion of Walts Cl. Day 5 of						
Proof of Completion of Work Proof of	Beneficial Use	ltural Map	(Check all that	apply)		
7. Describe progress made during the last year back. Use additional pages if necessary):	and explain in detail why	this request	for an extension	n of time is neede	d. <i>(See instructi</i>	ions on
Please see Exhibit A - Applications For Extension	of Time Permits 52918, 52	919, 52920 &	52921			
				_		
O		Signed \subseteq) The	-way		
State of Nevada				Permittee or Ag	ent	
County of ESMERACDA		Address P		Street Address or Po	O Box	
Subscribed and sworn to before me on SEP	70,7017	S	ilver Peak, NV 8		o box	
				City, State, ZIP C	ode :	
by John Mayes Print name of Permittee or Agent signing	· 6	Phone (775) 937-2222 E	Ext. 222		
That have of Fernance of Agent signing	; १७१॥।	E-mail j	hir mayes@albe	marle.com	35555555	
			N ASSESSED IN	ARTHUR R. Mi Notary Public-Stat	e of Nevada	
1011		1	以类似类似	Appointment No. My Appointment Expire	14-14062-7	
AK [.[A STATE OF	KANA APPOINTUSING CAPUS	7.8	
Signature of Notary Public Required						
			Notary	Stamp or Seal Req	uired	

\$120 FILING FEE PER YEAR FOR EACH YEAR REQUESTED MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

Revised 06/17 - ext_app

APJK

SE ROA 451



Division of Water Resources Receipt for Payment



Rockwood Lithium Inc.

P.O. Box 98

Silverpeak, NV 89047

Check #: 28751

Check Date: 9/19/2017

Date Received: 9/28/2017

Receipt #: 34544

FY

Amount

Permit #

Invoice #

Fee Type/Fee desc

Notes

2018

\$600.00

52919

- Extensions

COVERS 5 YR EXT

NO'S 52918

THROUGH 52921

CHECK TOTAL \$2,400.00

19/20/17 \$460,00

Warrant No.

PAUL G. TAGGART SONIA E. TAGGART

TAGGART & TAGGART, LTD.

A PROFESSIONAL CORPORATION 108 NORTH MINNESOTA STREET CARSON CITY, NEVADA 89703 www.nywaterlaw.com DAVID H. RIGDON TIMOTHY D. O'CONNOR EVAN J. CHAMPA DAVID A. BAILEY

October 5, 2017

Jason King, P.E.
State Engineer
Nevada Division of Water Resources
901 S. Stewart St., Ste. 2002
Carson City, NV 89701

RECEIVED OCT NO 2017

STATE ENGINEER'S OFFICE

Re: Albemarle Extensions of Time

Dear Mr. King:

We are writing on behalf of Pure Energy Minerals, Ltd., and its subsidiary, Esmeralda Minerals, LLC (hereinafter together as "Pure Energy") to formally request that your office deny Albemarle Corporation ("Albemarle")'s recently filed Extension of Time for water rights 52918, 52919, 52920, and 52921. Albemarle filed the extensions of time requests on September 28, 2017. As your office has stated in the past, "[b]ecause of Nevada's arid geography, vital public policy considerations dictate that the State Engineer monitor the beneficial use of water."

This is the 19th extension of time request for these specific water rights.² To date, these water rights have never been fully put to beneficial use. Companies such as Pure Energy have filed for, and have been denied, access to this water while Albemarle has been permitted to hold the excess water hostage, never placing it to beneficial use. Pure Energy requests that your office take action regarding these unused rights, and deny Albemarle's extension of time.

The law is well settled in Nevada that beneficial use shall be the basis, the measure and the limit of the right to the use of water.³ When the necessity for the use of water does not exist, the right to divert it ceases.⁴ The quantity of water from an underground source . . . shall be limited to such water as shall reasonably be required for the beneficial use to be served.⁵ While extensions of time to put the water to beneficial use are permitted to be granted by the State Engineer's office, the applicant must provide proof that they are pursuing application of the water to beneficial use with good faith and diligence.⁶ "Because the state has a right to designate

¹ Ruling 6343 at 2.

² These rights are chained to rights that were originally filed in the 1980s. Albemarle has not been able to prove up these water rights since the 1980s.

³ NRS 533.035.

⁴ NRS 533.070.

⁵ NRS 533.070.

⁶ NRS 533.380(3)(b).

the method of appropriation it can also designate how long water may be permitted to run idly and not be beneficially used."⁷

Albemarle has never been able to, nor are they likely ever going to be able to, put the water permitted to it to beneficial use. In its progress reports, Albemarle consistently cites to economic and structural impedances to its ability to put the water to full use. However, the impediment to the full use of water is a lack of ability to use 20,000 acre feet for its project, not economic or structural issues. Albemarle's operation simply cannot use 20,000 acre feet of water.

The anti-speculation doctrine reiterates a long-standing premise of western water law: an appropriator must show intent to put the appropriated water to beneficial use in a reasonable amount of time. In Ruling 6343, the State Engineer reviewed Nevada's anti-speculation doctrine. In doing so, the State Engineer found that a third extension violated the anti-speculation doctrine. Here, the State Engineer is considering Albemarle's 19th extension. The Nevada Supreme Court has stated,

[the anti-speculation] doctrine precludes speculative water right acquisitions without a showing of beneficial use. Precluding applications by persons who would only speculate on need ensures satisfaction of the beneficial use requirement that is so fundamental to our State's water law jurisprudence.⁹

The Nevada Supreme Court has further stated,

the preeminent public policy concern in Nevada regarding water rights is beneficial use . . . the legislature has recognized that water is a limited resource in Nevada and it belongs to the public; therefore one who does not put it to a beneficial use should not be allowed to hold it hostage. ¹⁰

Lastly, the Nevada Supreme Court has held that,

a mere statement of intent to put water to beneficial use, uncorroborated with any actual evidence, after nearly twenty years of nonuse is insufficient to justify a sixteenth extension to file proof of beneficial use resulting in cancellation of the right.¹¹

The State Engineer's office has explained that the legislative history of Nevada Revised Statutes ("NRS") 533.370(1)(c)(2) demonstrates that the anti-speculation doctrine applies to permits such as Albemarle's. "While beneficial use is the cornerstone of Nevada water law,

THE COLLEGE SOLL

⁷ In re Manse Springs, 60 Nev. 280, 287, 108 P.2de 311, 315 (1940). ⁸ Bacher v. State Engineer, 122 Nev. 1110, 146 P.3d 793 (2006).

⁹ Id. at 1121, 146 P.3d at 799 (2006).

¹⁰ Preferred Equities Corporation v. State Engineer, 119 Nev. 384, 389, 75 P.3d 380, 383 (2003); see also Bacher, 122 Nev. at 1118, 146 P.3d at 797; see also Ruling 6343.

Desert Irr. Ltd. v. State, 113 Nev. 1049, 944 P.2d 835 (1997).

¹² Ruling 6343.

Re: Albemarle Extensions of Time October 5, 2017 Page 3

> the concept of diligence also runs deep through the water law."13 Allowing Albemarle to "maintain a[n]... appropriation without progress frustrates the fundamental policy of promoting the maximum use of the State's limited water supply." Albemarle has, for nearly two decades, been granted extensions of time to put their water rights to beneficial use. Yet, Albemarle has never shown an ability to use the full amount of its water rights.

> A review of Albemarle's file shows that decades ago, Albemarle filed permits to ensure that it maintained water rights equal to the perennial yield of the basin. 15 For decades, this water has sat unused by Albemarle. According to the file, Albemarle has never been able to use more than roughly 11,000 acre feet in any given year. On average, Albemarle is able to put less than 10,000 acre feet to beneficial use. Yet, Albemarle has been permitted to hold 20,000 acre feet of water rights without showing an ability to use half of that water. In every recent year, Albemarle has filed progress reports with your office that show it cannot use all of the water it is permitted. Additionally, these reports show that Albemarle continues to drill new wells and rehabilitate existing wells without proper reporting to your office. These progress reports are almost identical year after year, showing no reasonable progress towards using the full extent of their permits. Thus, nearly 10,000 acre feet of water goes unused in Clayton Valley year after year.

> That extra water can - and should - be put to beneficial use. Companies such as Pure Energy are forced to sit by and watch this water go unused because the water is being held hostage by Albemarle. Albemarle has manipulated the permitting system to keep competition out of Clayton Valley. Pure Energy holds valid federal mining rights to lithium in Clayton Valley, but seemingly cannot access that lithium without access to water under the current interpretations of Nevada water law. Pure Energy strives to mine Nevada lithium for Nevada companies, using Nevada workers, but cannot because Albemarle has strategically claimed water they will never use. If Albemarle is allowed to continue to hold all of the available water in Clayton Valley in unused permits, Nevada will miss a golden opportunity to become a leader in renewable energy lithium production.

> Albemarle's extension of time to put its water to beneficial use should be denied, in part or in full, because the right to use water in Nevada is limited to what can reasonably be used. Water speculation or hoarding is prohibited in Nevada. A water holder simply cannot hold onto water rights they cannot themselves use within a reasonable amount of time. However, that is exactly what Albemarle has been doing for decades. Albemarle is speculating on their water because Albemarle knows that it cannot use this water. But by tying the water up in a permit stage, Pure Energy will be hampered in accessing its own federal claims to lithium. The water belongs to the public, and should be free to be placed to beneficial use by a willing user.

> Pure Energy respectfully requests that your office deny, in whole or in part, Albemarle's application to extend time to place its water rights to beneficial use. 19 years is beyond a reasonable amount of time to prove up a set of permits. As such, your office should require

¹³ Ruling 6343.

Trans-County Water Inc. v. Central Colo. Water Conservancy Dist., 727 P.2d 60, 65 (Colo. 1986).

Re: Albemarle Extensions of Time

October 5, 2017

Page 4

Albemarle to prove up the used water, allowing the unused water to be beneficially used by those who can use it.

If you have any questions, please contact us at our office.

Sincerely,

Timothy D. O'Connor, Esq.

TAGGART & TAGGART, LTD.

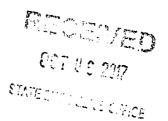


EXHIBIT 1



EXHIBIT 1

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

 Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Rockwood filed for a Super Permit under application #85746. This application was protested by Esmeralda Minerals LLC. The purpose of this Super Permit is to consolidate all of the existing groundwater permits and certificates for the continued pumping of the multiple groundwater sources owned by Rockwood Lithium and used for the withdrawal of the groundwater Lithium resource. The application was filed on 12/18/2015 and became Ready For Action on 03/05/2016. The Protest was filed by Esmeralda Lithium/Pure Energy on March 7, 2016. Rockwood Lithium continues to pump its existing water rights from wells that are interspersed on the Rockwood claims. The groundwater/brine that is pumped is placed into evaporative ponds that are used to concentrate the groundwater into a lithium concentrate for processing at the adjoining mill.

Well rehabilitation/drilling/development during 2015-2016 has resulted in greater capacity on a year on year basis. Rockwood Lithium has focused on its well efficiency across the playa resulting in an overall increase in well production. This focus has allowed the site to maintain a more consistent pumping rate throughout the year. However, critical well failures have also played a role by creating well downtime and thus negatively impacting pumping rates. Rockwood Lithium has detailed plans to minimize the downtime of each well and is beginning to see long term results. These plans start with maintaining a critical inventory of parts and equipment on site along with a team of qualified personnel immediately available for well repair/rehabilitation activities. Additional development of our water distribution facilities include; continuing to optimize our existing wells, rehabilitate older wells and drill new wells where appropriate.

An overall expansion plan has been implemented to increase our total pumping to a withdrawal of the permitted 20,000 acre feet per annum. One such action was the drilling of a replacement well under permit 86029 which was issued on 04/12/2016. Another action includes the preparation of the required permitting documents for the installation of two new wells during 2016. In addition, Rockwood Lithium is in the process of completing further scientific analysis of the groundwater system (via seismic and hydro stratigraphic modeling) in order to improve on its existing reservoir of knowledge in the Basin aquifer system. In the future, these will allow for more accurate targeting of production zones within the underground source. These items will continue throughout 2017 in order to make progress towards our goal of using the full permitted volumes.

Finally it should be noted that our efforts to expand our use of the permitted resource has been hindered by the proliferation of exploratory drilling in Clayton Valley. These exploration activities are being undertaken in wells immediately contiguous to wells used by Rockwood and thus we have been working to understand the negative impact resulting from these activities.

* - 1 0 b dbl/

considerable amount of time has been expended on administratively rejecting intrusion into the mining resource held by Rockwood Lithium and in analyzing what contributing effects that the additional withdrawal of the groundwater might have on the environment and the integrity of the groundwater basin. Concerns have been raised as to the potential impact of planned reinjection from contiguous claims and its dilution/pollution impact on the groundwater/lithium resource. Rockwood Lithium has also brought forward concerns as to inappropriate drilling techniques and perhaps unknown construction issues that may result in further impacts to this resource. All of these issues have substantiated growing concerns as to the physical ability of the groundwater resource to handle the potential over drafting of the groundwater as well as the potential impact to the pumping wells held by Rockwood Lithium.





WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Well rehabilitation/drilling/development in 2014-2015 ultimately resulted in greater capacity. However, some critical well failures resulted in downtime. Plans to minimize the downtime of each well are continuing to improve. These plans include having qualified personnel readily available and an inventory that meets the needs of our wells. Addition development for our water distribution facilities include, continuing to optimize our current wells, rehabilitate older wells and drill new wells. These items will continue throughout each year in order to make progress towards our goal of using the full permitted volumes. Currently the completion date is underdetermined.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 11,720 acre-feet was used in 2014, during the period from August 2014-July 2015 the use was 11,533 acre-feet.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Several wells were drilled towards the end of 2014. Maintenance and development of all wells continued thereafter with scheduled plans to drill new wells in the remaining months of the year 2015. Similar development activities will take place in late 2015 and into 2016.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable Sadding Sadding No reports or engineering drawings are submitted for review.

 50:E Hd 4-das slock

BECEINED

Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are continuing to improve. Our new owner, Albemarle Corp., has shown favorable spending and support for expansion. In late 2014 and early 2015 there were some critical well failures that resulted in a reduction in volume from the previous year. However, with great effort we were able to repair these wells and continue working towards our goal. Funding has been approved to continue well rehabilitation and drilling for the remainder of the year, thus production volumes will continue to fluctuate until enough wells can provide flexibility to manage pumping rates at sustainable levels.

STATE ENGINEERS OFFICE 2015 SEP - 4 PM 3: 06 RECEIVED



WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2012-2013 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,670 acre-feet was used in 2012.
- Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2012-2013, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2013 and throughout 2014, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Drill rig repairs started at the end of 2012 and continued through the 1st and half of the 2nd quarter of 2013. The drill rig has been rebuilt and will continue to drill new production wells during 2013 and 2014.

STATE ENGINEERS OFFICE

2013 JUL 10 AM 10: 43

STATE ENCLUEURS OFFICE

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2011-2012 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,606 acre-feet was used in 2011.
- Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.
 In 2011-2012, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2012 and throughout 2013, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Turn over of upper management at the end of 2011 resulted in slower than expected results.

2012 AUG 29 LM II: 0. STATE ENGINEERS OFFICE

STATE ENGINEERS OF FICE

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- Explain anticipated development of water distribution facilities to serve the 1. place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period. 7 7562 3 6.565 acre-feet was used in 2010. 4.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements. In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been 6. submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use. submitted for review or recorded pursuant to applicable laws.
- 7.

STATE ENGINEERS OFFICE

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.

2011 AUG 29 PH 1:50

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping.

 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period.
 1.524 acre-feet was used in 2009.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 No reports or engineering drawings are submitted for review.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2008-2009 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period.
 10,089 acre-feet was used in 2008.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2008-2009, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2009 and throughout 2010, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 One engineering design change for Chemetall Foote Corp.'s Water Pollution Control Permit was submitted and approved by NDEP in 2009. No other reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products beginning in late-2008, continuing into mid-2009. The result of this was the temporary idling of wells and transfer pumps, employee reduction in force, and budget cuts. Wells normally operated during this time are in recovery from pumping, with occasional pumping needed to exercise the pumping system. 2009 stimulus money, approved in August, is intended to aid this situation, allowing for restarting production wells and new well drilling and/or rehabilitation of older wells.

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918

 Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- What type of mineral is being mined?
 Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

Who is buying your mineral product and for how long?

Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period.
 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 None have been submitted or recorded.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

 No known adverse conditions

BRADLEY CROWELL Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit(s) 52918, 52919, 52920, and 52921

This is to inform you that upon review of the Applications for Extension of Time for Permits 52918, 52919, 52920, and 52921, including attached exhibits, and, considering the grounds raised in the objection by Pure Energy Minerals, Ltd. to the Applications for Extension of Time, the Applications for Extension of Time for filing Proof of Beneficial Use have been granted for ONE YEAR, until September 30, 2018, not the requested 5 years, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr

cc: Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

Albemarle U.S., Inc.

Parsons, Behle & Latimer (email) (Permits 52919, 52920, and 52921 Only)

BRIAN SANDOVAL Governor

BRADLEY CROWELL Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

Re: Permits 52918, 52919, 52920 and 52921

Dear Ladies and Gentlemen:

Applications for Extension of Time submitted by you and received in this office on September 28, 2017, are being approved; however, an extension of time is only being granted for **ONE YEAR** and not the five years that were requested on the application.

The \$1920.00, receipt 34544 in filing fees in excess of a one year extension will be returned to you under separate cover.

Sincerely

Should you have any questions regarding this matter, please contact me at (775) 684-2828.

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Water Resource Specialist I

Amanda Brownlee P.E.

AB/sg Enclosure

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PERMIT PAGE

Please retain this sheet underneath the Summary of Ownership form

DEED NO.	GRANTOR	GRANTEE	CFS	AF	Units	FILE Under —— Date	DOC # DATE	DOCUMENT DESCRIPTION REMARKS
info only	Foote Mineral Company	Original Applicants filed 2/9/1989 for mining and domestic purposes Permit Approved 8/30/1993	5	3619.85	-	52919 2/9/1989 8/30/1993	Original Application	Application to Appropriate an underground source POD SW/MEY, Sec. 13, T. 2S., R. 39E., M.D.M.
-	Foote Mineral Company	Cyprus Foote Mineral Company	l	I	I	10/9/1989	1/19/1989	Cert. of Amend - Corp. Name Chg. State of PA.
7	Foote Mineral Company	Cyprus Foote Mineral Company	5	3619.85	I	10/9/1989	.10/5/1989	Cert. of Amend - Corp. Name Chg. State of NV.
ო	Cyprus Foote Mineral Company	Chemetall Foote Corporation	5	3619.85	ı	3/12/1999	2/5/1999	G, B & S Deed Water Rights (Corp. Name Chg)
4	Chemetall Foote Corporation	Rockwood Lithium Inc.	5	3619.85	ı	7/8/2014	3/22/2012	Cert. of Amended Corporation Name Change State of DE
info only	Albemarle U.S., Inc.	Original Applicant filed April 7, 2017 for mining & milling purposes Permit Approved June 27, 2017	2	1447.94	ı	PER 87053T 4/7/2017 6/27/2017	Application to Change	Application to Change the POD, MOU of a portion of Permit 52919
чo	Rockwood Lithium Inc.	Albemarle U.S., Inc.	5	3619.85	I	10036	202732140	Certificate of Amended Corporation Name Change, State of Delaware
info only	Albemarle U.S., Inc.	Original Applicant filed Nov 3, 2017 for mining and milling purposes	0.25	181	ı	RFA 87459T 11/3/2017	Application to Change	Application to Change the POD, POU & MOU of a portion of Permit 52919





PERMIT PAGE

Please retain this sheet underneath the Summary of Ownership form

DEED NO.

info only

GRANTOR	GRANTEE	CFS	AF	Units	FILE UNDER DATE	DOC # DATE	DOCUMENT DESCRIPTION REMARKS	
Albemarle U.S., Inc.	Original Applicant filed Nov 3, 2017 for mining and milling purposes	1.5	1086	1	RFA 87460T 11/3/2017	Application to Change	Application to Change the POD, POU & MOU of a portion of Permit 52919	

SE ROA 477

State of Nevada **Division of Water Resources** Request for Correspondence and Change of Address

In reg	gard to permi	number(s) 52918, 52919, 52920, 52921, 85746	_ (Check applicable item)
7	Please add i	ny name to the mailing list and send copies of all correspondence to the address below: V ADDRESS information only.)	
	Please chan (Fill in NEV	ge the address for copies to be sent as indicated below: V ADDRESS and OLD ADDRESS information.)	
	I am the per	mit holder. Please change my address as indicated below: V ADDRESS and OLD ADDRESS information.)	
NEW	ADDRESS		
Name	: :	Tim O'Connor	
Addre	ess:	108 North Minnesota Street	
City,	State, ZIP:	Carson City, NV 89703	
Telep	hone:	775-882-9900	
Email	:	paul@legaltnt.com; tim@legaltnt.com	
Ø	I prefer to re Documents.	ceive correspondence by email. By checking this box, I agree to the terms under Consent to E	lectronic Delivery of
OLD	<u>ADDRESS</u>		
Name	:		
Addre	ess:		
City, S	State, ZIP:		•
Telepl	none:		
I am tl	he:		
V	Individual na	med above. (Complete signature below only.)	
		plete signature, name and address below.)	221 124
	Representativ	ve (Complete signature, name and address below.)	
This fo	orm accurately	y reflects the mailing address for the permit holder or other individual identified above.	1 141E Engine
Signat	ure:		
Name:		Tim O'Connor	S 0.
Addres	ss:	108 North Minnesota Street	हें छ
City, S	tate, ZIP:	Carson City, NV 89703	
Teleph	one:	775-882-9900	
Email:		paul@legaltnt.com; tim@legaltnt.com	
	I prefer to rec	eive correspondence by email. By checking this box, I agree to the terms under Consent to Ele	ectronic Delivery of

Documents.

3619.85

	SUMMA		STATE OF NEVADA DIVISION OF WATER RESOURCES RESOURCES RESOURCES Please retain this sheet on top of file	STATE OF NEVADA DIVISION OF WATER RESOURCES RY OF OWNERSHIP Please retain this sheet on top of file	SHIP	Page 1 of 1
PERMIT: 52919 CERTIFICATE:	USE: ISSUED:	MM	CFS:	22	DUTY: 3619.85 DUTY:	AF AF
REVIEW 7/18/2014 DATE: 7/18/2014	BY: SLC	, io	JPPLEMENT/	1L TO: 44251 thru = 20,000 Al	44261, 44267 thru 442	SUPPLEMENTAL TO: 44251 thru 44261. 44267 thru 44270. 49988, 52918 thru 52921 TCD
LAST UPDATE: 11/16/2017 Owner	BY: DZ CFS	- DUTY AF	UNITS	CHANGED BY STATUS	REFERENCED DOCUMENTS	DESCRIPTION
Albemarle U.S., Inc.	ო	2171.91	I			
Albemarle U.S., Inc.	7	1447.94	0	87053T		
GRAND TOTALS	rals 5	3619.85				

BRIAN SANDOVAL Governor



JASON KING, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

December 4, 2017

VIA EMAIL

Parsons, Behle & Latimer Mr. Ross De Lipkau 50 W Liberty, Suite 750 Reno, NV 89501

RE: Water Rights Title

Mr. De Lipkau:

Please be advised that your Reports of Convey

Please be advised that your *Reports of Conveyance* received on August 2, 2017, are hereby confirmed to update ownership of water rights and applications as listed in the table below. These water rights are now in the name of **ALBEMARLE U.S., INC.** Details of the permits, including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	cfs	Duty (afa)	Acres/Units
10036/2627	0.334		
15847/4838	0.530		
24382/7234	1.000	723.95	
44248	1.000	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.000	723.97	
44252/12771	0.430	311.30	
44253/12772	0.840	608.13	
44255/12773	0.390	282.35	
44256/12774	0.220	159.27	
44257/12775	0.350	253.39	
44258/12776	0.270	195.47	
44260/12777	0.200	144.79	
44261/12778	0.220	159.27	
44267/12779	0.440	318.50	
44268/12780	0.462	334.47	
44269/12781	0.260	188.23	
44270/12782	1.000	723.97	
49805/14655	0.130	20.16	
49988/14295	2.000	1448.00	



Parsons Behle & Latimer Mr. Ross De Lipkau Permit 10036+ December 4, 2017 Page 2 of 2

52917	1.000	21.63	
52918	5.000	3619.85	
52919	3.000	2171.91	87053T por. change
52920	5.000	3619.85	
52921	5.000	3619.85	
85746	•••		
86951T			
86952T			
87053T	2.000	1447.94	



Also be advised that the confirmation of your Report of Conveyance does not guarantee that the water right is in good standing with the office of the State Engineer; the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and, this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right. See NRS 533.386(2)(a)-(b).

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, call (775) 684-2829.

Sincerely,

Dan Zampirro

Engineering Technician III

Dan Zampirro



DZ/arp

cc: Albemarle U.S., Inc.

No. 5 2 9 2 Index	ed under	led FEB 0 9 1989	W	ell Log No Cob
Name of applicant			W	ell Log XIO COG
Map		Basin (1 AVTON	V	
Stream		OLATION		
Township / S.	Panga AD E	10 - 1		. r
	Sw 1/4 NE 1/4 Section		Ci	ounty ESMERALDA
		^		
	OOTE MINERAL	COMPANY		The sale of the sa
Returned for correct	NDERGROUND	* *		
Corrected application		Abroga	ated by	
		/ 0 #		
Sent for publication	4 4000	(POD ON SHEET #	4055)	
Proof of publication	WAIL			
Investigated on grou		· 1000	· · · · · · · · · · · · · · · · · · ·	
Protested	III Uy			
I rolesicu				
Approved Denied	1.30,1993	5.00fs	mining, dom	estic
N	PROOF OF COMMENCEMENT	PROOF OF COMPLETION	PROOF OF BENEFICIAL USE	CULTURAL MAP
Date due		SEP 3 0 1998	SEP 3 0 1998	
1st extension		9	05 N 9 3000	
2nd extension			100	
		NO FURTHER EXTENSION	NO FURTHER EXTENSION	
Date filed		MAY 2 1 1998		
Date filed CERTIFICATE NO. Use				Filed under map
CERTIFICATE NO.		ISSUED	AMOUNT	
Use				
COMPUTER CHECK	File Entry	Publication D	Permit P	Certificate
		ADI	Unte	red 3/10/08
		COI & C Ros P.C	28-92 PIES OF ALL NOTION CORRES. TO: SS de Lipkau D. Box 2790	
		Ren	19/ NV 89505	

DIVISION OF WATER RESOURCES

CARSON CITY, NEVADA

TRANSMITTAL OF COPIES

	FEB 2 4 1988	
The following xerox copies were forwarded to Office, Division of Water Resources, this date:	the Las Vegas Branch	
NO. 4 4 4 4	//	
Application	FEB 2 4 1988 YK	• • • • • • • • • • • • • • • • • • •
Amended Application		
Мар	3-1-89 JSF	
Publication	MAR 1 1989 One	
Ready for Action Card	3-14-899	
Permit	8-31-93 OB	
Final Notice	10-2-97 Kg	
Final Notice		,
Proof of Completion	· 9/28/98 DS.	
Extrasion of Time	10-4-96 cms 11-1395 and 5/19/98108	
Prcof of Beneficial Use	·	
Cultural Map		100
Extension of Time	1-15-02De 13 C35 NOV	1 2 2004 LT
Cultural Map		
Certificate		
Assignment Sheet	1-28-92 C+	
Cancellation	,	

THIS SHEET TO BE KEPT AT THE TOP OF THIS FILE FOR EASY REFERENCE

Form 22 (Rev. 12-88)

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

I	Date of filing in State Engineer's Office
	Returned to applicant for correction
	Corrected application filed
N	1ap filed
	The applicant
•••	Street and No. or P.O. Box No. Of Silver Peak City or Town
	Street and No. or P.O. Box No. City or Town We vada 89047 State and Zip Code No. hereby make. S application for permission to appropriate the publication for permission for permission to appropriate the publication for permission for per
w	aters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if
ca	partnership or association, give names of members.)
	ncorporated in the State of Pennsylvania on September 30, 1964.
	. The source of the proposed appropriation is
2	The amount of water applied for is 5.0 cfs One second-foot equals 448.83 gals. per min. second-feet
	One second-foot equals 448.83 gals, per min. (a) If stored in reservoir give number of acre-feet
3.	The water to be used for Mining and domestic purposes. Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
	If use is for:
	(a) Irrigation, state number of acres to be irrigated
	(b) Stockwater, state number and kinds of animals to be watered.
	(c) Other use (describe fully under "No. 12. Remarks")
	(d) Power:
	(1) Horsepower developed
	(2) Point of return of water to stream
5.	The water is to be diverted from its source at the following point within the SW% NE% Section 23,
	Township 1 South, Range 40 East, MDB&M, at a point from which the southwest
	and by charse and distance to a section corner. If on unsurveyed land, it should be so stated.
6.	corner of Section 22, Township 2 South, Range 39 East, MDB&M bears South 52°00'42" West a distance of 56,880 feet. Place of use
7.	Use will begin about January 1and end about December 31, of each year.
	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 and cased well, distribution, system State manner in which water is to be diversed, i.e. diversion structure, disches and
,	delivery to evaporation ponds. flumes, drilled well with pump and motor, etc. \$30,000
٠.	Estimated cost of works\$30,000





Estimated time required to construct work	s Five years	If well completed, describe works,
		If well completed, describe works,
11. Estimated time required to complete the ap	pplication of water to ben	eficial use. Ten years
Remarks: For use other than irrigation or consumptive use.	or stock watering, state nu	umber and type of units to be served or annua
pursuant to the Mining Laws of solution is pumped to evaporati	1872, as found in on ponds, where the crimbs will be used.	ains the mineral, lithium. The a of use is appurtenant is located 30 USC Sec 22, et seq. The bring the lithium is recovered from the tilized in conjunction with otherwalt 44262.
		/s/ Ross E. de Lipkau
	Ву	Ross E. de Lipkau Ross E. de Lipkau P.O. Box 2790 Reno Ny 88505
Compared kh/ PS ab/se	••	Reno, Nv 89505
Protested	······	
APPRO	OVAL OF STA	=
		hereby grant the same, subject to the following
right obtained under this permit wi placed to beneficial use. It is reasonable lowering of the static two (2) inch opening for measuring must be installed and maintained installed and maintained in the district must be installed before completion of Work is filed. This permit does not extend public, private or corporate lands. The total combined duty of wat Certificate 12771; 44253, Certificate 12774; 44257, 44257; 44257; 44257; 44257; 44257; 44257; 44257; 44257; 44257; 44257; 44	ill be dependent up a lill be dependent up a lill be dependent up a also understood to water level. This depth to water. I to prevent was discharge pipeline of water placed to any use of water the permittee the er under Permits 4 cate 12772; 4425 cate 12775; 4425 imited to the amount which	pon the amount of water actually that this right must allow for a is well shall be equipped with a If the well is flowing, a valve ste. A totalizing meter must be near the point of diversion and beneficial use. The totalizing er begins or before the Proof of e right of ingress and egress on 4251, Certificate 12770; 44252, 55, Certificate 12773; 44256, 68, Certificate 12776; 44260,
exceed		
acre-feet annually.	***************************************	
Work must be prosecuted with reasonable diligens	ce and be completed on o	r before August 30, 1995
Proof of completion of work shall be filed on or t		
Application of water to beneficial use shall be made		
Proof of the application of water to beneficial use		
Map in support of proof of beneficial use shall be		
Completion of work filed		
Proof of beneficial use filed	State Engineer of Nevac	OF, I. R. MICHAEL TURNIPSEED, P.E. da, have hereunto set my hand and the seal of my
	office, this 30th	day of August
Cultural map filed	A.D. 1993.	/
Certificate NoIssued	Dife	
(I)-5314 (Re-)		State Engineer

Page 2 52920

(PERMIT TERMS CONTINUED)

Certificate 12777; 44261, Certificate 12778; 44267, Certificate 12779; 44268, Certificate 12780; 44269, Certificate 12781; 44270, Certificate 12782, 49988, 52918, 52919, 52920 and 52921 shall not exceed 17.86 million gallons per day or 20,000 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 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.



EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 28 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

* On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1983 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

	THIS SPACE FOR OFFICE USE ONLY	
	Date of filing in State Engineer's Office. FEB 0.9.1989	••••••
	Returned to applicant for correction.	
	Corrected application filed	1981 under 4425
The	e applicant FOOTE MINERAL COMPANY	

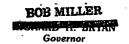
Ne		
	vada 89047 , hereby makes application for personal state and Zip Code No.	
tne	public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation,	give date and place o
inco	orporation; if a copartnership or association give names of members.)	
In	corporated in the State of Pennsylvania on September 30, 1964.	
NR: beco	S 533.325 requires that applicants be a citizen of the United States or have legally declored a citizen, and that they be 21 years of age or older. The source of the proposed appropriation is underground.	
1.	Name of stream, lake, spring, underground or	r other source.
2.	The amount of water applied for is 5.0 cfs One second foot equals 448.83 gallons per minute. (a) If stored in reservoir give number of acre-feet.	second feet
3.	The water to be used for mining and domestic purposes.	
4.	arrigation, power, mining, commercial, domestic or other use. Must limit	to one major use.
	(a) Irrigation, state number of acres to be irrigated:	••••••
	(b) Stockwater, state number and kind of animals:	
	(c) Other use (describe fully under "No. 12. Remarks")	
	(d) Power:	
	(1) Horsepower developed	••••
	(2) Point of return of water to stream	SE ROA 488

5.	The water is to be diverted from its source at the following point. WIENIN THE SWA NEW SECTION 23, Describe as being within a 40-acre subdivision of public
	Township 1 South, Range 40 East, MDB&M, at a point from which the southwest survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
	corner of Section 22, Township 2 South, Range 39 East, MDB&M bears South 52°00'42"
	West a distance of 56,880 feet.
6.	Place of use Refer to Exhibit "A" attached hereto. Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7.	Use will begin about January 1 and end about <u>December 31</u> of each year. Month and Day Month and Day
8.	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 and cased well, distribution State manner in which water is to be diverted, i.e. diversion structure,
	system, delivery to evaporation ponds. ditches and flumes, drilled well with pump and motor, etc.
9.	Estimated cost of works \$30,000
ιο.	Estimated time required to construct works Five years. If well completed, describe works.
11.	Estimated time required to complete the application of water to beneficial use Ten years
12.	Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.
	The brine pump pursuant to this application contains the mineral, lithium. The
	area which includes the point of diversion and place of use is appurtenant is
	located pursuant to the Mining Laws of 1872, as found in 30 USC Sec 22 et seq.
	The brine solution is pumped to evaporation ponds, where the lithium is recovered
	from the dehydrated solution. This water right will be utilized in conjunction
	with others held by the applicant. Use map on file under Permit 44262.
	SE: 67 6-83 68. Ross E. de Lipkau
	PLICATION MUST BE SIGNED PLICATION MUST BE SIGNED Reno, NV 89505
BY	THE APPLICANT OR AGENT City, State, Zip Code No.

EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 28 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

* On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1933 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.





PETER G. MORROS, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES
Capitol Complex
201 S. Fall Street
Carson City, Nevada 89710
(702) 885-4380

March 6, 1989

RE: 52918 through 52921

Foote Mineral Company Silver Peak, Nevada 89047

Ladies and Gentlemen:

The above referenced applications to appropriate water for mining, and domestic purposes have been reviewed by this office. Before further consideration can be given towards the issuance of any permit should the applications become ready-for-action, it will be necessary for you to submit additional justification data and information concerning the annual consumptive use of water for mining and milling purposes under your applications. Therefore, the following information is hereby requested (please answer all applicable items):

- 1. The number of hours per day and days per year of plant operation that water will be consumed.
 - 2. The number of tons of ore to be processed on a daily basis.
 - 3. The amount of water in gallons per ton of ore required by your plant operation.
 - 4. Accurate description of all plant operation components utilizing water along with the hourly/daily volume of water (i.e. gallons per hour) required for each component.
 - 5. Minimum total volume of water required for plant operations on a daily basis.
 - 6. Total annual volume of water calculated to be recycled or the % Recycle Factor of Item (5) above, and description of recycling method(s).
 - 7. Projected total annual consumptive use, including plant losses, dust control and domestic use.

Page 2

RE: 52918 through 52921

March 6, 1989

Your earliest response would be greatly appreciated. Should you have any questions regarding this matter, please contact this office.

Sincerely,

Diana Jean Lefler

Hydraulic Engineer II

Wrong sean defler

DJL/kh

Certified Mail No. P 965 007 659

cc: Ross E. de Lipkau, Certified Mail No. P 965 007 660

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

June 26, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Gentlemen:

The referenced ready for action applications have once again been reviewed and to date this office has not received the required information requested in our last letter of March 6, 1989, a copy of which is enclosed. Justification of consumptive use is imperative before further consideration can be given to the issuance of any permit.

Further action will be withheld on these applications for a period of thirty (30) days from the date of this letter. At that time, we will assume you are no longer interested in pursuing these applications and appropriate actions will be considered for their denial.

Should you so desire, NRS 533.370, Subsection 2.(a) provides "Action can be postponed by the state engineer upon written authorization to do so by the applicant..."

This office would require a written authorization from the applicant to the State Engineer requesting postponement of further action for a period of up to one year.

Should you have any questions regarding this matter, please contact this office.

Sincerely,

Diana Jean Lefler

Hydraulic Engineer II

DJL/jm

Certified Mail No. P 179 142 879

Enclosure

cc: Ross E. deLipkau

Certified Mail No. P 179 142 880

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

July 17, 1989

WITH OFFICES IN:

DENVER, COLORADO Sherman & Howard

3000 FIRST INTERSTATE TOWER NORTH 633 SEVENTBENTH STREET DENVER. COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

Suite 700, Stanford Place 3 4582 South Ulster Street Denver, Colorado 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER 102 SOUTH TRION COLORADO SPRINGS, COLORADO 60903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4676

TELEPHONE: 702 323-1601 TELECOPIER: 702 348-7250 TELEX: 6971967

ROSS E. DELIPKAU

🔉s. Diana Jean Lefler Mydraulic Engineer II Division of Water Resources 201 South Fall Street Carson City, Nevada 89710

Applications 52918-52921, Inclusive

Dear Ms. Lefler:

This is to acknowledge receipt of your letter dated June 26, Pursuant to NRS 533.370(2)(a), request is hereby made that you postpone action on the above referred to applications for a period of one year.

Should you wish to discuss the matter, please contact me.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

By Mill E. El M. Should Ross E. de Lipkau

REd/lbe 33593.003

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

August 8, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Ladies & Gentlemen:

As requested on your behalf by agent Ross E. deLipkau, and pursuant to NRS 533.370, 2(a), a one-year postponement of further action from the date of this certified letter is hereby granted for Application No.'s 52918 through 52921, inclusive.

Sincerely,

Dian fran Lifter Diana Jean Lefler

Hydraulic Engineer II

DJL/jm

Certified Mail No. P 965 008 306

cc: Ross E. deLipkau

Certified Mail No. P 965 008 307

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

TELEPHONE: 702 323-1801

TELECOPIER: 702 348-7250

ROSS E. DELIPKAU

6971967

TELEX:

Sherman & Howard

WITH OFFICES IN:

DENVER, COLORADO Sherman & Howard

3000 FIRST INTERSTATE TOWER NORTH 633 SEVENTRENTH STREET DENVER, COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET PARKWAY DENVER, COLORADO 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

August 24, 1989

COLORADO SPRINGS, COLORADO

SUITE 500, ALAMO CORPORATE CENTER 102 SOUTH TEJON COLORADO SPRINGS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

Honorable Peter Morros Nevada State Engineer 201 South Fall Street Carson City, Nevada 89710

Foote Mineral Company; Application Nos. 52917-52921

Dear Mr. Morros:

This is to confirm our conversation of August 23, 1989. Under Item 12, entitled "Remarks", I wish to make it quite clear that the four above-entitled applications seek to appropriate new water, and are not to be included within the annual limitation of 16,800 acre feet annually as permitted in Permit Nos. 44251-44270, inclusive, and Permit Nos. 49988-49996, inclusive.

Should you, or other members of your staff have any questions, please call.

Very truly yours,

HILL CASSAS de LIPKAU AND ERWIN

RED/kb

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

September 14, 1989

WITH OFFICES IN:

DENVER, COLORADO Sherman & Howard 3000 FIRST INTERSTATE TOWER NORTH 633 SEVENTEENTH STREET

DENVER, COLORADO 80202
TELEPHONE 303 297-2900
TELECOPIER 303 298-0940

SHITE 700 STANFORD DIAGE 2

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET DENVER, COLORADO 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

COLORADO SPRINGS, COLORADO

SUITE 500, ALANO CORPORATE CENTER
102 SOUTH TEJON
COLORADO SPRINGS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

Ross E. deLipkau

TELEX:

TELEPHONE: 702 323-1601

TELECOPIER: 702 348-7250

6971967

Ms. Marilyn Meyer Division of Water Resources 201 South Fall Street Carson City, Nevada 89710

Re: Clayton Valley Groundwater Basin (10-143)

Applications 52918-52521, Inclusive

Dear Marilyn:

Enclosed herewith is our check in the amount of \$4.00 to cover the groundwater abstract. I note that Applications 52918-52921, inclusive, do not contain an annual duty set forth under that column. It is the intention of the applicant, as affirmed by my letter of August 24, 1989, that the applications seek to appropriate "new water" as contrasted to being supplemental to the other permits held by permittee. Accordingly, would you kindly change your records to reflect a duty of 3618.97 acre-feet annually for each application.

If you have any questions, please advise.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

By Ross E. de Lipkan

REd/lbe Enclosure 33593.003

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710 (702) 885-4380

52918, 52919, 52920, 52921

February 13, 1990

Ross E. deLipkau Hill, Cassas, deLipkau & Erwin P.O. Box 2790 Reno, NV 89505

Dear Mr. de Lipkau:

In a letter dated September 14, 1989 you advised this office that applications 52918, 52919 52920 and 52921 in the name of Foote Mineral Company were filed to appropriate additional water than previously appropriated by the applicant. This office has incorporated that information into the record on the above referenced applications and will review the applications as requests for additional appropriation at the described locations.

If you have any questions on this matter, feel free to call me.

Sincerely,

MI Christine Thiel, P.E.

Chief, Office Engineering Section

CT/bc

cc: Foote Mineral Company

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

OFFICE MEMORANDUM

To: 529/8-22

Date: 5/11/12 90

From: HUGH RICCI

above application Subject: Action on

A court case is on young between Foute and the U.S Government in regard to some of the mining claims in which the place of use of the above applications coner.

A letter date & Aug & allowed for a one year post ponement for taking action.

And stoices



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 (702) 687-4380

December 20, 1991

RE: Water Rights Assignment

Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, NV 89047 Attn: C.B. Loundagin

Dear Mr. Loundagin:

Please be advised that the attached list of water rights have been assigned to show Cyprus Foote Mineral Co. as current owner of record.

This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions please contact this office.

Sincerely,

Kul 1

Rich Robinson

Engineering Technician III

RR/js

cc: Ross De Lipkau

S'ATUS REPURT

ERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	<u>A.C.</u>
10036	Cyrpus Foote Mineral Company	Cert #2627	0.334		ММ
15847	Cyprus Foote Mineral Company	Cert #4838	0.530		MM
24382	Cyprus Foote Mineral Company	Cert #7234	1.0	235.9 MGA	
44248	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
44249	Cyprus Foote Mineral Company	Abr. By 4980	5 1.0	6.57 MGA	QM
44250	Cyprus Foote Mineral Company	Cert #11268	0.003	100 Cattle	Stk
44251	Cyprus Foote Mineral Company	Cert #12770	1.0	723.97	мм
44252	Cyprus Foote Mineral Company	Cert #12771	0.430	311.3 AFA	мм
44253	Cyprus Foote Mineral Company	Cert #12772	0.84	608.13 AFA	ММ
14254	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	<u> </u>
14255	Cyprus Foote Mineral Company	Cert #12773	0.39	282.35 AFA	
14256	Cyprus Foote Mineral Company	Cert #12774	0.22	159.27 AFA	
14257	Cyprus Foote Mineral Company	Cert #12775	0.35	253.39 AFA	
14258	Cyprus Foote Mineral Company	Cert #12776	0.27	195.47 AFA	
:4259	Cyprus Foote Mineral Company	Abr. By 49990	1.5	1086.0 AFA	
42(1)	Cyprus Foote Mineral Company	Cert #12777	0.20	144.79 AFA	MM
4261	Cyprus Foote Mineral Company	Cert #12778	0.22	159.27 AFA	
4262	Cyprus Foote Mineral Company	Abr. By 49995 Abr. By 49996	1.5	1086.0 AFA	MM
4263	Cyprus Foote Mineral Company	Abr. By 49992 Abr. By 49993	1.5		
4264	Cyprus Foote Mineral Company	Abr. By 49989	1.5	1086.0 AFA 1086.0 AFA	MM
4265	Cyprus Foote Mineral Company	Abr. By 49994	1.5	1086.0 AFA	MM
4266	Cyprus Foote Mineral Company	Abr. By 49991	1.5	1086.0 AFA	MM
4267	Cyprus Foote Mineral Company	Cert #12779	0.44	318.5 AFA	MM
1268	Cyprus Foote Mineral Company	Cert #12780	0.462	334.47 AFA	MM
				JOT. T/ AFA	LIM
		TOTALS			
			S	ROA 501	

STATUS REPORT

ERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	A C.
4269	Cyrpus Foote Mineral Company	Cert #12781	0.26	188.23 AFA	мм
4270	Cyprus Foote Mineral Company	Cert #12782	1.0	723.97 AFA	мм
9805	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
9988	Cyprus Foote Mineral Company	Permit	2.0	1448.0 AFA	MM
9989	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	мм
9 990	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	MM ·
3 991	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	MM
9992	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	MM
1993	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	MM
1994	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	MM
1995	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	MM
996	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	ММ
917	Cyprus Foote Mineral Company	RFA	2.0		QM
918	Cyprus Foote Mineral Company	RFA	5.0		ММ
919	Cyrpus Foote Mineral Company	RFA	5.0		MM
920	Cyprus Foote Mineral Company	RFA	5.0		MM
921	Cyprus Foote Mineral Company	RFA	5.0		MM
		TOTALS			
			S	E ROA 502	

PERMIT TERMS SHEET

a.	APPLICATION NO. 50920	i.	Status of Basin: D	esig. 🤇	Non-Desig.
b.	Ready for Action Manh, 1989	j.	Basin Name	etan L	lalley
c.	Source Underground		Basin Number		
d.	Amount 500 CFS		Reviewed: Office E		
e.	No. of Units, Cattle, Acres, etc.		7-36-93 By		
			Reviewed: Groundwa	,	
f.	Manner of Use Mining and Demostic		30 Jul 93 By	, -	
g.			Reviewed: Surface 1		gineer
_	Period of Use Timl - Dac 3/		neviewed. Surface (y meer
h.	Fees			Pin	<u>i.ēa</u>
_Off	ice Notes:			44251	12770
				44252	12771
				44253	12772
				44255	12773
				44256	12774
Per	mit Plat Filed	Supp	lemental to:	44257	12775
	***********			44258	12776
	^ ^ ^ ^ ^ ^ ^ ^ ^ ^ ^ ^ ^	***	*********	44260	12777
Peri	mit terms: ACal			44261	12778
	mit terms: $A(c)$			44267	12779
	5(2)			44268	12780
				44269	12780
	5(6)				
				44270	12762
	17.86 milion gallers per de,			49988	PERMIT
				52918	RFA
	or 20,000 necesses	<u> </u>	inneally	52919	RFA
	C (0) P			52920	RFA
	5 (10) 3			52921	RFA
	5(11)				
					
	amount of water to be appropriated shall		Completion	27	<u> </u>
	ited to the amount which can be applied to eficial use, and not to exceed	-	PBU	3 y	/
	50 cubic feet per second, but	_	Cultural Map _	NIA	
	not to exceed 3619,85	-		,	
	Mar Set marally		By: 53000		
	17	_	og. <u>Jesemy</u>		`1

Revised 3/84





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane

Carson City, Nevada 89710

Re: 52918 through 52921 (702) 687-4380

August 31, 1993

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak, NV 89407

Dear Gentlemen:

Enclosed herewith you will find Permits Nos. 52918 through 52921 for the waters of an underground source.

You are advised that if the various proofs thereunder, together with any map which may be required, are not filed in this office prior to the dates set for such filings, the permits will be subject to cancellation. For your assistance a sheet is enclosed which will advise you of the requirements to fulfill the terms of your permits.

Sincerely,

R. Michael Turnipseed, P.E.

State Engineer

RMT/ab

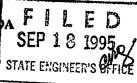
Enclosures

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record	Cyprus Foote	Mineral Company
IN THE MATTER OF		FILED TO APPROPRIATE / CHANGE THE WATERS OF
THIS APPLICATION IS RESP		
Comes now. Micha	el Hardy Person Signing Application	the Agent Permittee or Agent
under Permit No. 52920 following questions in com	, who after being in pliance with the requirements	first duly sworn and answering to the best of their knowledge the as set forth in the permit terms:
1. If this permit has multip 「YES 為XNO	ole owners, is this request for (Check the Appropriate Bax)	an extension of time submitted on behalf of all the owners?
2. If "NO", on whose bel	alf is this extension being file	d? Cyprus Foote Mineral Company
3. How much time is need	ed to finish this project?	1 Year Completion of Work
4. To date, what is the total	l expenditure on this project?.	\$170,000
5. In order to complete this	project as set forth in the pe	rmit terms, what additional funds will be spent?
6. The permittee requests a		1 yearwithin which to comply
with the provisions for f	iling the	Proof of Completion of Work
7. Explain in detail why the See Attachment '	1 <u>A</u> 11	time is being submitted (Use additional sheets if necessary):

	9444 	Signed Permisse or Agent
and the second s	fore me this 13 day of	Address P. O. Box 98, Silver Peak, NV 89047.
		City, State, 21p Code No.
		Phone 702-937-2222 ext. 226
Notary Public in and for the	100144444444444444444	OFFICIAL SEAL MAFILYN E. COLE NOTARY FUELIC - STATE OF NEVADA FHINCIPAL OFFICE IN ESMERALDA COUNTY, NEVADA My appointment explies Apr. 2, 1896



Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

ATTACHMENT "A"

1. Permittee is actively constructing an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant is scheduled for the second quarter of 1996. Due to the large capital expenditure incurred for this plant expansion, the \$1,400,000 production drilling program has tentatively been rescheduled to begin the second quarter of 1996. To date, \$170,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work of aforementioned permits.



STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane

In reply refer to No.

52919, 52920, 52921 Carson City, Nevada 89710 November 13, 1995 Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

Cyprus Foote Mineral Company Silver Peak Operations Hwy 265 Silver Peak NV 89047

This is to inform you that Application for Extension of Time

has been granted to	***************************************	***************************************	***************************************	, 19	•••••
as been granted to				••••••	•••••
***************************************	***************	***************************************	************************		******
	***********************	***************************************			
		•			
has been granted to	**************	Septemb	er 30	19	96
with the provision that	no further	extensions will be gran	ted		
for filing of thePro	of of	Completion of	Work		
		***************************************			******
		provided under NRS 533			

Sincerely,

Christine Thiel, P.E.

Deputy State Engineer

CT/cmg

cc: Michael Hardy

Ross de Lipkau

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex
Carson City, Nevada 89710
October 3, 1996

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

in reply refer to

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work

on or before September 30, 1996

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

State Engineer Port PE

RMT/cmm

CERTIFIED MAIL NO. Z 703 059 206

CC: Ross de Lipkau, Cert. Mail #Z 703 059 207 Michael Hardy, Cert. Mail #Z 703 059 208 Southern Nevada Branch Office

Enclosures: Proof of Completion of Work forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA FILED

APPLICATION FOR EXTENSION OF TIME



Owner of F	Record Cyprus Foote Mineral Compan	У
In	THE MATTER OF PERMIT No. 52920	Filed to Appropriate / Change the Waters of
	Underground Source	ng, underground or other source)
This Appli	(Name of stream, lake, spri	ng, underground or other source)
Comes	now Michael Hardy Person Signing Application	, the Agent Permittee or Agent
under Perm following q	nit No. 52920 , who after being fir questions in compliance with the requirements a	st duly sworn and answering to the best of their knowledge the
g o roe(1. If this p	permit has multiple owners, is this request for a EX NO (Check the Appropriate Box)	n extension of time submitted on behalf of all the owners?
2. If "NO"	", on whose behalf is this extension being filed	? Cyprus Foote Mineral Company
3. How mu	uch time is needed to finish this project?1y	ear completion of work
4. To date,	, what is the total expenditure on this project?	\$500,000
5. In order	to complete this project as set forth in the peri	mit terms, what additional funds will be spent?\$1,070,000
		earwithin which to comply
with the	provisions for filing the Proof of comple	tion of work and beneficial use oof of completion of work and/or proof of beneficial use)
	Attachment "A"	me is being submitted (Use additional sheets if necessary):

		<i></i>
		Signed Permittee or Agent
	and sworn to before me this 24 day of	Address PO Box 98 Street No. or P.O. Box No.
Syst	tember 1996.	Silver Peak, NV 89047 City, State, Zip Code No.
12	Enelyan & Blo	Phone. (702) 937-2222 ext. 226
Notary Publ	lic in and for the County of Esmusalelk,	OFFICIAL SEAL
ŕ	Teva da	MARILYN E. COLE NOTARY PUBLIC - NEVADA PRINCIPAL OFFICE IN
My commis	ssion expires. Of 2 , 10 2000	No. 92-0903-7 My Comm. Exp. Apr. 2, 2000

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT.

fRev 7 94)

Photo-copy original in File No. 52918

ATTACHMENT "A"

1. Permittee has just recently completed an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant began the second quarter of 1996. The \$1,400,000 production drilling program is currently under way with the first of several water wells completed in mid September. We are scheduled to start test pumping this first well as early as next week. To date, \$500,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work and Beneficial Use of aforementioned permits.

in reply refer to

No.

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 October 4, 1996

Address All Communications to the State Engineer, Division of Water Resources. Telephone (702) 687-4380

Cyprus Foote Mineral Company P.O. Box 98, Highway 265 Silver Peak, NV 89047

52918, 52919, 52920, 52921

CT/cms

Deputy State Engineer

Christine Thiel, P.E.

Sincerely,

cc: Ross de Lipkau Michael Hardy

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246

Carson City, Nevada 89706-0818

October 2, 1997

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

in reply refer to

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work



on or before September 30, 1997

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

RMT/kdg

CERTIFIED MAIL NO.

Z 703 035 689

cc: Ross de Lipkau, Cert. Mail No. Z 703 035 690 Michael Hardy, Cert. Mail No. Z 703 035 691 Southern Nevada Branch Office

Enclosures: Proof of Completion of Work forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

PROOF OF COMPLETION OF WORK

	Permit No. 52920 -
	STATE OF Nevada
	COUNTY OF Esmeralda ss.
	Comes now Michael Hardy , the Permittee or Agen
	on behalf of, the Permittee or Agen, the Permittee, who after being first sworn, deposes
	and says that at least two million dollars (\$.2,000,000) has been expended in
	work or improvements performed or made under the conditions provided in Permit No. 52920 pertaining to
	the completion of said works, and at the expense of the permittee.
	Said improvements consisted of <u>drillied a 20" borehole to 1115 feet</u> . <u>Installed 10 inch</u> If an underground source, state size and depth of well with casing and make and type of pump and motor.
	If an underground source, state size and depth of well with casing and make and type of pump and motor. nominal casing to 1080 feet with ful flo louver screen from 715-900 feet and
	910-1060 feet. Installed Johnston 8EC 17st pump assembly with a 60 Hp electric
À	turbine motor. The flow meter installed is a 4 inch Vater Specialty mechanical
9)	propeller meter, model ML-03 with a totalizer in gallons. Serial # 970022-4
	₩-357
	m-357
	said work being essential to the actual diversion of the water applied for and in the completion of the work required under said permit. Said work completed prior to. <u>June</u> , 1997
	Point of diversion located within the NE 14 NE 14 Sec. 8 T. 2 (S.) R. 40 E., M. D. B. & M.
P	WELL DRILLER Layne-Western Co., 275 County Rd. 98, Woodland, CA 95695 Name and Address
	WELL LOG FILED Yes □ No ☑
	Subscribed and sworn to before me this 15 day of Signed Permittee or Agent Address Po Box 98
	Street No. or P.O. Box No. Silver Peck NV 89047 City, State, Zip Code No.
	State of Nevada
	Ay commission expires 10/6 = 2000 OFFICIAL SEAL CANDY J. JEWETT No. 90-0422-14 HOTARY PUBLIC, STATE OF NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE COUNTY, NEVADA NYE NYE NYE NYE NYE NYE NYE NYE NYE NYE

(Ten dollar filing fee must accompany this proof)

APPLICATION FOR EXTENSION OF TIME

	FIL	ED	
001	2 1	1997	\$.
STATE	engine	IR'S OFFICE	Ξ

(Owner of Record <u>Cyprus Foote Mineral Comp</u>	any	STATE ENGINEER'S OFFICE
	IN THE MATTER OF PERMIT No. 52920	Filed to Appropriate / Change th	E WATERS OF
	Underground source (Name of stream, lake, spring,	underground or other source)	*******
7	THIS APPLICATION IS RESPECTFULLY SUBMITTED.		
	Comes now Michael Hardy Person Signing Application	, the Agent Permittee or A	gent
u f	onder Permit No52920, who after being first ollowing questions in compliance with the requirements as s	duly sworn and answering to the best of set forth in the permit terms:	f their knowledge the
1	. If this permit has multiple owners, is this request for an e ☐ YES XX NO (Check the Appropriate Box)	extension of time submitted on behalf	of all the owners?
2	. If "NO", on whose behalf is this extension being filed?	Cyprus Foote Mineral Comp	•
3	. How much time is needed to finish this project?lye.		
4	. To date, what is the total expenditure on this project?\$	2,000,000	***************************************
5	. In order to complete this project as set forth in the permit	t terms, what additional funds will be	spent?\$500,000.
6	. The permittee requests an extension of time for 1 year		
	with the provisions for filing the <u>proof of benef:</u>	icial use of completion of work and/or proof of beneficial use)	X COMP (2)
7	Explain in detail why this request for an extension of time See attachment "A"		
	·		<u> </u>
	£h	Signed Permittee of An	
S	Subscribed and sworn to before me thisday of	Address PO Box 398	***************************************
	fetoler 1992	Sirect No. or P.O. Silver Peak N.) City, State, Zip Co	1 89047
4	Gendy J. Jewell	Phone (702) 937-222	2
	Notary Public in and for the County of 1999,	CANDY J. J	-14
_	tate or	NOTARY PUBLIC, STATE NYE COUNTY, N My Appointment Exp. C	IEVADA JE
N	My commission expires / 100 /, 19 2000		

aug

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT.



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

52918 thru 52921

(702) 687-4380 • Fax (702) 687-6972

April 30, 1998

Michael Hardy P.O. Box 98 Silver Peak, Nevada 89047

Dear Mr. Hardy:

This office received Proofs of Completions for Permits 52918 thru 52921. These proofs are being returned for the following corrections:

The location given on the proofs does not correspond to the location in the permit. Please clarify which one goes with which permit, etc., and refile the amended documents.

The Proofs of Completion are herewith returned and must be resubmitted within thirty (30) days from the date of this letter. If the corrected proofs or applications for extension of time are not received and filed with the State Engineer within thirty (30) days of the date of this notice, your permit may be subject to cancellation.

Very turly yours,

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds

Enclosures

cc: NDWR, Las Vegas

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 thru 52921

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

May 19, 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

has been granted to		***************************************	, 19
for filing of the		***************************************	***************************************
	***************************************	***************************************	
· · · · · · · · · · · · · · · · · · ·			
has been granted to	September	30	98
with the provision that no furt			
for filing of theProof			
except for good cause shown a			

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau Michael Hardy

MARSHALL HILL CASSAS & de LIPKAU LAWYERS

300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

STATE TELEPHONE (702) 323-1601

PACSIMILE (702) 348-7250

May 20, 1998

Thomas K. Gallagher, P.E. Division of Water Resources 123 West Nye Lane Carson City, NV 89710

Re: Cyprus Foote / Permits 52918-52921

Dear Tom:

ROBERT W. MARSHALL

EARL M. HILL

FRANK CASSAS

ROSS E. de LIPKAU

DAVID S. MCELROY

REW R. GOODENOW

MICHAEL B. KEALY A. STANYAN PECK

JOHN P. FOWLER

9

This is to confirm our recent conversation concerning your letter to Mike Hardy dated April 30, 1998. You asked that I supply you with a short history of the water rights appurtenant to and utilized at the lithium plant.

Cyprus Foote, through succession, is the owner/operator of the lithium plant located in Silver Peak, Esmeralda County, Nevada. My knowledge of the project goes back to the early 1970's. At that time, Cyprus Foote was operating under the federal mineral leasing program. It was believed, at least at that time, that lithium was a "leasable" mineral, as contrasted to a "locatable" mineral under the Mining Laws of 1866 and 1877.

In the early 1980's, a dispute arose between the United States and Cyprus Foote regarding royalty payments. The result of that litigation was a finding by the Courts that lithium was a locatable mineral, and not a leasable mineral. During the phase when the parties, including the State Engineer, believed the federal leasing laws were in effect, Cyprus Foote decided and believed that it was not within the jurisdiction of the Nevada State Engineer. A multitude of legal opinions supported that position. However, when lithium was determined to be locatable, we promptly set up a meeting with the then-State Engineer, Roland D. Westergard. It was agreed that Cyprus Foote would file 20 applications to appropriate, basically scattering the wells uniformly or fairly so throughout the thousands of acres included within the mining claims. The annual volume pumped from all wells could not and did not exceed the annual duty. Thereafter, with Peter G. Morros then being State Engineer, certain applications to change were filed

May 20, 1998 Page 2

based upon an increased area of mineral extraction. Cyprus Foote would drill its own wells, pump them for a period of time, abandon them an drill additional wells. The statutory permitting process did not allow for the rapid change in wells -- a condition similar to the several mine dewatering programs authorized by your office.

In order to comply with the water law, Cyprus Foote was directed to file Proofs of Completion of Work upon representative wells or wells fairly close to the points of diversion as reflected on the various permits. Over the course of years, Proofs of Beneficial Use were filed, with the above four permits being the only unperfected rights. The amended Proofs of Completion of Work, which are being refiled, are representative of recently drilled wells as previously agreed to between representatives of your office and Cyprus Foote, and regulate the flow and quality of brine. The amended Proofs of Completion of Work, which are representative of the production wells, are enclosed.

Additionally, and as we discussed, generally Cyprus Foote drills its own wells, pumps them for a matter of months or years, and thereupon abandons them, drilling new wells. The multitude of wells is constantly changing to meet the production needs of Cyprus Foote.

For your information, Steve Brown has worked with Cyprus Foote for many years and is aware of the facts. You may wish to discuss this subject with him.

Many thanks for your assistance.

Very truly yours, WW E. Al JAKKU

Ross E. de Lipkau

REdL/lbe Enclosures 33593.003

AMENDED

PROOF OF COMPLETION OF WORK

FILED Permit No. 52920 MAY 2 1 1998 STATE OF Nevada STATE ENGINEER'S OFFICE COUNTY OF Esmeralda Comes now Michael Hardy the Permittee or Agent on behalf of Cyprus Foote Mineral , the Permittee, who after being first sworn, deposes and says that at least two million dollars (\$.2,000,000) has been expended in work or improvements performed or made under the conditions provided in Permit No. 52920 ... pertaining to the completion of said works, and at the expense of the permittee. Said improvements consisted of <u>drillied a 20" borehole to 1115 feet</u>. <u>Installed 10 inch</u>

If an underground source, state size and depth of well with casing and make and type of pump and motor. nominal casing to 1080 feet with ful flo louver screen from 715-900 feet and Installed Johnston 8EC 17st pump assembly with a 60 Hp electric 910-1060 feet. turbine motor. The flow meter installed is a 4 inch Vater Specialty mechanical propeller meter, model ML-03 with a totalizer in gallons. Serial # 970022-4 MV-357 Fm-357 said work being essential to the actual diversion of the water applied for and in the completion of the work required under said permit. Said work completed prior to. June, 1997 N., .(S.) R..40.....E., M. D. B. & M. Point of diversion located within the NE 14 Sec. 8 T. 2 WELL DRILLER Layne-Western Co., 275 County Rd. 98, Woodland, CA 95695 WELL LOG FILED Yes 🗌 No X Subscribed and sworn to before me this. day of Signed 4 Notary Public in and for the County varla

(Ten dollar filing fee must accompany this proof)

My commission expires.

My Appointment Exp. Oct. 6th, 2000



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (702) 687-4380 • Fax (702) 687-6972

52918 thru 52921

September 22, 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

Ladies & Gentlemen:

This is to confirm that the Proofs of Completion required under the above-referenced permits were filed in this office on May 21, 1998. Please advise this office of any address or ownership changes. If you have any questions please call me at (702) 687-3861.

Very truly yours

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds

cc: NDWR, Las Vegas Ross de Lipkau

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818 October 2, 1998 Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

in reply refer to

52918 through 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use



on or before September 30, 1998

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

State Engineer

RMT/kdg

CERTIFIED MAIL NO. Z 559 486 195

cc: Ross de Lipkau, Cert. Mail No. Z 559 486 196 Michael Hardy, Cert. Mail No. Z 559 486 197 Southern Nevada Branch Office

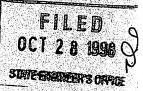
Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record	<u> Chemetall Foote</u>	Corporation	STATE CHEST CORP.
In the Mat	TER OF PERMIT No. 52920	Filed to Appropriate /	Change the Waters of
	Underground source		
	(Name of stream, lak	e, spring, underground or other source)	
This Application Is Re	SPECTFULLY SUBMITTED.		
Comes now Pat	Erick R. Fischer Person Signing Application	, theAgent	Permittee of Agent
under Permit No. 529 following questions in co	20 , who after to mpliance with the requirements a	being duly sworn and answering as set forth in the permit terms:	to the best of their land to
1. Does this permit have	multiple owners? YES	平 NO (Check the Appropriat	e Box)
2. If "YES" on question ☐ YES ☐ NO	No. 1 is checked, is this request (Check the Appropriate Box)	t for an extension of time submitt	ed on behalf of all the owners?
3. If "NO" on question Chemetall Foo		alf is this extension being filed?	
4. How much time is nee	ded to finish this project?	l year	
5. To date, what is the to	tal expenditure on this project?	in excess of 50 million	l_dollars
	내용 사람이 얼마를 살려면 되었다면 말한 것 같아 하는데 되었다.	나는 마음이 있는 다른 사람들이 가장 그리고 있는 것이 없어 없다.	vill be spent? 3.5 million
7. The permittee requests	an extension of time for	1 year (Not to exceed I year)	within which to comply
with the provisions for	filing the Proof of bene	eficial use (Proof of completion of work and/or proof o	f beneficial use)
Explain in detail why to the way to the way with the way of the	his request for an extension of tir ached maximum capacity,	me is being submitted (Use additi and are planning a \$200	onal sheets if necessary): ,000 expansion in 1999.
		Signed 222	4
Subscribed and Sworn to b	efore me this 27th	day of Address A	Permittee or Agent
Matalia	8) 00	day of Address	Street No. or P.O. Box No.
Ψ(000		-Silve	City, State, Zip Code No.
Signature	of Notary Public Required	Phone 762-9	732-7272
Notary Public in and for th			••••••••••••••••••••••••••••••••••••••
State of Deve		С С	OFFICIAL SEAL ANDY J. JEWETT
State of 1000	D 1 1	NOTAL	No. 96-0422-14 Y PUBLIC, STATE OF NEVADA
My commission expires	(Ctober 6, 200	O MA	pointment Exp. Oct. 6th, 2000 Stamp or Seal Required
04 \$100 FILING	FEE MUST ACCOMPANY T	UIC ADDITOATION TOD TY	
104 X	SEPARATE APPLICATION M	HIS APPLICATION FOR EXT OUST BE FILED FOR EACH	LENSION OF TIME. PERMIT.
Rw. 7-97)	를 가져서 한다는 기를 시간하는 것이다. 일이 발매를 하는 것이 되었습니다. 보다		SE ROA 522

Chemetall Foote Corporation

Supplier Notification:

We are pleased to announce that on October 13, 1998 Chemetall GmbH completed the acquisition of Cyprus Foote Mineral Company. Reflecting this purchase, our name has been changed to Chemetall Foote Corp. Together with the Lithium Division of Chemetall GmbH Europe, we will become a worldwide operating, fully integrated supplier of base and performance lithium products.

Attached is our updated credit account information document. Please do not hesitate to contact writer should you require any additional information.

Sincerely, Randall & Well

Randall S. Weld Sourcing Manager

Please note:

The following address is to be used for shipping and billing for material ordered from the Silver Peak location.

N	Δ	A	A	ᇊ	

Chemetall Foote Corp.

348 Holiday Inn Drive

Kings Mountain, NC 28086

TELEPHONE:

(704) 739-2501

OPERATING LOCATIONS:

Silver Peak, Nevada

Kings Mountain, North Carolina New Johnsonville, Tennessee Santiago and Antofagasta, Chile

DUNS NUMBER:

00-232-9456

INCORPORATED:

July 26, 1916 Pennsylvania

STATE OF INCORPORATION: IRS IDENTIFICATION NUMBER:

23-0589510

TYPE OF BUSINESS:

Owns and Operates Lithium Extraction and Processing Facilities

PARENT:

Chemetall GmbH

Frankfurt, Germany

Duns Number: 31-580-9632

BANK REFERENCE:

PNC Bank, N. A.

Account No. 1008963455

Two PNC Plaza

Officer: Jeffrev Statmore

Pittsburgh, PA 15265

(908) 220-3078

TRADE REFERENCES:

Tg Soda Ash, Inc.

Phillips Chemical Company

4300 Six Forks Road, #850

P. O. Box 968

Raleigh, NC 27619-9248

Borger, TX 29008-0968

(919) 785-2040

(800) 858-4327

J. L. Clark Inc. 2300 6th Street Rockford, IL 61108 (815) 962-8861

OFFICERS:

President & CEO

Juergen Deberitz

Vice President, CFO & Treasurer

Ronald A. France

Vice President, Human Resources

James E. Sanderson

Vice President, Operations

Paul J. Seaman Jeffrey S. Watson

Vice President, Sales

Arthur G. Taylor

Secretary

We certify that all of the information on this form is correct. We understand your credit terms and agree to pay within the terms. If further information is required, please contact Sue Hartwyk at (704) 734-2663.

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24382	24383	24384	
24385	25826	44247	
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STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918, 52919, 52920, 52921

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

November 13, 1998

Cyprus Foote Mineral Co. P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

has been granted to	September 30		99
for filing of the Proc	of of Beneficia	1 Use (all	Permits
•••••			
		•	***************************************
has been granted to		······	, 19
with the provision that no f	further extensions will be	granted	
for filing of the		,	••••••
			••••••
except for good cause show	n as provided under NRS	5 533,390 and 53	3.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau ABSTRACT OF TITLE NON - DECREED

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<u> </u>	S	or Units														
This column for office	use only Filed	Under														
PERMIT or PI	Document	Number DATE	151573	02/02/99												
This column PERMIT or PROOF No. 52920 for office Page 1 of 1	Document Description	and REMARKS	WATER RIGHTS DEED						11 55 56 57 57 57							

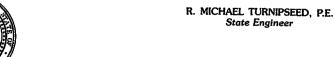
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T E	R.E	State of Nevada PORT OF CO	NVEYANCE	C
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2	CURRENT HOLDER(S) SHOWN BY TH		STATUS: permit USE:	MD
		s additional strace, please attach additional 8 1/2° X 11'	shees referencing appropriate term number.	
	NEW HOLDER(S): CHEME ADDRESS: Silver Peak Operation	ETALL FOOTE CORPORATION		
	CITY: Silver Peak STAT		89047 PHONE	÷ 775/937-2222
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,	ONE \$25 FILING FEE MUST A	CCOMPANY THIS REPORT +510 PER	CONVEYANCE DOCUMENT LISTED A	BOVE.
	record (ITEM 2) with the Division of Water R (ITEM 3). Document(s) must be recorded in t If the legal description on any deed(s) refer different than the place of use in a Quarter/Qu is required. Copies of maps should be 8 1/2" x	the Office(s) of the respective County r(s) to a subdivision lot or parcel or as parter/Section/Township/Range forms	Recorder(s). sessor's parcel number, or lists any devi st, a copy of the map referred to in said	iation(s)
	LIST SUPPLEMENTAL RIGHTS	Esmeralda	COUNTY: PLACE(S) OF USE F	smeralda
	LIST SUPPLEMENTAL RIGHTS		COUNTY: PLACE(S) OF USE E	smeralda ;
	COUNTY: POINT OF DIVERSION	R SEC TWN	RNG APN Acre Feet or MG	smeralda ; Acres or Units NO XX
	COUNTY: POINT OF DIVERSION PLACE(S) OF USE:* QTR QTF AMOUNT (DUTIES) TO BE ASSIGNED:	R SEC TWN 5.0 CFS D TO RETAIN ANY PORTION OF	RNG APN Acre Feet or MG F THE WATER RIGHT? YES	Acres or Units NO XX
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in	LIST SUPPLEMENTAL RIGHTS COUNTY: POINT OF DIVERSION PLACE(S) OF USE:* QTR AMOUNT (DUTIES) TO BE ASSIGNED: DOES THE CURRENT HOLDER INTENI List any other water rights relating to this Remarks: *Refer to permit for relating to the permi	R SEC TWN 5.0 CFS D TO RETAIN ANY PORTION OF Report of Conveyance that has be place of use.	RNG APN Acre Feet or MG F THE WATER RIGHT? YES en filed using this same abstract and ch of the records of the county records	Acres or Units NO XX I chain of title.
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IN SI NO CO	COUNTY: POINT OF DIVERSION PLACE(S) OF USE:* QTR AMOUNT (DUTIES) TO BE ASSIGNED: DOES THE CURRENT HOLDER INTENI List any other water rights relating to this Remarks: *Refer to permit for relating to the water is placed to beneficial use or device the water is placed to be placed	R SEC TWN 5.0 CFS D TO RETAIN ANY PORTION OF Report of Conveyance that has be place of use. Dlace of use. SIGNATURE: PRINT NAME: MAILING ADDRESS: FIRM NAME: CITY:	ACRE Feet or MG THE WATER RIGHT? YES en filed using this same abstract and the records of the county records are records on file in the office of the state. Ross E. de Lipkau P. 0. Box 2790 Marshall Hill Cassas & de L Reno STATE: NV ZIP (PHONE:	Acres or Units NO XX Chain of title.

	REVIEW BY I DATE	
Previous reports/submittals	pending	Date of Receipt 3-12-49
Current holder(s) verified New holder(s) information c		
Inventory verified. Fees cor	rrect	Receipt No.(s) Date of Receipt
Technical review		보통하다 보통하는 점이 많아 하셨다. 아이지를 들었다. 하는 그는 사이지가 들어 없을 때 없었다.
Abstract / Chain of Title		\$\$ This R.O.C. 10/275
Supplemental rights recogn Counties compared POD/P		
Place of Use determinable		Original Receipt(s) Located In File No
Dution determined		III. File No.
Appurtenancy / portions / p	ercentages	Deeds/Docs Filed in
Related rights by deeds and Remarks reviewed		File No. 10036
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		가는 사람들이 되었다. 그런 기가 되었다는 것은 사람이 되었다는 것이 되었다. 기가 있는 사람들이 있었다는 것이 되었다.
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[Received Stamp Date]

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (775) 687-4380 • (775) 687-6972

July 16, 1999

RE: Permits 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 44255, 44256, 44257, 44258, 44260, 44261, 44267, 44268, 44269, 44270, 49805, 49988, 52917, 52918, 52919, 52920 & 52921

Mr. Ross E. de Lipkau Marshall Hill Cassas & de Lipkau PO Box 2790 Reno, NV 89505

Dear Mr. de Lipkau:

The above-listed permits have been assigned to show Chemetall Foote Corporation as owner of record. Copies of the Summaries of Ownership are enclosed for your information.

These assignments reflect only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions, please contact this office at (775) 687-4381.

Sincerely,

Robert M. Zeisloft

Engineering Technician III

RHZ/ld

Enclosures

cc: Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246
Carson City, Nevada 89706-0818
October 6, 1999

Address All Communications to the State Engineer, Division of Water Resources Telephone (775) 687-4381

In reply refer to

52918 through 52921

Chemetal Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use



on or before September 30, 1999

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours

RMT/kdg

CERTIFIED MAIL NO. P 444 470 273

cc: Ross de Lipkau, Cert. Mail No. P 444 470 274

Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corporation	
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In the Matter of Permit No. 52920	FILED TO APPROPRIATE / CHANGE THE WATERS OF
Underground governs	
(Name of stream, lake, spri	ng, underground or other source)
HIS APPLICATION IS RESPECTFULLY SUBMITTED.	en de la celebrat de la persona de la companya de la celebrat de la celebrat de la celebrat de la celebrat de La celebrat de la ce
The state of the page of the place was built in the con-	Control of the contro
Comes now Partrick R. Fischer	the Agent Permittee or Agent
nder Permit No52920, who after being pllowing questions in compliance with the requirements as set	g duly sworn and answering to the best of their knowledge the t forth in the permit terms:
Does this permit have multiple owners? YES	NO (Check the Appropriate Box)
	(Once the appropriate box)
. If "YES" on question No. 1 is checked, is this request for ☐ YES ☐ NO (Check the Appropriate Box)	an extension of time submitted on behalf of all the owners?
If "NO" on question No. 2 is checked on whose behalf is	this extension being filed?
Chemetall Foote Corporation	
	excess of 50 million dollars erms, what additional funds will be spent? 3.5 million
	1 yearwithin which to comply
with the provisions for filing the Proof of bener	oficial use roof of completion of work and/or proof of beneficial use)
Explain in detail why this request for an extension of time i	• • • • • • • • • • • • • • • • • • • •
We have not reached maximum capacity, and	dare planning a \$200,000 expansion in 2000.
	Signed TR TL- Permittee or Agent
abscribed and sworn to before me this 12th day	
(lotyles) 1099	Street No. or P.O. Box No.
4 cioque 1997	5. Wer Frak NU 890.
/ andy Or. Nowell	City, State, Zip Code No.
Signature of Notary Public Required	Phone 775-937-2222
otary Public in and for the County of	
Dogge	CANDY I JEWETT
ate of JUOCOC	NO. 96-0422-14 NOTARY PUBLIC. STATE OF NEVADA
(Matulian / 2 mac	NYE COUNTY, NEVADA My Appointment Exp. Oct. 6th. 2000
ly commission expires CCOOOO Q, AOO	Manual State of Seed Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMISE ROA 532

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

tn repty refer to No.

52918 through 52921

December 20, 1999

This is to inform you that Application for Extension of Time

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4380

Chemetall Foote Corporation Silver Peak Operations, Highway 265 Silver Peak, NV 89047

> > Sincerely,

except for good cause shown as provided under NRS 533.390 and 533.410.

Christine Thiel, P.E.

Deputy State Engineer

CT/my

cc:

Ross deLipkau

Chemetall Foote Corp./Patricia R. Fischer

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

In reply refer to No. 52918 through 52921

October 4, 2000

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4381

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof

of Beneficial Use

on or before September 30, 2000

Our records show that you have not filed said Proof(s) an therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

HR/kdg

CERTIFIED MAIL NO. 7000 0520 0023 8631 0900

cc: Ross de Lipkau, Cert. Mail No. 7000 0520 0023 8631 0917 Patrick R. Fischer, Cert. Mail No. 7000 0520 0023 8631 0924

Enclosures: Proof of Beneficial Use form(s) and Application for Extension of Time form(s)

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50.

Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

Address all communications to the State Engineer, Division of Water Resources

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

Owner of Record Chemetall Foote Corp.		FILED OCT 19 2000
생물이 있는 것이다. 생물이 있다. 이 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은	지는 이 사람이 이 이상이 함께 가능했다. 이 사람들은 이 사람들은 사람들이 있는데 다음을 받았다.	STATE ENGINEER'S OFFI
IN THE MATTER OF PERMIT NO. 52920 FILE	ED TO APPROPRIATE / CHANGE THE	Waters of
Underground Source		
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	ground or other source)	
불빛들은 마토토토 이 그 나는 얼마를 받을 받는다.		
Comes now Melissa R. Jennings Person Signing Application	, the Agent Permittee or Ag	
under Permit No52920 , who after being duly following questions in compliance with the requirements as set forth in	SWORD and answering to the best of	^{ent} f their knowledge the
1. Does this permit have multiple owners? ☐ YES ☒ NO ((Check the Appropriate Box)	
If "YES" on question No. 1 is checked, is this request for an extermal YES NO (Check the Appropriate Box)	nsion of time submitted on behalf o	f all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this ex	tension being filed?	
4. How much time is needed to finish this project? 1 year		
5. To date, what is the total expenditure on this project?in_exces		
6. In order to complete this project as set forth in the permit terms, w	hat additional funds will be spent?	3.5 million
7. The permittee requests an extension of time for1year	Not to exceed 1 year)	ithin which to comply
with the provisions for filing the Proof of Beneficia	1 Use	
8. Explain in detail why this request for an extension of time is being We have not reached maximum capacity, and hav	submitted (Use additional sheets if i	necessary):
progress. Production well drilling program of	\$1.1 million planned for	2000-2001.
1,th	Signed Mellose Permittee or As	Jenny)
Subscribed and sworn to before me thisday of	Address P.O. Box 98 Street No. or P.O.	Pay Na
Wetober 2000	Silver Peak, NV 8904 City, State, Zip Co	.7
Signature of Notary Public Required	Phone (775) 937-2222	······································
Notary Public in and for the County of July State of July Commission expires Olluber 6, 2004	OFFICIAL S CANDY J. J No. 00-0422 NOTARY PUBLIC, STATI NYE COUNTY, I Notary Appointment Exp	IEWETT 2-14 6 OF NEVADA NEVADA

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 687-4380 or 1-800-992-0900x4380

October 23, 2000

52918, 52919, 52920, 52921

Chemetall Foote Corporation PO Box 98 Silverpeak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2001** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc:

Southern Nevada Branch Office Ross E. de Lipkau

Notice of Proposed Action

by the

State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for the renewal of Water Pollution Control Permit for the Silver Peak Lithium Facility, a beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for Permit NEV70005 is:

Chemetall Foote Corporation P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

The facility, known as the Silver Peak Lithium Facility, is located in Sections 26-28 of Township 1 South, Range 40 East; Sections 1, 12, 13, 21-25 of Township 2 South, Range 39 East; and, Sections 1-11, 15-20, 29-32 of Township 2 South, Range 40 East in Esmeralda County, Nevada. The project primarily consists of numerous deep wells, solar evaporation ponds, liming facilities, and process plant for the production of lithium carbonate, lithium hydroxide monohydrate and anhydrous lithium hydroxide. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event. The groundwater beneath the playa is the source of lithium and it contains a very high total dissolved solids concentration. However, the groundwater quality from the production well and the town of Silver Peak well meet drinking water standards.

The Administrator is constrained to renew the water pollution control permit or to deny the application. The Administrator has made the tentative determination to renew the permit.

Persons wishing to comment upon the proposed permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to the

Nevada Administrative Code, NAC Chapter 445A, must submit their comments, objections, or requests no later than October 22, 2001 to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation Capitol Complex 333 W. Nye Lane, Room 138 Carson City, NV 89706-0851

All comments or objections received during the public notice period will be considered in the final determination regarding this permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-4670, extension 3130, toll free in Nevada (800) 992-0900, extension 4670, or visit our website at www.state.nv.us/ndep/bmrr/bmrr01.htm

STATE OF NEVADA

DRAFT

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation

Permit Number:

NEV70005

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Facility, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

This facility is located in Esmeralda County in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999 as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of XXXX XX, 2001, and shall remain in effect until XXXX XX, 2006, unless modified, suspended, or revoked.

Signed this XX day of XXXX, 2001.

David Gaskin, P.E.

Bureau Chief

Bureau of Mining Regulation and Reclamation

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I. Specific Facility Conditions and Limitations

- A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.

B. Schedule of Compliance:

- 1. By November 1, 2001, submit a proposal to NDEP for the installation of a monitoring well near R-2 pond in accordance with NAC 445A.425.2. This monitoring well shall be installed by January 1, 2002
- C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plant and building including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and,
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components;

D. Monitoring Requirements

<u>Identification</u>		<u>Parameter</u>	Frequency
1.	Fresh Water Well (WS) and well installed adjacent to the R-2 pond (R-2W)	Profile I ² and, Elevations of static water levels (amsl)	Initially; then Annually
2.	R-2 pond solution (R-2S)	Profile II ³ and, Report minimum freeboard	Annually Quarterly
3.	Plant waste stream (combined PWS)	Profile II ³	Annually
4.	Brine well* (BW)	Profile II ³ and,	Annually





		Elevations of static water level	
4.	continued -	(amsl)	
5.	Plant influent (PI)	Profile II	Annually

The Permittee may request a reduction in the number of elements and frequency of analyses after one year of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

* A different production (brine) well shall be sampled each year.

Note: Secondary containment sumps must be inspected and evacuated on a more frequent basis than weekly if the fluid level is at the top of the sump or above the invert of any pipe which discharges into the sump, whichever level is lower. Records are required documenting the volume, date and time of extraction to show that sumps are maintained in this condition.

(2) Profile I

Alkalinity (as CaCO₃)

Bicarbonate

Total

Aluminum

Antimony

Arsenic

Barium

Beryllium

Boron

Cadmium

Calcium

Chloride

Chromium

Copper Fluoride

Iron

Lead

Magnesium

Manganese

Mercury

Nickel

Nitrate

pH (± 0.1 units)

Potassium

Selenium

Silver

Sodium

Sulfate

Thallium

Total Dissolved Solids

Zinc

(3) Profile II

Alkalinity (as CaCO₃)

Bicarbonate

Total

Aluminum

Antimony

Arsenic

Barium

Beryllium

Boron

Cadmium

Calcium

Chloride

Chromium
Cobalt
Copper
Fluoride
Gallium
Iron
Lead
Lithium
Magnesium
Manganese
Mercury
Molybdenum
Nickel

pH (± 0.1 units)
Phosphorus
Potassium
Scandium
Selenium
Silver
Sodium
Strontium
Sulfate
Thallium
Tin

Total Dissolved Solids

Vanadium

Zinc

- Nitrate
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum two (2) feet of freeboard shall be maintained in the R-2 pond at all times.

Exceeding these limitations may be permit violations and shall be reported as specified in Part II.B.3

- H. The facility shall install and maintain a calibrated rain gauge which shall be monitored daily. A record of all daily accumulations of precipitation shall be maintained on site.
- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device;
 - 3. The presence of liquids in leak detection systems; and
 - 4. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.



- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from this Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining a General or Individual Mining Bioremediation Facility Permit from the Division.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance item in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which the Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements

- 1. The Permittee shall submit an annual report by February 28th of each year which contains the following:
 - a. Monitoring results from those locations identified in Parts 1, 2 and 4;
 - b. Analytical results of the solution collected from monitoring locations identified

in Part I.D.1 through 5;

- A record of spills and releases and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0390 or equivalent;
- d. A brief summary of site operations, including the number of tons of ore processed during the year, construction and expansion activities and major problems with the fluid management system; and,
- e. Graphs of pH, total dissolved solids, sulfate, chloride, nitrate (as nitrogen), zinc, and arsenic concentrations (as applicable), versus time for all fluid sampling points. These graphs shall display a five year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.



- 2. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.
 - a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 p.m. of the first working day after knowledge of the release. An oral report shall be made by telephone to (775) 687-4670, extension 3023, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
 - b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.



- c. A release of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds 500 gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If the quantity is equal to or greater than 100 gallons, report in the time frame specified in Part II.B.3.a. Smaller spills are reported quarterly on NDEP Form 0390 or equivalent.
- 3. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-4670, extension 3123, not later than 5 p.m. of the next regular work day from the

time the Permittee has knowledge of the circumstances. This report shall include the following:

- i. Name, address, and telephone number of the owner or operator;
- ii. Name, address, and telephone number of the facility;
- iii. Date, time, and type of incident, condition, or circumstance:
- iv. Name and quantity of materials released; if process solution is released, report total gallons and quantity of contaminant;
- v. Human and animal mortality or injury;
- vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
- vii. The estimated quantity of material that will be disposed and the disposal location.
- b. A written summary shall be provided to the Division within 10 days of the time the Permittee makes the oral report. The written summary shall contain a description of the release or discharge and its cause, the periods of the release or discharge (including exact dates and times), whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring, to:
 - i. Determine the effect and extent of each release or discharge;
 - ii. Minimize any adverse impact to the waters of the State arising from each release or discharge;
 - iii. Minimize the effect of each release or discharge upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each release or discharge.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than 120 days before this permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any

relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.

- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities, and analytical results including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action as provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.





E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in this permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416 and NAC 445A.417.
- Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.

Permit No. NEV70005 Page 10 of 10

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- 3. The Permittee must notify the Division in writing at least thirty days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Renewed 9/01





FACT SHEET (pursuant to NAC445A.401)

Permittee Name:

Chemetall Foote Corporation

P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

Permit Number:

NEV70005

A. <u>Description of Facility</u>

Location: This project is located in and near the town of Silver Peak, Nevada in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32 in Esmeralda County.

Characteristics: The Silver Peak Lithium Facility primarily consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, the Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Subsurface brines are pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. The lithium carbonate product is then dried and packaged, processed, or used as head feed for the lithium hydroxide facility. In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced. Evaporation produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

Brine ponds were built directly on top of native clay that has a coefficient of permeability of 1 x 10E-6 cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability with the exception of one pond (the strongest brine pond) that is lined with 20-mil PVC liner.

The R-2 pond, located on the peripheral edge of the playa, is asphalt lined and receives CaCO3 solution that is pumped to the playa as needed. Piping changes are being made to facilities.

Storm water runoff and accumulation is within a closed system. All storm water is maintained within the Clayton Valley.

Secondary containment within the post-regulation hydroxide plant meets secondary containment requirements and was constructed to standard engineering principles and practices. The existing pre-regulation plant appears to be provided with adequate secondary containment.

C. <u>Site Hydrology/Hydrogeology and Background Groundwater</u> <u>Quality</u>

The ground water pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids as documented by the long history of lithium production. It would be economically impractical to render the water fit for human consumption due to the very high total dissolved solids concentrations (see data) and it is not reasonably expected to become a drinking water supply. However, the Silver Peak water supply well and the freshwater production well for Chemetall produce high quality water that meet drinking water standards. Hydrogeologically, the location where the groundwater quality exceeds drinking water standards and becomes non-potable is complex. Establishment of a monitoring well adjacent to the R-2 pond will provide groundwater quality and elevation at this location.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate, and close subject to the conditions contained within the permit, is being sent to the Tonopah Times-Bonanza in Tonopah for The Notice is being mailed to interested publication. persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of the public notice. The comment discretion can be extended at the All written comments received during the Administrator. comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator, or any interested agency, person or group of persons.





The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed facility or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the proposed permit.

F. <u>Proposed Effluent Limitations</u>, <u>Schedule-of-Compliance and Special Conditions</u>

See Part I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. Also, the facility is located in the Clayton Valley where the playa ground water does not serve as a source of drinking water and would probably not serve as an economically viable source of drinking water. The groundwater is the source of lithium, contains very high total dissolved solids concentration and is not reasonably expected to become a drinking water supply. However, potable wells in and near the town of Silver Peak will be protected.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50CFR10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with state permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical

isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of toxic water. Methods which attempt to make uncovered ponds attractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Blvd., Suite 234, Reno, Nevada 89502-7147, for additional information.

Bob Carlson September 2001

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STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

DIVISION OF WATER RESOURCES

In reply refer to No.

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

October 3, 2001

Address All Communications to: The State Engineer Division of Water Rescurces Telephone (775) 687-4381

52918 through 52921

Chemetall Foote Corporation Silver Peak Operations, Highway 265 Silver Peak NV 89047 CERTIFIED MAIL: 7000 0520 0023 4553 1162

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file **Proof of Beneficial Use**



on or before September 30, 2001

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

lieu, P.E.

HR/cmf

cc:

Ross E. DeLipkau, Certified Mail No. 7000 0520 0023 4553 1179 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use form with instructions

Fee for filing Proof of Completion - \$10
Fee for filing Proof of Beneficial Use - \$50
Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corp.	STATE ENGINEER'S OFFICE
IN THE MATTER OF PERMIT NO52920 FILED TO APPROPRIATE / CHANGE 1	THE WATERS OF
Underground Source (Name of stream, lake, spring, underground or other source)	**************
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
Comes nowDanny Zampirro, the Agent Permittee	or Agent
under Permit No. 52920 who after being duly sworn and answering to the be following questions in compliance with the requirements as set forth in the permit terms:	
1. Does this permit have multiple owners? YES YES (Check the Appropriate Box)	
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on beh YES NO (Check the Appropriate Box)	
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?	
Chemetall Foote Corp	***************************************
4. How much time is needed to finish this project?1year	***************************************
5. To date, what is the total expenditure on this project?in excess of 51 million dollar	ars
6. In order to complete this project as set forth in the permit terms, what additional funds will be specified.	ent? 1.1 million
7. The permittee requests an extension of time for 1 year (Not to exceed 1 year)	within which to comply
with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use)	
8. Explain in detail why this request for an extension of time is being submitted (Use additional shee	ets if necessary):
for 2001-2002 at a cost of 1.1 million dollars A deep aquifer sy	stem has been
identified with plans to explore and test as a resource.	
Signed Dan J	angino
Subscribed and sworn to before me this 10 th day of Address P.O. Box 98	P gent
	or P.O. Box No. NV 89047
Signature of Notary Public Required Phone (775) 937-222	e, Zip Code No.
Notary Public in and for the County of,	
	OFFICIAL SEAL ANDY J. JEWETT No. 00-0422-14 RY PUBLIC, STATE OF NEVADA SCALEGE REGISTRATES, NEVADA ppointment Exp. Oct. 6, 2004

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

(Rev. 8-99)

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 687-4381 or 1-800-992-0900x4381 (within Nevada)

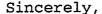
January 15, 2002

52918, 52919, 52920, 52921

Chemetall Foote Corporation Silver Peak Operations, HWY 265 Silver Peak, NV 89047



This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2002</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.



Christine Thiel, P.E. Deputy State Engineer

CT/dr

cc: Ross De Lipkau
Dan Zampirro
Southern Nevada Branch Office

SE ROA 555

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

In reply refer to No.

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 Address All Communications to: The State Engineer Division of Water Resources Telephone (775) 687-4381

October 1, 2002

52918 through 52921

Chemetall Foote Corporation
Silver Peak Operations, Hwy 265
Silver Peak, Nevada 89047
CERTIFIED MAIL 7106 7808 0630 0000 5937

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file **Proof of Beneficial Use under all Permits referenced above**



on or before September 30, 2002

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

Nice , P.E.

HR/cac

C

cc: Danny Zampirro, Certified Mail 7106 7808 0630 0000 5951 Ross E. de Lipkau, Certified Mail 7106 7808 0630 0000 5944 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use forms with instructions

Fee for filing Proof of Completion - \$10 Fee for filing Proof of Beneficial Use - \$50 Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corporation		STATE ENGINEER'S OFFICE
In the Matter of Permit No52920 Fin	LED TO APPROPRIATE / CHANGE THE	: Waters of
Underground_source(Name of stream, lake, spring, under	respond or other source)	************
This Application Is Respectfully Submitted.	rground or other source)	
The first blowner to the bott of the committee.		
Comes nowDanny.Zampirro. Person Signing Application	, the Agent Permittee or	Agent
under Permit No52920, who after being duly following questions in compliance with the requirements as set forth	sworn and answering to the best in the permit terms:	of their knowledge the
1. Does this permit have multiple owners? ☐ YES XX NO	(Check the Appropriate Box)	
3. If "YES" on question No. 1 is checked, is this request for an ex☐ YES ☐ NO (Check the Appropriate Box)	tension of time submitted on behalf	of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this each chemetall Foote Corporation	extension being filed?	
4. How much time is needed to finish this project? one year		
5. To date, what is the total expenditure on this project?in ex	xcess of \$51,000,000	***************************************
6. In order to complete this project as set forth in the permit terms,	what additional funds will be spent	?_\$50,000
7. The permittee requests an extension of time for one year	(Not to exceed I year)	within which to comply
with the provisions for filing the Proof of Beneficia: (Proof of control of the Proof of the Pro	1 Use completion of work and/or proof of beneficial use)	***************************************
8. Explain in detail why this request for an extension of time is bein Maximum water usage has not been achieved	ng submitted (Use additional sheets	if necessary):
with resultant increased water usage sch		
	18000000000000000000000000000000000000	***************************************
Subscribed and sworn to before me this	Signed Permittee of Address Chemetall Foote	engino ragin
Subscribed and sworn to before me this day of	Address Street No. or I PO Box 98 Silver City, State, 2	P.O. Box No. Peak, NV 89047
Signapure of Nodally Public Required	Phone 1-775-937-2222	
Notary Public in and for the County of July 1,	CAND	CIAL SEAL 7 J. JEWETT 100-0422-14 C. STATE OF NEVADA
My commission expires. Clubbs 4, 200 \$	NYE COL	JNTY, NEVADA ent Exp. Oct. 6, 2004

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

> Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

In reply refer to:

November 21, 2002

52918, 52919, 52920, and 52921

Chemetall Foote Corporation
Silver Peak Operations, Highway 265
Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2003** with the provision that no further extensions will be granted for filling of the **Proof of Beneficial Use** (all permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/dl

cc: F

Ross de Lipkau

Southern Nevada Branch Office

Chemetall Foote Corp.

July 27, 2003

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, NV 89706-0818

COPY

Subject: Permit numbers 52918, 52919, 52920 & 52921 and Quarterly Production Data

Dear Mr. Ricci,

Enclosed please find four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400 to cover the filing of the Extensions. We are conducting a drilling program to supplement our aging wellfield to meet product demand. Additionally, please find our quarterly production report for the second quarter, basin 143. A total of 2,174 acre feet were pumped from the basin of which 5.6% was fresh water, the remainder brine for production purposes. Please contact our office should you have any questions. Thank you.

Sincerely,

Danny Zampirro, CPG, RG

Danny Zampsino

Hydrogeologist

Certified Mail # 7099 3220 0006 0137 6548

cc Mr. Ross de Lipkau Marshall, Hill, Cassas & de Lipkau

Enclosures: Quarterly prod. report, Ext. of Time Renewals, check #26799

QUARTERLY PRODUCTION REPORT



	-	HEMPTATT	FOOTE COR	DOD A TTON				7PAD. 2002			DEDODT DA	TT. Y. L. 21	2000
, ,			VER PEAK OF		+			TEAR: 2003			KEPORT DA	TE: July 31st,	2003
			DIX I DAM O	BRITTION			BASIN: 143 (C	LAYTON V	ALLEY)				
	PERMIT NUN	ABERS: 52918	3; 52919; 52920	0; 52921									
SITE I.D.	:						WATER P	UMPED IN C	ALLONS				AMOUNT
well #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AŬG	SEP	OCT	NOV	DEC	USED

9C	2,550,000	2,250,000	2,500,000	2,580,000	2,700,000	2,720,000	0	0			0		15,300,000
10B 16C	5,880,000	4,844,000	5,411,000	5,530,000	5,944,000	5,749,800	0	0			0		33,358,800
23A	3,866,000 3,532,000	3,162,000 3,034,000	3,702,000	3,819,000 3,513,000	3,972,000	3,882,500 3,523,800	0	0			0		22,403,500
41B	2,545,000	2,251,000	2,762,000	2,653,000	2,855,000	2,733,200	0	0					20,919,800 15,799,200
43A	3,105,000	2,537,000	3,102,000	3,040,000	3,159,000	3,074,600	0	0					18,017,600
45B	0	0	0	0	0	0	0	0	0				
59	4,369,000	3,486,000	4,080,000	2,979,000	3,928,000	4,394,400	0	0	0	0	0		23,236,400
62A	6,798,000	2,631,000	5,662,000	6,672,000	7,117,000	6,831,300	0	0	0	0	0	0	35,711,300
65A	6,329,000	5,624,000	6,527,000	6,335,000	6,412,000	6,296,400	0	0					37,523,400
71A	8,311,000	5,787,000	0	0	0	0	0,	0					14,098,000
73A 76	6,388,000	5,530,000	6,490,000	5,041,000	6,767,000	6,308,500	0	0					36,524,500
78	6,492,000 6,486,000	5,771,000 5,414,000	6,624,000	6,609,000	6,874,000	6,367,400	0	0					38,737,400
80	1,474,000	3,414,000	0,750,000	5,704,000	6,472,000	5,837,800 2,086,200	0	0					36,643,800 4,009,200
99B	1,639,000	669,000	0	0	73,000	1,610,700	0						3,991,700
103A	10,539,000	6,718,000	0	0	0	0	0	0	 -				17,257,000
109	9,328,000	7,781,000	9,889,000	9,406,000	10,043,000	9,650,300	0	0					56,097,300
	8,276,000	6,518,000	7,379,000	2,776,000	0	0		0				0	24,949,000
	10,909,000	9,277,000	10,671,000	10,981,000	11,244,000	10,739,500		0					63,821,500
T34	3,185,000	2,854,000	3,318,000	3,215,000	3,308,000	3,199,100	0	0					19,079,100
152	8,210,000	6,899,000	8,764,000	8,413,000	8,828,000	7,153,200							48,267,200
153 156	1,772,000 2,084,000	7,908,000	1,784,000	1,679,000	1,805,000	1,738,400	0	0					10,251,400
165	14,167,000	11,467,000	2,712,000	12,002,000	12,796,000	12,338,800							59,357,800 28,346,000
168	1,165,000	0	2,712,000	0	2,616,000	8,986,100	0					0	12,767,100
170	3,748,000	3,108,000	3,909,000	3,705,000	3,871,000	3,534,100	0	C					21,875,100
172	6,455,000	5,358,000	6,692,000	6,424,000	6,732,000	6,059,400	0	C	0	0	(0	37,720,400
173	5,486,000	4,558,000	5,739,000	5,521,000	5,767,000	5,049,200	0		0	0	(0	32,120,200
180	8,328,000	6,863,000	8,196,000	7,787,000	8,498,000	7,820,000				0	(0	47,492,000
ļ			FOOTE COR					YEAR: 2003	<u>' </u>	7	000000	<u> </u>	`.
	1	SIL	VER PEAK O	PERALIUNS	. — —				1	KE	OKI DAIB:	July 31st, 2003	
							RASIN- 143 /	CI.A VTON V	Δ1.I.RV)	!			
1	PERMIT NU	MBERS: 5291	8; 52919; 5292	0; 52921			BASIN: 143 (CLAYTON V	ALLEY)				
SITE I.D.	PERMIT NU	MBERS: 5291	8; 52919; 5292	0; 52921				CLAYTON V					AMOUNT
		MBERS: 5291 FEB	8; 52919; 5292 	0; 52921 APR	MAY	JUN				ост	NOV	DEC	AMOUNT USED
SITE I.D.					MAY	JUN	WATER I	UMPED IN	GALLONS	ост	NOV	DEC	
SITE I.D. Well #	JAN 1,209,000		MAR	APR	MAY		WATER I	PUMPED IN AUG	GALLONS SEP) 0		DEC 0	USED
SITE I.D. well # 300 302	JAN 1,209,000 509,000	FEB 0 1,258,000	MAR 0 1,499,000	APR 0 1,311,000	0 1,525,000	1,405,200	WATER I	PUMPED IN AUG	GALLONS SEP	0		0 0	USED 1,209,000 7,507,200
300 302 303	JAN 1,209,000 509,000 4,296,000	FEB 0 1,258,000 3,754,000	MAR 0 1,499,000 4,383,000	0 1,311,000 4,180,000	0 1,525,000 4,464,000	1,405,200 4,119,800	WATER I JUL 0 0 0	PUMPED IN (GALLONS SEP) 0 0 0		0 0 0 0	USED 1,209,000 7,507,200 25,196,800
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300 302 303 304	JAN 1,209,000 509,000 4,296,000 4,303,000 10,358,000	FEB 0 1,258,000 3,754,000 3,735,000 8,652,000	0 1,499,000 4,383,000 4,437,000 10,297,000	0 1,311,000 4,180,000 4,214,000 9,595,000	0 1,525,000 4,464,000 4,362,000 10,608,000	1,405,200 4,119,800 4,239,700 10,435,300	WATER I JUL 0 0 0 0 0 0 0	PUMPED IN AUG	GALLONS SEP OF CONTROL	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300
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300 302 303 304 5 8 314 319 330 333 334 337 343	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 1,509,100 2,130,000 8,920,000	FEB 1,258,000 3,754,000 3,754,000 8,652,000 2,898,000 5,269,000 2,810,000 1,232,200 1,745,000 7,796,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000 1,473,700 2,060,000 9,150,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,783,000 3,393,000 5,803,000 3,008,000 1,301,600 1,931,000 8,934,000	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,655,000 6,436,000 3,450,000 8,827,000 1,389,900 2,120,000 9,216,000	1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 6,290,900 3,265,100 8,166,800 1,278,750 2,047,200 8,831,000	WATER I JUL 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	PUMPED IN AUG	GALLONS SEP OF CONTROL	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000
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300 302 303 304 35 8 314 319 330 333 334 346 347 358 359 360 *FWW	1,209,000 509,000 4,295,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 1,509,100 2,130,000 8,920,000 2,512,000 2,463,000 1,766,000 1,766,000 1,543,000 2,512,000 2,453,000 2,512,000 2,453,000 1,766,000 1,766,000 1,766,000 1,766,000 1,766,000 1,764,000	FEB 0 1.258,000 3,754,000 3,755,000 8,652,000 6,054,000 2,898,000 6,707,000 1,232,200 1,745,000 7,796,000 2,639,000 1,998,000 2,102,000 318,000 318,000 4,400,000 11,040,000 215,905,200 663 719,823,000 WELL 36,106,000	MAR 0 1.499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 8,243,000 1,473,700 2,060,000 9,150,000 2,567,000 2,429,000 441,000 2,554,000 12,112,000 231,432,700 710	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 1,301,600 1,931,000 8,934,000 2,414,000 2,298,000 48,000 2,007,000 5,049,000 15,078,000 699 FWW sum	0 1,525,000 4,464,000 4,362,000 7,450,000 3,456,000 8,827,000 1,389,900 2,120,000 9,216,000 2,455,000 1,382,000 1,382,000 1,468,000 0 1,468,000 5,377,000 11,611,000	1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 8,166,800 1,278,750 2,047,200 2,437,300 2,437,300 2,437,300 11,933,100 4,816,900 11,933,100 4,816,900 12,926,000 12,926,000 12,926,000 12,926,000	WATER I JUL 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	O O	GALLONS SEP	0 0 0 0 0 0 0 0 0 0	0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900 19,041,100 48,506,800 52,847,000 19,492,000 14,588,300 14,072,200 55,517,800 58,511,100 4,050,000 12,613,100 29,494,900 75,721,000
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BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED

AUG 0 6 2003 S

STATE ENGINEER'S DIFFICE

Owner of Record Chemetall Foote Corporation
In the Matter of Permit No. 52920 Filed to Appropriate / Change the Waters of
Underground 'source (Name of stream, lake, spring, underground or other source)
This Application Is Respectfully Submitted.
Comes now. Danny Zampirro , the Agent Person Signing Application Permittee or Agent
under Permit No.52920, who after being duly sworn and answering to the best of their knowledge following questions in compliance with the requirements as set forth in the permit terms:
1. Does this permit have multiple owners? YES NO (Check the Appropriate Box)
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? YES
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Corp.
4. How much time is needed to finish this project? <u>two years</u>
5. To date, what is the total expenditure on this project? \$52,300,000
6. In order to complete this project as set forth in the permit terms, what additional funds will be spent? \$570,000
7. The permittee requests an extension of time for <u>one year</u> within which to comp
with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use)
8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary):
Old wells are being supplemented by the construction of new wells in order
meet expanding demend for production.
Signed Permittee or Algorit
Subscribed and sworn to before me this day of Address Chemetall Frote Corporation Street No. or P.O. Box No.
July 2003, P.O. Box 98 Silver Peak, NV 890
Phone 1-775-937-2222
Notary Public in and for the County of
State of Wada OFFICIAL SEAL CANDY J. JEWETT No. 00-0422-14 NO TARY PUBLIC. STATE OF NEVADA
My commission expires October 6, 2004 My commission expires Oct. 6, 2004 My commission expires Oct. 6, 2004
\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

BMC 10-15-03 per CT

SE ROA 561

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 through 52921

October 23, 2003

This is to inform you that Application for Extension of Time

Address All Communications to the State Engineer, Division of Water Resources Telephone (775) 687-4380

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

Southern Nevada Branch Office

	has been granted to			•••••
	for filing of the		•••••••	*******
			•••••••	*********
			•••••••••••••••••••••••••••••••••••••••	••••••
		Combonit on	2.0	0004
	has been granted to	September	,	2004
	with the provision that no further extension	ons will be granted		
	for filing of the Proof of Benefi	cial Use	••••••••	••••••
7			•••••••	•••••
	except for good cause shown as provided	under NPS 522 200 and 522		********
	one-pt for good cause shown as provided	under 14105 555.590 and 555	7.410.	
	S	Sincerely,		
		Christine Thiel,	P.E.	
		Deputy State Engineer		
CT/sg				
	Chemetall Foote Corp., (additiona Ross de Lipkau	al address)		

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED F AUG 192004 STATE ENGINEER'S OFFICE

Owner of Record Chemetall Foote Corporation		STATE ENGINEER'S OFFICE
In the Matter of Permit No. 52920	FILED TO APPROPRIATE / CHANGE 1	THE WATERS OF
Underground (Name of stream, lake, spring, m	Source nderground or other source)	
This Application Is Respectfully Submitted.	inces ground of Other Source)	
도 현실 경기를 가득하다. 당시 생생한 등로 하는 생활이 들어왔다는 것도 보고 있다. 물리 사람들의 물리 이 사람들이 있는 경등을 하는 것도 하는 것이 되었다.		
Comes now Sherry L Huelsen-Wilks Person Signing Application	, theAgent	or Agent
under Permit No52920, who after being du following questions in compliance with the requirements as set for	ly sworn and answering to the be	
1. Does this permit have multiple owners? YES NO	(Check the Appropriate Box)	
If "YES" on question No. 1 is checked, is this request for an YES NO (Check the Appropriate Box) 3. If "NO" on question No. 2 is checked, on whose behalf is this		
4. How much time is needed to finish this project? Two Ye	ars	
5. To date, what is the total expenditure on this project?	\$52,900,000	
6. In order to complete this project as set forth in the permit term	s, what additional funds will be spe	ent? \$2,000,000
7. The permittee requests an extension of time for	One Year (Not to exceed 1 year)	within which to comply
with the provisions for filing the (Proof o	Proof of Beneficial Use f completion of work and/or proof of beneficial use	se)
Explain in detail why this request for an extension of time is be	eing submitted (Use additional shee	ets if necessary):
51d Wells are being supplemented by	the construction of new	wells in order
to meet expanding demand for product	ion.	***************************************
<u> </u>		
61 Sin Sin Sin Sin Sin Sin Sin Sin Sin Sin	Signed Shung J. He	ulas VIIIs
Subscribed and sworm to before me this day of	Address Chemetall Foot Street No.	e Corporation or P.O. Box No.
Jugust 2004	P.O.Box 98, Si City, State	lver Peak, NV 89047 , Zip Code No.
Signature of Notary Public Required	Phone775-937-2222_e	xt. 230
Notary Public in and for the County of	<u> </u>	- AAAAAAAAAAAAAA
State of Wada My commission expires Clube 4, 2004	CAND	ICIAL SEAL DY J. JEWETT .00-0422-14 IIC, STATE OF NEVADA HORF EXP. OCT. 6, 2004
WPBU CLOS TWING TO LOCATE LOCATION TO THE PARTY OF THE PA	N-2000000000000000000000000000000000000	The second

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

MgW 11-10-04 perJK

SE ROA 563 🧆

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

In reply refer to:

52918, 52919, 52920, and 52921

November 12, 2004

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2005</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Jason King, P.E. Deputy State Engineer

JK/lt

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED

Owner of Record	Chemetall Foote Corporation	: 14. 12의 시 # 12의 시 : 1 : 1 : 1 : 1 : 1 : 1 : 1 : 1 : 1 :		AUG 2 9 2005
In	THE MATTER OF PERMIT NO. 52	2920 FILED TO APPROP	PRIATE/CHANGE THE WAT	STATE BYGINBER'S OFFICE
		** 1		
	Name of stream	Underground Source lake, spring, underground or or	ther source)	
		auto, spinig, anderground of o		
THIS APPLICATION IS F	RESPECTFULLY SUBMITTED.			
Comes now	Sherry L Huelsen-Wil Person Signing Application			Agent ttee or Agent
under Permit No. questions in compliance	52920 , who after be see with the requirements as set forth		vering to the best of their	knowledge the following
1. Does this permit hav	ve multiple owners? □ YES	☑ NO (Check the A	Appropriate Box)	
2. If "YES" on questio ☐ YES	n No. 1 is checked, is this request for MO (Check the Appropriate		ubmitted on behalf of all t	he owners?
3. If "NO" on question	No. 2 is checked, on whose behalf	is this extension being fi	led? <u>Chemetall Foote C</u>	Corporation
4. How much time is n	eeded to finish this project?	Two Years		
5. To date, what is the	total expenditure on this project?	\$53,900,000	· · · · · · · · · · · · · · · · · · ·	
6. In order to complete	this project as set forth in the perm	it terms, what additional		\$2,000,000
7. The permittee reque	sts an extension of time for	One Year (Not to exceed 1 year)	ear) 📬	within which to comply
with the provisions f	or filing the	Proof of B	eneficial Use	E M
8. Explain in detail wh	y this request for an extension of tir being supplemented by the construc	ne is being submitted (U	se additional sheets if neg er to meet expanding dem	essary): <a>and for production.
				, 5
Subscribed and sworn	to before me this 25th day	of Signed \(\sum_{\text{signed}} \)	Shery Likely Permittee o	nen-Wilks r Agent
- Nagus	andy A Newe	Address	Chemetall Foote Cor Street No. or P.	
Signal	suze of Notary Public/Required		P.O. Box 98, Silver City, State, Zip	
Notary Public in and fo	,	Phone	775-937-2222 ext. 2	30
State of	evada s <u>Actober le, 20</u>	<u>08</u> .	NOT STATI APPT	NY J. JEWETT ARY PUBLIC E OF NEVADA No. 92-0422-14 XPIRES OCT. 6, 2008

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

DIK DEN SIK 11/1/05

SE ROA 565

ALLEN BIAGGI

Director

HUGH RICCI, P.E.

State Engineer

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701

> Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 684-2800 or 1-800-992-0900x2800 (In Nevada Only)

In reply refer to:

January 20, 2006

52918, 52919, 52920 and 52921

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2006</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King

Jason King, P.E.

Deputy State Engineer

JK/mc

cc: Southern Nevada Branch Office Sherry L. Huelsen-Wilks

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

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STATE	ENGIN	EER'S	OFFICE

	APPLICATION FOR EXTENSION OF THE	AUG 3 1 2006
Owner of Record	Chemetall Foote Corporation	STATE ENGINEER'S OFFICE
Owner of Record	Chemician roote Corporation	TO OFFICE

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I N	THE MATTER OF PERMIT NO52	2920 FILED TO	APPROPRIATE/CHANGI	THE WATERS OF	
enville. Talian	(Name of stream	Underground Selection underground	ource round or other source)		
	(rume of sucum,	iako, spring, underg	iound of outer source)		
THIS APPLICATION IS R	RESPECTFULLY SUBMITTED.				
Comes now	Sherry L Huelsen Person Signing Application	-	, the	Agent	
	reison Signing Application			Permittee or Agent	
under Permit No	, who after be	eing duly sworn	and answering to the be	st of their knowledge th	ne following
questions in compliance	e with the requirements as set forth	in the permit te	rms:		
1 Dogg this name is been		E/100 (0)			
1. Does this permit hav	e multiple owners?	M NO (Ch	eck the Appropriate Bo	9	
2. If "YES" on question	n No. 1 is checked, is this request f	or an extension o	of time submitted on hel	nalf of all the owners?	
☐ YES	☑ NO (Check the Appropriate				
If "NO" on question	No. 2 is checked, on whose behalf	is this extension	being filed? <u>Chemeta</u>	all Foote Corporation	
			·		
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4. How much thine is no	seded to limsh this project?	1 WO 1 ears			
5. To date, what is the t	total expenditure on this project?	\$54,350,00	0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
6. In order to complete	this project as set forth in the perm	it terms, what ac	lditional funds will be s	pent?\$2,000,000	
7 The permittee reques	sts an extension of time for	Or	ne Year	within which	to comply
Ino posimisso roques			exceed 1 year)	within which	to compry
with the provisions fo	or filing the	Pro	oof of Beneficial Use		•
		(Proof of comple	tion of work and/or proof of	peneficial use)	
8 Evalain in detail why	y this request for an extension of tir	na is baing subm	sitted /I lea additional al	ante ifmananamul.	
	being supplemented by the construction				ection
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Subscribed and sworn t	to before me this /4 th	of Sign	ed Shema	Shoop &	
		3.6.		Permittee or Agent	5 2
(May)		Add	ress Chemetali	Foote Corporation	5 / - 7
1/1011	de la Sept		***************************************	reet No. or P.O. Box No.	7 77
Signati	ure of Notary Public Required		P.O. Box	98, Silver Peak, NV/89	947
, B				ity, State, Zip Code No.	
Notary Public in and fo	r the County of	Phoi	ne 775-937-2	222 ext. 230	
	va da			· N +	<u>n</u>
State of	vada	·	C-CO-CO-CO-CO-CO-CO-CO-CO-CO-CO-CO-CO-CO		
My commission expires	s October 6, 2008			CANDY J. JEWER	Γ ή
117 COURTH SOUTH EXPINES		•		NOTARY PUBLIC STATE OF NEVADA	<u> </u>
				APPT. No. 92-0422-14	
\$100 FILING	FEE MUST ACCOMPANY	V THIS APP	LICATION FOR	MAION SEXPRESSION - 6,20	

A SEPARATE APPLICATION MUST BE FILED FOR EXTENSION OF THE ASSESSMENT OF PAPERS THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPERS THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPERS

OK per SK/ ATT 9/29/AC SE ROA 567

Jyr PBU

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 684-2800 or 1-800-992-0900x2800 (In Nevada Only)

October 5, 2006

52918 through 52921

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2007</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Benefial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E.
Deputy State Engineer

KH/ef

cc: Southern Nevada Branch Office

Notice of Proposed Action By the

2007 J.M 24 /61 9: 54

State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for renewal of a Water Pollution Control Permit for the **Silver Peak Lithium Project**, a mining and beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for renewal of Water Pollution Control Permit **NEV0070005** is:

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

The facility is located on public and private land in Esmeralda County, within Sections 26-28, Township 1 South, Range 40 East, Sections 1, 12, 13, 21-25, Township 2 South, Range 39 East, and Sections 1-11, 15-20, 29-32, Township 2 South, Range 40 East, Mount Diablo Baseline and Meridian, near the town of Silver Peak. Nevada.

The project consists of a dewatering and beneficiation facility, designed to extract lithium, with a maximum permitted process rate of 6,000 tons of naturally occurring material per year. The facility is comprised of numerous deep wells, solar evaporation ponds, lime sludge pond, process plants, stockpiled salt dumps, and appurtenances such as the lime slaker. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

The Administrator is constrained to either issue the renewed Water Pollution Control Permit or to deny the application. The Administrator has made the tentative decision to issue the renewed permit.

Persons wishing to comment upon the proposed Water Pollution Control Permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to Nevada Administrative Code, NAC Chapter 445A, must submit their written comments, objections, or requests no later than 5:00 PM on the 30th day following the date of publication of this notice to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation 901 South Stewart Street, Suite 4001 Carson City, Nevada 89701-5249 All comments or objections received during the public notice period will be considered in the final determination regarding this Water Pollution Control Permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Water Pollution Control Permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-9401 or visit our website at http://ndep.nv.gov.bmrr/bmrr01.html

STATE OF NEVADA



Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation Silver Peak Lithium Project

P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of February Day, 2007, and shall remain in effect until February Day, 2007, unless modified, suspended, or revoked.

Signed this #### day of February 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
 - B. Schedule of Compliance: None Required
 - C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

Identification		<u>Parameter</u>	Frequency
1.	Fresh Water Well (WS)	Profile I ¹ and Static water level (amsl)	Quarterly
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually
6.	Brine well ³ (BW)	Profile II ² and Static water levels (amsl)	Annually
7.	Plant influent (PI)	Profile II ²	Annually





Silver Peak I (thium Project Permu N° NI V0070005 Page 3 of 9

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The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkalinity (as CaCO3)	Boron	Lead	Selenium
Bicarbonate	Cadmium	Magnesium	Silver
Total	Calcium	Manganese	Sodium
Aluminum	Chloride	Mercury	Sulfate
Antimony	Chromium	Nickel	Thallium
Arsenic	Copper	Nitrate (NO3+NO2 as N)	Total Dissolved Solids
Barium	Fluoride	pH (± 0.1 std units)	Zinc
Beryllium	Iron	Potassium	

(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum of two (2) feet of freeboard shall be maintained in the R-2 Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.

- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements







- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, and 3;
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2:
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6;
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent;
 - d. A brief summary of site operations, including the number of tons of naturally occurring material processed during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal;
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.

- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
 - b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;





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- ii. The periods of the incident (including exact dates and times);
- iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
- iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident;
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any

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injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents. Profile II constituents that





have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: <u>Bob Carlson</u>
Date: <u>Bob Carlson</u>
January 2007

Revision: 16 February 2005; employee access statement deleted.

24 May 2005; Bureau Chief title changed to Chief, Bureau of Mining Regulation and Reclamation.

25 May 2006, modified Part LL to include new PCS Management Plan wording.

January 2007 - Permit renewal process

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FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address:

Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number:

NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

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pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1 x 10⁻⁶ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.







The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley…"

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. <u>Procedures for Public Comment</u>

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being



sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater

Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 5 of 5

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quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

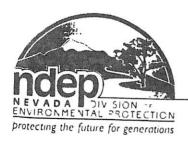
Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by:

Bob Carlson

Date:

January 2007 Renewal



STATE OF NEVADA

Department of Conservation & Natural Resources

Jim Gibbons, Governor Allen Biaggi, Director

DIVISION OF ENVIRONMENTAL PROTECTION

Leo M. Drozdoff, P.E., Administrator

March 8, 2007

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NOTICE OF DECISION

WATER POLLUTION CONTROL PERMIT NUMBER NEV0070005

Chemetall Foote Corporation Silver Peak Lithium Project

The Nevada Division of Environmental Protection has decided to renew Water Pollution Control Permit NEV0070005 to Chemetall Foote Corporation. This permit authorizes the construction, operation, and closure of approved mining facilities in Esmeralda County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the groundwater quality will not be degraded by this operation, and that public safety and health will be protected.

The permit will become effective March 23, 2007. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, March 18, 2007, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Bob Carlson at (775) 687-9401 or visit the Division website at www.ndep.nv.gov/bmrr/bmrr01.htm.

Comments were not received during the public comment period.



STATE OF NEVADA

20071112 -3 11110: 52

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation Silver Peak Lithium Project P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of March 23, 2007, and shall remain in effect until March 23, 2012, unless modified, suspended, or revoked.

Signed this 8th day of March 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
 - B. Schedule of Compliance: None Required
 - C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

<u>Id</u>	entification	<u>Parameter</u>	Frequency	
l.	Fresh Water Well (WS)	Profile I ¹ and Static water level (amsl)	Quarterly	
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly	
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly	
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually	
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually	
6.	Brine well ³ (BW)	Profile II ² and Static water levels (amsl)	Annually	
7.	Plant influent (PI)	Profile II ²	Annually	





The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkalinity (as CaCO ₃)		Boron	Lead	Selenium
	Bicarbonate	Cadmium	Magnesium	Silver
	Total	Calcium	Manganese	Sodium
Aluminum		Chloride	Mercury	Sulfate
Antimony		Chromium	Nickel	Thallium
Arsenic		Copper	Nitrate (NO3+NO2 as N)	Total Dissolved Solids
Barium		Fluoride	pH (± 0.1 std units)	WAD Cyanide
Beryllium		Iron	Potassium	Zinc

(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum of two (2) feet of freeboard shall be maintained in the R-2 Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.

- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements





- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, 3, and 4:
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2:
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6;
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent:
 - d. A brief summary of site operations, including the number of tons of ore milled or placed on heaps (as applicable) during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal;
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), WAD cyanide, fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved



Emergency Response Plan, then all spills must be reported as per NAC 445A.347.

- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.





- b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;
 - ii. The periods of the incident (including exact dates and times);
 - iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident;
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.



7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.





6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents. Profile II constituents that have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: Bob Carlson

Date: <u>Linuary 2007</u>

Revision: 01 March 2007 - Permit renewal process

FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address: Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number: NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

Chemetall Foote Corp.
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pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1 x 10⁻⁶ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

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The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being

sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

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E. Proposed Determination

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater





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Fact Sheet for WPCP NEV0070005
Page 5 of 5

quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by: Bob Carlson

Date: January 2007 Renewal

Chemetall Foote Corp.

26077.03 24 7.111:00

August 22, 2007

STATE ENGINEERS OFFIU.

Chemetall Foote Corporation Silver Peak Operations PO Box 98, Hwy 265 Silver Peak, NV 89047

Office of the State Engineer Nevada Division of Water Resources 901 South Street, Suite 2002 Carson City, NV 89706-0818

Subject:

Permit Numbers 52918, 52919, 52920, 52921

Enclosed are applications for Extension of Time for Permits 52918, 52919, 52920, and 52921. A check in the amount of \$400.00 is also enclosed to cover the filing of the extensions.

If you have any questions or need additional information, please feel free to call me at 775-937-2222 ext. 229.

Sincerely,

Melissa Jennings

Mine Superintendent

Melissa Tenning

Cc. Mr. Ross de Lipkau, Marshall, Hill, Cassas and de Lipkau

File

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

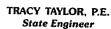
APPLICATION FOR EXTENSION OF TIME

Owner of Record Chemetall Foo	ote Corportation		·		STATE E	2 4 ZU NGINEER'S	JU/ OFFI(
IN THE MATTER	OF PERMIT No. <u>52920</u>	FILED TO	APPROPRIATE/O	CHANGE THE W	ATERS C)F	ereture.
	Underground	I Course					
	(Name of stream, lake,	spring, underground or of	her source)			<u> </u>	-
THIS APPLICATION IS RESPE							
Comes now	Melissa Jennings	, the		Agent			
	Person Signing Application			Permittee or Agent			
in compliance with the requirement	0, who after being dents as set forth in the permit terms:	uly swom and ansv	wering to the best	of their knowledg	e the follo	wing ques	itions
1. Does this permit have multip	ple owners? YES • NO (C	Check the Appropri	ate Box)				
	is checked, is this request for an extend the Appropriate Box)	nsion of time subn	nitted on behalf of	all the owners?			
3. If "NO" on question No. 2 is a	checked, on whose behalf is this exter	nsion being filed?	Chamatall Foot	a Corneration			
a rio on question rio. 2 is	Mickey, on whose behan is this exter	usion being med:	Chemetan Poor	e Corporation	<u> </u>		
			<u> </u>				
4. How much time is needed to f	inish this project?Two Years						
5. To date, what is the total expe	nditure on this project?\$55,900,0	00.00				- 1	
6. In order to complete this proje	ect as set forth in the permit terms, wh	nat additional fund	s will be spent? _	\$3,200,000.00		: 	
7. The permittee requests an external representation of the permittee requests an external representation of the permittee requests an external representation of the permittee requests an external representation of the permittee requests an external representation of the permittee requests an external representation of the permittee requests an external representation of the permittee requests an external representation of the permittee requests an external representation of the permittee requests and	ension of time for One Year (Not to exceed 1 y	vear)	wi	thin which to com	ıply with ti	ne provisio	ons
for filing the	Proof of Benenfic	ial Use ion of work and/or proof o	of beneficial use)				_
8. Explain in detail why this re	quest for an extension of time is bein	-		necessary):			
	pplemented by the construction	n of new w	ells in order	to meet ex	panding	demand	for
production.			 		S	-	
			<u>-</u>	· · · · · · · · · · · · · · · · · · ·	S 68		
•			100.1.	1	77	The second second	
		Signed _	Melissa	Jenning	ri) 225	errado Sector	
Subscribed and sworn to before n	ne this 22 nd day of	Address	Chemetall Foote	Permittee or Agent Agent E	5 2		
11 00 10	- 7			Street No. or P.O. B	ox No.	3,45	7
_ Mays	20/0 /		PO Box 98, Silv	ver Peak, Nevada	89047		
Y audus	Jr. (Newell	.	(555) 005 0000	City, State, Zip Cod	E NO.		
Signature of Notar		_ Phone	(775) 937-2222	ext. 229	-		—
Notary Public in and for the Cour	nty of Olyan			S.	$\stackrel{\smile}{\sim}$		
Alana da	10			OANDY 1 'F	~****	7	
State of / wada		_		CANDY J. JE NOTARY PL		i	
My commission ()	tober 6 2008			STATE OF N		1	
My commission expires $\underline{\underline{C}}$	2000 4, 0000	→		APPT. No. 92-0	0422-14	ı	
			M	Y ARRIT, EXPIRES.	ACToiled 20	08	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. Ly PBM THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

DK al WP Take Utr. RELATE 9/1/hz

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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

RE: Permits 52918, 52919, 52920 and 52921

September 19, 2007

Melissa Jennings Chemetall Foote Corporation PO Box 98 Silver Peak, Nevada 89047

Dear Ms. Jennings:

Please refer to the Application for Extension of Time forms you submitted on August 24, 2007 as Agent for Chemetall Foote Corporation for the above referenced permits.

These Applications for Extension of Time are <u>approved</u>; however, before any further requests for Extension of Time for the filing of the Proof of Beneficial Use are granted, this office requires that you answer the questions on the enclosed Work Progress Information Sheet. This information is needed to update the Permit files and to determine progress made towards establishing Beneficial Use. Please note that on your Applications you state that "old wells are being supplemented by the construction of new wells"; we do not currently have any Applications to Change on file in the name of Chemetall Foote. If you have any questions, please contact Tony Eng at 775-684-2800.

Please submit to this office the requested information before the next Proof Beneficial Use are due. Failure to comply may result in the denial of future requests for Extension of Time.

Sincerely,

Jason King, P.E.
Deputy State Engineer

JK/ALE/ef Enclosure

cc: Parsons Behle & Latimer, Ross de Lipkau

Southern Nevada Branch Office

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918, 52919, 52920 and 52921

Please furnish information and documents explaining the progress to complete the project to be served under each permit. The explanation should include the following information and any other pertinent information:

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates (e.g., planning, design, construction, start-up, partial or full operation).
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of lands within the place of use? If so, detail this authorization.
- 3. What type of product or mineral is being mined? Who is buying your mineral product and for how long?
- 4. Submit the record of water measurements (e.g., meter readings) for the last one-year period. Specify the measurement volume units (e.g., gallons, 100 gallons, million gallons, or acre-feet).
- 5. Describe any work in progress and any facility or feature completed to establish full beneficial use in compliance with permit requirements.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.





STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

> Address All Communication to the State Engineer, Division of Water Resources

September 20, 2007

Telephone (775) 684-2800 or 1-800-992-0900 x 2400 (In Nevada Only)

In reply refer to:

52918, 52919, 52920 and 52921

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2008** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E.

Deputy State Engineer

JK/ef

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record <u>Chemetall Foote Corportation</u>				STATE ENGINEER'S OFFI
IN THE MATTER OF PERMIT No	52920	_ FILED TO APPROPRI	ATE/CHANGE THE	WATERS OF
	Underground Sou	irce		
		, underground or other source)		
THIS APPLICATION IS RESPECTFULLY SUBMI	TTED.			
Comes now <u>Melissa Jen</u> Person Signing Aj	nings	, the	Agent Permittee or Agent	
under Permit No. 52920, in compliance with the requirements as set forth in the	who after being duly s e permit terms:	worn and answering to the		
1. Does this permit have multiple owners?	YES • NO (Check	the Appropriate Box)		
 If "YES" on question No. 1 is checked, is this re YES • NO (Check the Appropriate E) 	quest for an extension ox)	n of time submitted on beh	alf of all the owners?	
3. If "NO" on question No. 2 is checked, on whose b	ehalf is this extensior	being filed?Chemetal	Foote Corporation	
4. How much time is needed to finish this project?	Two Years			
5. To date, what is the total expenditure on this proje		0		
6. In order to complete this project as set forth in the			nt? \$1.700.000.00	
7. The permittee requests an extension of time for _				nply with the provisions
for filing theP	oof of Benenficial U	se work and/or proof of beneficial use)	· · · · · · · · · · · · · · · · · · ·	1
8. Explain in detail why this request for an extension		*	ets if necessary):	
Old wells are being supplemented by the construction program added three new wells, and a drilling program closer to the targeted volume.	of new wells in order n slated for the fall of	r to meet expanding deman 2008 will add another 5 to	d for production. The 8 wells, which will b	2006 well drilling ring production rates
D				
Subscribed and sworn to before me this	day of		Permittee or Agent Foote Corporation Street No. or P.O. B Silver Peak, Nevada City, State, Zip Co	200 390 390 390 390 390 390 390 390 390 3

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER. Jyn PPM

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52920

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use?

 Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- 3. What type of mineral is being mined?

 Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

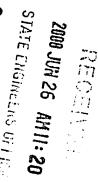
Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period. 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 None have been submitted or recorded.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

 No known adverse conditions.



QUARTERLY PRODUCTION REPORT

CHEMETALL FOOTE CORPORATION SILVER PEAK OPERATIONS

YEAR: 2007

REPORT DATE: Jan. 23, 2008

PERMIT NUMBERS: 52918; 52919; 52920; 52921

BASIN: 143 (CLAYTON VALLEY)

						NE PUMPED	21 OILLOONS						AMOUNT
WELL#	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV	DEC	USED
00	A		一种人类的		1.700 Y 11 ml		# X 10 K 10 K 10 K 10 K 10 K 10 K 10 K 10	(Feedback	147	P. L. Wallet	机类类型的	VE.245.1	ne/weaktone
9C 10B	2,692,000	2,390,200	2,690,400	2,619,500	2,688,700	2,620,800	2,700,200	2,620,700	2,580,700	2,642,700	2,378,800	2,628,600	31,253,300
	5,780,000	5,131,700	5,747,500	5,582,800	5,718,300	5,585,300	5,767,700	5,601,100	5,562,200	5,744,400	5,569,100	5,715,700	67,505,800
23A 41B	3,871,000	3,529,300	3,777,700	2,684,000	3,892,416	3,799,488	3,570,240	3,479,000	3,640,000	3,796,300	3,658,000	3,777,900	43,475,344
***************************************	2,980,000	2,617,000	2,968,200	2,872,100	2,833,700	2,867,100	2,958,000	2,894,300	2,831,300	3,106,300	3,041,800	3,103,600	35,073,400
43A 59	3,201,000	2,853,400	3,193,500	3,112,400	3,191,200	3,107,900	3,203,400	3,084,900	3,105,300	3,201,300	3,110,900	3,173,200	37,538,400
	4,218,000	3,737,300	4,228,700	4,081,700	4,013,800	3,858,800	3,973,100	3,830,200	3,983,100	4.080,700	3,947,800	3,999,500	47,952,700
62A	7,041,000	6,236,800	6,993,500	6,669,400	6,959,700	6,692,500	6,816,000	6,717,300	6,756,400	6,998,900	6,851,600	6,800,700	81,533,800
65A 73A	5,761,000	4,840,500	5,443,100	5,198,700	5,187,600	5,024,500	5,200,900	5,024,900	4,994,000	5,102,100	4,979,500	5,111,000	61,867,800
76	6,228,600	5,508,200	6,208,300	6,004,700	6,173,700	6,008,700	6,397,400	6.206,700	5,582,000	5,798,600	5,577,400	5,586,100	71,279,800
109	9,911,000	8,820,800	9,744,600	8,67-1,700	9,636,000	9,388,500	9,808,920	8,895,900	9.422,700	9,656,600	9,486,400	9,682,800	113,128,920
	8,659,000	7,690,300	8,608,500	8,110,000	8,552,500	8,167,600	8,400,500	8,216,300	8,153,100	8,422,600	8,148,800	8,366,300	99,495,500
131	12,016,000	10,633,000	12,023,100	11,609,900	11,908,400	11,610,900	12,016,500	11.583,400	11,601,000	9,943,000	11,838,600	12,141,500	138,925,300
133	7,021,000	6,257,100	7,037,200	6,854,800	6,994,800	6,744,500	6,948,900	6,869,300	6,943,500	7,145,300	6,945,400	7,100,000	82,861,800
152	1,730,000	1,564,400	1,762,800	1,704,200	1,744.800	1,701,300	1,769,900	1.731.300	1,712,800	1,777,400	1,571,400	1,627,700	20,398,000
153	10,729,000	10,262,000	11,802,700	10,991,400	11.721,200	11,296,000	12,034,600	11,711,500	11,269,300	12,079,400	12,496,200	7,694,800	134,088,100
156	12,638,000	10,947,700	13,087,300	12,645,700	12,934,700	12,568,900	9.500,800	11,849,400	12,848,400	13,436,000	13,098,000	13,338,000	148,892,900
170	3,837,000	3,379,000	3,710,800	3,296,800	3,403,600	2,055,400	3,629,600	3,688,000	3,548,000	3,698,900	3,597,400	3,064,100	40,908,600
172	5,685,000	4,903,500	5,793,900	5.566,100	5,655,800	5,586,700	6,086,800	6,053,200	6,061,400	6,353,100	6,220,500	6,248,100	70,214,100
173	4,121,000	3,804,600	4,491,100	4,408,300	4,434,700	4,426,100	4,895,700	4,905,700	4,882,200	5,130,700	4,925,500	5.121.400	55,547,000
180	6,840,000	6,230,700	7,037,100	6,681,900	6,969,600	6,860,300	7,639,596	7.114.000	7,271,580	7,659,000	7.466,000	7,609,000	85,378,776
302	1,502,000	1,346,700	1,506,500	1,422,100	1,497,900	1,467,200	1,515,300	1.498,200	1,547,000	1,587,600	1,565,800	1,608,600	18,064,900
303	5,960,000	5,326,000	5,950,000	5,742,600	5,918,000	5,761,000	5,939,000	5.762,000	5.781,000	5,856,000	5,698,000	5,868,000	69,561,000
304	4,260,000	3,793,800	4,290,600	3,883,400	4,279,100	4,213,600	4,372,200	4,264,600	4,293,200	4,355,300	4,175,200	4,313,300	50,494,300
305	7,73-1,000	6,641,900	7,490,600	6,784,700	243,500	5,299,600	10,448,500	10,180,300	10,038,700	10,328,900	9,759,600	9,643,500	94,593,800
314	3,831,000	3,387,100	3,821,200	2,979,100	3,139,600	3,451,200	3,831,300	3,527,600	3,745,872	3,360,100	3,245,600	3,393,400	41,713,072
319	6,502,000	5,785,400	6,502,300	6,323,700	6,477,300	6,315,100	6,511,500	6,322,500	6,272,300	6,467,100	6,277,920	6.426,600	76,183,720
330	3,252,000	2,926,900	3,280,400	3,187,500	3,260,600	1,518,000	1,853,000	708,000	t 0	0	0	0	19,986,400
333	8,914,000	7,954,000	8,848,300	8,317,000	8,782,000	8,522,600	8,767,800	8,398,200	8,620,400	8,807,100	8,591,300	8,767,800	103,290,500
334	613,000	511,600	582,700	586,100	1,393,940	1.165,914	1,202,850	1,168,020	1,169,154	1,201,230	1,172,889	1,195,074	11,762,462
337	1,600,000	1,131,000	1,463,000	1.568,000	1,589,000	1,517,000	1,547,000	1,507,000	1,528,000	1,558,000	1,511,000	1,543,000	18,062,000
343	9,757,000	8,745,700	9,816,700	9,514,400	9,765,600	9,495,300	9,819,700	9,497,400	9,460,440	9,931,300	9,675,500	9,882,900	115,361,940
344	3,341,000	3,014,100	3,410,500	3,299,700	3.376,800	3,280,920	3,882,114	3,292,320	3,288,000	3,397,000	3,327,000	3,393,000	40,302,454
346	1,287,000	1,162,300	. 0	0	200	0	0	0	757,452	360,200	0	0	3,567,152
347	1,944,000	1,716,800	1.905,400	1,837,600	1,934,000	1,882,500	1,969,660	1,900,600	1.890.500	2.005,600	1,906,872	1,372,680	22,265,552
356	2,234,000	1,973,600	2,204,700	2,161,000	2,228,100	2,157,600	2,235,500	2,174,800	2.222,200	2,293,000	55,600	300	21,940,400
357	7.872,000	6,919,200	7.867,900	7,400,800	7,665,800	7,156,700	6,865,300	6.349,24K	5,138,100	0	1,409,300		
358	152,000	0	0	0	. 0	0	0	0	0	0	0	0	64,644,348 152,000
359	2,661,000	2,237,700	2,012,300	2,512,800	2,692,500	2,488,500	2,536,100	1.533,000	700	0	1,100	2,756,900	
360	4,646,000	4,172.000	4,663,700	4,497,900	4,492,100	4,533,480	4,725,480	4.562,800	4,576,800	4.690.800	4,622,600		21,432,600
374	26,117,000	16,705,000	0	0	0	0	3.781,000	9,221,000	8,299,000	5,595,000	9,113,000	4,744.200 9,255,000	54,927,260
378	5,251,000	10,369,000	0	9,511,200	24,548,800	22,545,000	22,184,000	19,752,000	18,795,000	19,335,000	18.813.000	19,081,000	88,086,000
379	4,132,000	3,797,000	6.248,000	3,905,000	5,349,000	2,021,000	2,205,000	2,112,000	2,069,000	2.245,000	2,154,000		190,185,000
380	3,182,000	1,897,100	()	2,105,800	3,012,000	2,952,700	1,269,600	1,300,800	1,802,700	1,903,900	2,134,000	2,015,000	38,252,080
384	6,164,000	5,227,000	6,016,000	5,739,000	5,794,000	3,523,000	6,149,000	6,275,000	6,175,000	6,333,000	6,140,000		19,426,600
386	9,873,000	15,141,000	16,562,000	16,529,000	16,891,000	16,109,000	16,290,000	11,390,000	20,477,000	19,814,000		6.256,000	69,791,000
392	15,135,000	7,062,700	0	4,805,000	56,724,000	54,121,000	54,771,000	52,906,000	55,609,000	57,284,000	18,376,000 55,133,000	18.388,000	195,840,000
394	0	1.532,000	4,466,000	3,554,000	4.074.000	3,602,000	3,438,000	3,747.000	3,548,000			56,319,000	469,869,700
*FWW	12.732,000	11,962,000	12,443,000	12,374,000	16,177,000	12,843,000	17.299,000	15,140,600		3,181,000	3,283,200	2,922,480	37,347,680
					12000000	12,773,000	\ r, & r 7,1KMr	1.7.140.1887	14,069,000	16.374,000	12,862,000	43,574,000	197,849,000
TOTAL GAL	285,007,040	253,776,100	247 701 800	249,909,900	325.721.056	307,914,202	328,727,000	316,567,488	323,922,498	324,037,430	313,777,972 1		2 (22 272 102
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PERMIT NUMBERS: 44248 & 52917 * POPCH WATED WELL

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FWW % 4.72 FWW % 4.68 FWW % 4.80	FWW %	.541 8
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ALLEN BIAGGI Director

TRACY TAYLOR, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

October 9, 2008

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to <u>September 30, 2009</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E. Deputy State Engineer

JK/ef

Enclosure: Important Notice: "Future Application for Extension of Time Filings"

cc: Southern Nevada Branch Office

Ross de Lipkau, Parsons, Behle & Latimer

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADAF | L E D

APPLICATION FOR EXTENSION OF TIME

AUG 2 1 2009 &

Does this permit have multiple owners? YES NO (Check the Appropriate Box) If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Corporation The permitter is needed to finish this project? Two Years To date, what is the total expenditure on this project? \$56.085.550.00 In order to complete this project as set forth in the permit terms, what additional funds will be spent? \$1.500.000.00 The permittee requests an extension of time for One Year	IN THE MATTER OF PERMIT No. <u>52920</u>	FILED TO APPROPRIATE/CHANGE THE WATERS OF
HIS APPLICATION IS RESPECTFULLY SUBMITTED. Comes now Medissa Jenninas , the Promise or Agent Promise or Agent Promise or Agent Promise or Agent promise or Agent promise or Agent and or Permit No. 52920 , who after being duly sworn and answering to the best of their knowledge the following que compliance with the requirements as set forth in the permit terms: Does this permit have multiple owners? YES NO (Check the Appropriate Box) If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetal Foote Corporation To date, what is the total expenditure on this project? Two Years To date, what is the total expenditure on this project? 356,085,550,00 In order to complete this project as set forth in the permit terms, what additional funds will be spent? \$1,500,000,00 The permittee requests an extension of time for One Year Within which to comply with the provision for the permittee requests an extension of time for One Year Within which to comply with the provision for the permittee requests an extension of time is being submitted (Use additional sheets if necessary): well rehabilitation program in late 2008-early 2009 targeted older wells with structural failures. This program was used as a marker for Inabilitation endeavors. Stimulus funds were approved for a drilling program in 2010 and well rehabilitation program that will be used to reiveral older wells to bring production rates closer to the target 2011. Signature of Newly Agents and Newly Publicians of Newly Agents and One New Country of Newly Agents and One New Country of Newly of New Country of New Co	Underground	1 Source
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City, State, Zip Code No. Phone (775) 937-2222 ext. 229 Otary Public in and for the County of	Allow 200	Street No. or P.O. Box No.
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ALLEN BIAGGI Director

TRACY TAYLOR, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

September 30, 2009

Chemetall Foote Corporation PO Box 98 Silver Peak, NV 89047

RE: 52918, 52919, 52920 & 52921

This is to inform you that Application for Extension of Time has been granted to **September 30, 2010** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.390.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If you have any questions regarding this notification, please contact Tony Eng at (775) 684-2800.

Sincerely,

Gloria K. Lash

Administrative Assistant III

cc: Southern Nevada Branch Office Parson Behle & Latimer, Ross E. DeLipkau

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

FILED

APPLICATION FOR EXTENSION OF TIME

SEP 0 2 2010

STATE ENGINEER'S OFFICE التنافيا للفنا للغياب التناشية أعلاء أجاء أجاء أداه IN THE MATTER OF PERMIT No. ___ FILED TO APPROPRIATE/CHANGE THE WATERS OF . And Lindburg Colored Landonpor of Propins Lindburg Albert Andrews ्रवीत्रम् मेन्स्य स्वत्रम् वर्षे वर् Underground Source (Name of stream, lake, spring, underground or other source) THIS APPLICATION IS RESPECTFULLY SUBMITTED. Melissa Jennings
Person Signing Application under Permit No. 52920 , who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms: Does this permit have multiple owners? YES NO (Check the Appropriate Box) If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? NO (Check the Appropriate Box) YES If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Corporation 5. To date, what is the total expenditure on this project? __\$59,487,500 6. In order to complete this project as set forth in the permit terms, what additional funds will be spent? ___\$2,603,750 7. The permittee requests an extension of time for _ within which to comply with the provisions

In early 2009, A well rehabilitation program successfully identified an alternative means to overcome structural failures and two well were brought conline prior to temporary idling of operations in 2009. Wells were restarted in 2010 and ARRA funding will be used to purchase a production

(Proof of completion of work and/or proof of beneficial use)

Proof of Beneficial Use

Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary):

rilling rig for the purpose of well rehabilitation and construction. The budget for this project is \$2.6 MM

Subscribed and sworn to before me this 23rd day of day of 2010 signature of Notary Public Required Notary Public in and for the County of _______,

My commission expires September 12,20

Owner of Record Chemetall Foote Corporation

Signed Mulusa Jenning &

Address Chemetall Foote Corporation
Street No. or P.O. Box No.

PO Box 98, Silver Peak, Nevada 89047.2 City, State, Zip Code No.

. 1

CANDY J. JEWETT
NOTARY PUBLIC
STATE OF NEVADA
NYE COUNTY
APPT. No. 92-0422-14
MY APPT. EXPIRES SEPT. 12, 2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

Lyv PBM

for filing the

SE ROA 611

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 1.524 acre-feet was used in 2009.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.

STATE OF NEVADA

LEO DROZDOFF

Acting Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2010

Chemetall Foote Corporation Silver Peak Operations Hwy 395 Silver Peak, NV 89047

RE: PERMIT(S) 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to **September 30, 2011**, with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Staff I Associate Engineer

ALE/ag

cc: Parsons Behle & Latimer

Southern Nevada Branch Office (via email)

Rev. 5/2010 SE ROA 614

BEFORE THE STATE ENGINEER OF THE STATE OF NEVA

APPLICATION FOR EXTENSION OF TIME

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Owner of Record <u>Chemetall Foote Corporation</u>			STAT	E ENGINE	ER'S OFFICE
IN THE MATTER OF PERMIT No	52920	FILED TO APPROPRI	ATE/CHANGE THE W	'ATERS C)F
	Underground Source				
	(Name of stream, lake, spring, un	derground or other source)			
THIS APPLICATION IS RESPECTFULLY SUBM	MITTED.				
Comes nowJoseph L. D	Dunn, Application	the	Agent Permittee or Agent	in the second	
under Permit No. 52920, in compliance with the requirements as set forth in the set of t	, who after being duly swe the permit terms:	orn and answering to th	e best of their knowledg	e the follo	wing question
Does this permit have multiple owners?	YES NO (Check	the Appropriate Box)			
2. If "YES" on question No. 1 is checked, is this		of time submitted on bel the Appropriate Box)	half of all the owners?		
If "NO" on question No. 2 is checked, on whose	behalf is this extension b	eing filed? <u>Chemeta</u>	Il Foote Corporation	2	<u> </u>
	·		, A	7.75	20
4. How much time is needed to finish this project?	Two Years		בי ה ה אני	UG 2	m C
5. To date, what is the total expenditure on this proj	ject?\$61,704,791.			i	
6. In order to complete this project as set forth in th	ne permit terms, what addi	tional funds will be spe	ent? \$2,400,000 \$\frac{7}{6}\$		<u>m</u>
7. The permittee requests an extension of time for	One Year (Not to exceed 1 year)		within which to com		ne provisions
for filing the	Proof of Beneficial Use (Proof of completion of wor	k and/or proof of beneficial use)			· · · · · · · · · · · · · · · · · · ·
8. Explain in detail why this request for an extens Wells were restarted in 2010 and ARRA funding wa	as used to purchase a prod	uction drilling rig for th	ne purpose of well rehab		
construction. The budget for this project is \$2.6 MM increase pumping capacity to achieve production go		tion drilling occurred d	uring 2011 and will con	inue throu	1gh 2012 to
		Λ			
· · · · · · · · · · · · · · · · · · ·	1.6	Signed	12 Th		
Subscribed and sworn to before me this	1/ \ day of	Address <u>Chemetal</u>	Foote Corporation Street No. or P.O. Bo		
Jugust 20_	1/2	PO Box 9	8, Silver Peak, Nevada	89047	
Candy Op.	Genets	Phone(775) 937-	City, State, Zip Code 2222 ext. 222	; No.	· · · · · · · · · · · · · · · · · · ·
Signature of Notary Public Required Notary Public in and for the County of	teV				
State of wada			CANDY J.		-
My commission expires Leplember	12,201,2		NOTARY STATE OF NYE CO Notara proprint No.5:1	NEVADA UNTY & 1841 1284 14	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

Jy PBN

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.

- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?

Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period. 6.565 acre-feet was used in 2010.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements. In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use. 6.
- 7.



Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.

RECEIVED
2011 AUG 29 PH 1:50
STATE ENGLISEERS OFFICE

LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 19, 2011

Chemetall Foote Corporation P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2012</u>, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

long Eng

Sincerely,

Tony Eng

Water Resource Specialist I

ALE/ag

cc: Parsons Behle & Latimer

Southern Nevada Branch Office

Please retain this sheet underneath the Summary of Ownership form ABSTRACT OF TITLE

52920

PAGE PERMIT

Certificate of Incorporation (A. O.F Permit 10036) SRV 120341 Certificate of Amendment of DOCUMENT DESCRIPTION/ REMARKS 3/22/12 DOC # DATE FILED UNDER DATE ACRES 3,619.85 AFA CFS Ś GRANTEE Rockwood Lithium Inc. Chemetall Foote Corporation GRANTOR DEED NO. 0 က 4 S ဖ ^ ∞

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

AUG 2 9 2012

Underground Source (Name of steenan, take, spring, underground or other source) THIS APPLICATION IS RESPECTFULLY SUBMITTED. Comes now	THE WATERS OF			
	IN THE MATTER OF PERMIT No	시 : 200 전 경험 현 기구 개발. 12.0 - (1.17 18 2 2 18 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
HIS ADDI ICATION IS DESDECTOR	(Name of stream, la	ike, spring, underground or other so	ource)	
THE LICATION IS RESPECTED	ILLY SUBMITTED.			
Comes now	Joseph L. Dunn	시간 (1) 이번 수는 사람이 되었다. 건강 (1) 이번 (1) (1)		
	Person Signing Application			
Compliance with the sequinose	, who after being	duly sworn and answering	ng to the best of their kr	nowledge the following a
as a surface with the requirements as	set forth in the permit terms			- John Mile d
[경기] [[경기] 10 12 15 15 15 15 15 15 15 15 15 15 15 15 15				(1. m. 1. m.)
If "YES" on question No. 1 is chec	ked, is this request for an ex	tension of time culturities		
를 하는 것이 없는 것이다. 하지 않는 것이 없는 것이 없는 것이 없는 것이다.	YES NO	(Check the Appropriate	Roy	ners?
If "NO" on question No. 2 is about				ST 22
on question 140. 2 is checked	Underground Source (Name of sneam, lake, spring, underground or other source) CATION IS RESPECTFULLY SUBMITTED mes now Joseph L. Dunn the Pennot Signing Application Pennot Pennot Signing Application Pennot Pe	tion 🛱 👼 📖		
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How much time to and the Six and				
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To date, what is the total expenditure	on this project? \$64 104	7 01		
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in order to complete this project as sel	forth in the permit terms, w	hat additional funds will	be spent? \$2.00.000	
	(Not to exceed 1	year)	within which t	to comply with the provis
for filing the	Proof of Beneficia	al Use		
Explain in detail when this	(Proof of complet	ion of work and/or proof of benefic	cial use)	
ding from ARRA was used during 20	an extension of time is being	ng submitted (Use addition	nal sheets if necessary):	
er Peak Operation. Several more proc	luction wells and robot well	city. During 2013 drilling will be brought on line	g will continue to furthe	er increase capacity at the
vide product to meet the growing dema	and.	S WILL DE DIOUGUE ON-IME	during 2013. The incre	ase in brine capacity will
		Λ	1	
		· //	17 -	M-
	th	Signed	Permittee or Agen	
scribed and sworn to before me this _	27 day of	Address Cher	netall Foote Corporation	
abust			Street No. or	P.O. Box No.
11		PO F	Box 98, Silver Peak, Ne	vada 89047
- Landy	J. Jewell	Dhana (mas)		Zip Code No.
Signature of Notary Public Req		Prione(7/5)	937-2222 ext. 222	
ary Public in and for the County of	Vige			
of_ () Wada	` 0		CAND	YJJEWETT
			NOT/	ARY PUBLIC
ommission expires September	r 12,2012		STATE	OF NEVADA
•	· ———		APPT.	- COUNTY No. 92-0422-14
			MYNABPTIATIVE	BIBER SERT 12, 2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

SE ROA 620

LEO DROZDOFF

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 12, 2012

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: PERMITS 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2013</u> with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Water Resource Specialist 1

ALE/mt

c: Parsons, Behle and Latimer (via email)
Southern Nevada Branch Office (via email)

Rev. 9/2011 SE ROA 621

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICA	ATION FOR	EXTENSION OF TIME	FILED
Owner of Record Rockwood Lithium Inc. (previous	usly known as Chemet	all Foote Corporation)	JUL 1 0 2013 84
IN THE MATTER OF PERMIT No.	52920	_ FILED TO APPROPRIATE/CHANG	THE WATERS OF STATE ENGINEER'S OFFICE
Under ground Source (Name of stream, Pake, spring, underground or other source) THIS APPLICATION IS RESPECTFULLY SUBMITED. Comes now Joseph L. Dunn, the Agent			
THIS APPLICATION IS RESPECTFULLY SUBM	and the second second second second	g, underground or other source)	
Comes now Joseph L. I	Ounn	_, the Age	nt itee or Agent
Does this permit have multiple owners?	YES NO (Ch	eck the Appropriate Box)	
			owners?
f "NO" on question No. 2 is checked, on whose	behalf is this extensio	n being filed? <u>Rockwood Lithium Inc</u>	
5. To date, what is the total expenditure on this pro	ject?\$66,104,791.		·
6. In order to complete this project as set forth in the	ne permit terms, what a	dditional funds will be spent?\$2.00	,000
7. The permittee requests an extension of time for	One Year (Not to exceed 1 year)	within wh	ich to comply with the provisions
for filing the	Proof of Beneficial Us (Proof of completion of	e work and/or proof of beneficial use)	
Funding from ARRA was used during 2013 to incre	ease pumping capacity.	During 2014 drilling will continue to fi	orther increase capacity at the
	er de la lace de la lace de la lace de la lace de la lace de la lace de la lace de la lace de la lace de la la La lace de la lace de	Signed Jany 7	AND RE
Subscribed and sworn to before me this 2	day of	Address Rockwood Lithium Inc	7 O III
Gandy g. C	19 Ewell	PO Box 98, Silver Peal	Nevada 89047 [T]
Notary Public in and for the County of	1. H		n S
State of Jevada	1 001/-		ANDY J. JEWETT NOTARY PUBLIC
My commission expires (Clobbe)	e, 2010.		FATE OF NEVADA

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

Joy 960 , 9/16/13

LEO DROZDOFF

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

September 25, 2013



Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2014</u>, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.



Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

long Eng

Sincerely,

Tony Eng

Water Resource Specialist I

ALE/dl

cc: Parsons, Behle and Latimer, email
Joseph L. Dunn, Rockwood Lithium Inc.
Southern Nevada Branch Office

l T	State of Never REPORT OF CO		NCE	Rev 03/14
E	of a water right	ht to		
M	Department of Conservation and Natural Resources, Divisio	n of Water R	tesources, Office of the State Engine	eer
1	APPLICATION / PERMIT No.: 52920 or PROOF/CLA			USE: M&D
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEE	ER.: Chemeta	all Foote Corporation	-
	If any item requires additional space, please use Item 13 Remarks:	or attach 8 1/2"	X 11" sheets referencing appropriate item n	umber
	NEW OWNER(S): Rockwood Lithium Inc.		EFICIARY(S):	
3				
	ADDRESS: P.O.Box 98	ADDRESS		
	CITY: Silver Peak STATE: NV ZIP: 89047 Email confirmation OK? See below YES	CITY:	STATE: rmation OK? See below YE	ZIP:
<u> </u>	,			s F
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBE	ER OF EACH	IN CHAIN OF TITLE.	See Guidelines Page
	DEED(S) CORRECTION DEED(S)	` <u>+</u>	OTHER:	
	DEED(S) OF TRUST		TOTAL ## OF \$\$ Documer	
	NOTICE(S) OF PLEDGE MAP(S) at no charge DEATH CERTIFICATES AFF OF ID at no charge		TOTAL # x \$20 each = $\frac{1}{1}$ Report filing fee = \$120.00*	\$ 20 .00
	DECREE(S) OF DISTR		X TOTAL FEES SUBMITTE	
-	ONE, ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE R	REPORTS + \$2		
5	*WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION FEE OF \$120 IS REQUIRED. SEE GUIDELINES FOR MORE INFOR	N TO CONVI	EYANCE DOCUMENTS, AN ADDIT	IONAL FILING
6	This REPORT may require an ABSTRACT OF TITLE listing the referred to in said deed(s) may be required. Copies of maps should be required.	e above docu	ments in chronological order. A cop	by of the map
7	LIST SUPPLEMENTAL RIGHTS: 4251, 44252, 44253, 44255			
8	COUNTY: POINT OF DIVERSION: Esmeralda		: PLACE(S) OF USE: Esmeralda	200, 44209
9	AMOUNT (DUTIES) TO BE ASSIGNED: 5 CFS	•		ACRES or UNITS
10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR			ES NO
11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U			
	List any other water rights relating to this Report of Conveyance that ha	s been filed us	sing the same abstract and chain of title.	260,44260
12	<u>10036, 15847, 24382, 44248,44250, 44251,44252, 44253, 44255</u> <u>44270, 49805, 52917,52918, 52919, 52920, 52921.</u>), 44 230, 442	<u>37,44238,44260,44261,44267,44</u>	268, 44269,
	Additional Space/Remarks: #7 - Continued - 44270, 44988, 52	2918, 52919,	52920 and 52921	
13				
14	"I swear under penalty of perjury, that this represents a complete and thorougl placed to beneficial use or diverted from its natural sour	h search of the re ce and the record	ecords of the county recorder of each county i ds on file in the office of the state engineer."	n which the water is
CTATE			SIGNATURE: AL A.	<u> </u>
STATE			PRINT NAME: John R. Zimmerman	1
	TY OF Washoe RIBED AND SWORN TO BEFORE ME ON \(\frac{1}{2}\cdot \frac{1}{2}\tag{1}\ta		MAILING ADDRESS: 50 W. liberty S	St., Suite 750
BY:	+ ** Thu P. Zimmenno 1. Jens		FIRM NAME: Parsons Behle & Lati	mer
-·· z	The Court of the C		CITY: Reno STATE: NV	ZIP: 89501
	***************************************		PHONE: 89501	OWNER?
20	RONI L. SHAFFE	ir 💮	E-MAIL:	AGENT?
Signat	Notary Public - State of Appointment Recorded in Wash	ce County	Is a consent to receive email	YES [
	No: 99-36517-2 - Expires Me		correspondence already on file? If not, please download from our w	•
	Notary Stamp or Seal Required		a man process deminional nomitour w	and melade.

LEO DROZDOFF Director

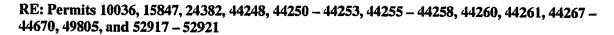
JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov July 23, 2014

John R. Zimmerman Parsons Behle & Latimer 50 W. Liberty St., Suite 750 Reno, NV 89501



To Whom It May Concern:

Please be advised that your *Reports of Conveyance* received on July 8, 2014, are hereby confirmed to update ownership of the above mentioned permits in the name of **Rockwood Lithium Inc.**, as listed in the table below. Details of the above permit(s), including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	Diversion Rate (cfs)	Duty (AFA/AFS)	Acres/Units
10036/2627	0.334		
15847/4838	0.53		
24382/7234	1.0	723.95	
44248	1.0	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.0	723.97	
44252/12271	0.43	311.3	
44253/12772	0.84	608.13	
44255/12773	0.39	282.35	
44256/12774	0.22	159.27	
44257/12775	0.35	253.39	
44258/12776	0.27	195.47	
44260/12777	0.20	144.79	
44261/12278	0.22	159.27	
44267/12779	0.44	318.50	
44268/12780	0.46	334.47	
44269/12781	0.26	188.23	
44270/12782	1.00	723.97	
49805/14655	0.13	20.13	
52917	1.0	21.63	
52918	5.0	3619.85	
52919	5.0	3619.85	
52920	5.0	3619.85	
52921	5.0	3619.85	SE ROA



Zimmerman, John Permit 10036+ July 23, 2014 Page 2 of 2

Permits 29728, 44248, 49805, 52917, 69220, 76343 and 77966 have a total combined duty not to exceed 588.67 acre feet annually.

Permits 44251 - 44258, 44260, 44261 , 44267 - 44270, 49988, and 52918 - 52921 have a total combined duty not to exceed 20,000 acre feet annually.

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) the water right is in good standing with the office of the State Engineer; or b) the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and c) this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2830.

Sincerely,

Shawnel R. Clayson
Shawnee L. Clayson

Engineering Technician III

SLC/sgc

cc: Rockwood Lithium Inc.

SNBO

BEFORE THE STATE ENGINEER OF THE STATE OF NEVAD

APPLICATION FOR EXTENSION OF TIME

SEP 0 5 2014 ASSTATE ENGINEER'S OFFICE

compliance with the requirements as set forth in the permit terms: est this permit have multiple owners? YES NO (Check the Appropriate Box) If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Check the Appropriate Box) If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. YES NO (Post of Seneficial Use Seneral Previously pumping wells were rehabilitated for use as eimonitoring or production wells. The in-house drilling operation is expected to continue through 2014 and into 2015 to maximize product well availability, resulting in operations more near to capacity. The harsh environment, deep aquifer depths, and fluctuating recharge menintaining pumping systems difficult; however, the goal is to increase brine capacity to optimize production needs to meet the growing demand for lithium. Signed Multiplia (CANDY J. Ewell In NOTARY BUBLIC) Address Rockwood Lithium Inc. YES NOTARY BUBLI	IN THE M	ATTER OF PERMIT No	52920	FILED TO	APPROPRIAT	E/CHANGE THE	WATERS O	F
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Comes now Melissa Jennines Person Signile Application Person Signile Application Person Signile Application with the requirements as set forth in the permit terms: est this permit have multiple owners?		•			her source)			
the Permit No. \$2920 who after being duly sworn and answering to the best of their knowledge the following of compliance with the requirements as set forth in the permit terms: set this permit have multiple owners?	HIS APPLICATION IS	RESPECTFULLY SUBM	IITTED.					
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In 2014 several replacement production wells were brought online and several previously pumping wells were rehabilitated for use as eimonitoring or production wells. The in-house drilling operation is expected to continue through 2014 and into 2015 to maximize product well availability, resulting in operations more near to capacity. The harsh environment, deep aquifer depths, and fluctuating recharge maintaining pumping systems difficult; however, the goal is to increase brine capacity to optimize production needs to meet the growing demand for lithium. Signed Signed Address Rockwood Lithium Inc. Street No. or P.O. Box No. PO Box 98, Silver Peak, Nevada 89047 City, State, Zip Code No. Phone (775) 937-2222 ext. 229 CANDY J. JEWETT NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14	Daniel de Jareit est		-		· · · · · · · · · · · · · · · · · · ·			
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Address Rockwood Lithium Inc. Street No. or P.O. Box No. PO Box 98, Silver Peak, Nevada 89047 City, State, Zip Code No. Phone (775) 937-2222 ext. 229 CANDY J. JEWETT NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14			a	g:1 '	Male	a tennis	1001	
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Street No. or P.O. Box No. PO Box 98, Silver Peak, Nevada 89047 City, State, Zip Code No. Phone (775) 937-2222 ext. 229 CANDY J. JEWETT NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14	scribed and sworn to	before me this 2 X	day of	Address	Pockwood I	ithium Ina		
Phone (775) 937-2222 ext. 229 Cary Public in and for the County of CANDY J. JEWETT NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14	/ I .	,	day or	Address	NOCKWOOD L		Box No.	
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tary Public in and for the County of	X+ 61		7 \			City, State, Zip (Code No.	
te of Wada NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14	Signati	re of Notary Public Requires	ever	Phone	(775) 937-22:	22 ext. 229		
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Commission expires (Ctoles 6 201/2 APPT. No. 92-0422-14	11	1						l
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MILATTI, LATINES UCI, 0, 2010 1	commission expires	y work 4	1016.	l	M			

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

l yr PBU 9/8/14 CMT

LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 25, 2014

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit 52918, through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2015</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2803.

Sincerely,

Chris Thorson

Water Resource Specialist I

CMT/sg

cc:

Parsons, Behle & Latimer, e-mail Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED SEP 0 4 2015 PO STATE ENGINEER'S OFFICE

사용이 함께 있다. 그런 사용을 통해 하는 것 같다. 보다 기계를 보는 것이 되었다.						
IN THE MATTER OF PERMIT No	<u>52920</u>	FILED TO) APPROPRIA	TE/CHANGE T	THE WATERS OF	
Opener of Record						
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Comes now Scott Thibode Person Signing Appl	aux lication	, the		Agent Permittee o	r Agent	
under Permit No. 52920 , wh	no after being d	uly sworn and an	swering to the	best of their kno	wledge the following	g question
in compliance with the requirements as set forth in the	permit terms:				일으로 한 학생이 경찰을 보고한 - 이 사람들은 사람들이 다	
Does this permit have multiple owners?	s 🔀 no	(Check the Appro	priate Box)			
				lf of all the own	ers?	
3. If "NO" on question No. 2 is checked, on whose be	half is this exte	nsion being filed?	Rockwood	Lithium Inc.		
4. How much time is needed to finish this project?	Two Years					
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7. The permittee requests an extension of time for	One Year (Not to exceed 1 y	ear)		within which t	to comply with the pr	rovisions
for filing thePro	of of Beneficia	Use	of heneficial use)			
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2.		Signed_	Tall	Permittee or Age	duf	
Subscribed and sworn to before me this 3/s/	day of	Address	Rockwood		BAK S	
august , 20 1/	5		PO Box 98	••		
landy Cr. Xe	well	Dl		City, State,	Zip Code No.	
- 1. (1. //11	I	_ Phone _	(1/3) 931-2	222 ext. 226		
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My commission expires Uctober le		- STATE		NOTARY STATE OF APPT. No.	Y PUBLIC F NEVADA 92-0422-14	
\$120 FILING FEE MUST ACCON	IPANY TI	HIS APPLIC		OR EXTEN	SION OF TIM	Œ.
A SEPARATE APPLICATION MUS	ATOMAN ST BE STO	UST BE FII MITTED O	LED FOR	EACH PER	RMIT. F DA DED	

9/4/15 AD

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2015

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2016</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/sg

cc: Parsons, Behle & Latimer

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME Owner of Record Rockwood Lithium Inc. (previously known as Chemetall Foote Corporation) IN THE MATTER OF PERMIT NO. FILED TO APPROPRIATE/CHANGE THE WATERS OF EER'S OFFICE Underground Source (Name of stream, lake, spring, underground or other source) THIS APPLICATION IS RESPECTFULLY SUBMITTED. Scott Thibodeuax Comes now Agent Permittee or Agent who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms: Yes ✓ No 1. Does this permit have multiple owners? (Check the appropriate box) 2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners? Yes ✓ No (Check the appropriate box) 3. If "No" on question 2 is checked, on whose behalf is this extension being filed? Rockwood Lithium Inc. 4. How much time is needed to construct the works of diversion or place the water to beneficial use? Two years 5. What is the expenditure on the project under this permit? Last year? \$1,000,000 \$71,104,791 Total to date? 6. The permittee requests an extension of time for One Year within which to comply with the provisions for filing the (Not to exceed 1 year)

7. Describe progress made during the last year and explain in detail why this request for an extension of time is being submitted (See instructions on back. Use additional pages if necessary):

(Proof of completion of work and/or Proof of beneficial use)

In 2016 a high volume well was targeted to increase production needs for the facility; however, the harsh environment, deep aquifer depths, and fluctuating recharge have made maintaining other pumping systems difficult. The facility has also been working with experts to develop a Hydrostratigraphical Model of the basin. This model, and continued research, will allow the facility to determine where the optimal location for a well is, and also the depth at which we should drill. Our goal is to continue increasing our knowledge of the Clayton Valley Basin in order to increase our brine capacity to optimize production needs and meet the growing demand for lithium.

State of Nevada

County of

Subscribed and sworn to before me on 9-20-2016

by Scott J. In bockeast

Signature of Notary Public Required

Signed

Permittee or Agent

Address

Rockwood Lithium Inc

Street Address or PO Box

PO Box 98, Silver Peak, NV 89047

City, State, ZIP Code

Phone (775) 937-2222 Ext 226

E-mail scott.thibodeaux@rockwoodlithium.com

CANDY J. JEWETT
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 92-0422-14
MY APPT. EXPIRES OCT. 6, 2016

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

Revised 07/13 - ext_app

Proof of Beneficial Use

KAY SCHERER Interim Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 12, 2016

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit(s) 52918, 52919, 52920, and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2017</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr

cc: Parsons, Behle & Latimer (email)

Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

Г		State of Nevada Rev 10/16									
	T T	REPORT OF CON		NC	Е			1104 107.5			
	Ė	of a water righ	nt to								
	М	Department of Conservation and Natural Resources, Division		esour							
L	1	APPLICATION / PERMIT No.: 52920 or PROOF/CLAI			STATI	US: PER	USE:	M&D			
l	2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEE	K.:			· - · · · · · · · · · · · · · · · · · ·					
		Rockwood Lithium Inc.									
		If any item requires additional space, please use Item 13 Remarks:	or attach 8 1/2"	' X 11"	sheets referencir	ng appropriate i	tem number.				
Γ	3	NEW OWNER(S): Albemarle U.S., Inc.	NEW BEN	IEFIC	IARY(S):						
	3	ADDRESS, D.O. D., and St. J. D., and Off	ADDRESS	٠.							
		ADDRESS: P.O. Box 98, State Route 265 CITY:Silver Peak STATE:NV ZIP:89047	CITY:	···		STATE:	ZIP:				
				rmatio	on OK? See I		YES [
r		INVENTORY DOCUMENTS BY CATEGORY AND NUMBE	u ni c	THAIN OF T	ITI E	San Cu	idelines Page 2				
	4	DEED(S) CORRECTION DEED(S)		OTHER:	1100.	See Ou	idelines Page 2				
		DEED(S) OF TRUST RECONVEYANCE at	ł		L	OF \$\$ Doc	uments = >	1			
		NOTICE(S) OF PLEDGE MAP(S) at no charge	- H		TOTAL#:	x \$20 each =	\$	20 .00			
١		DEATH CERTIFICATES AFF OF ID at no charg			Report filir	ng fee = \$120	0.00* \$	0 .00			
		DECREE(S) OF DISTR OTHER: Cert. of Amer		1	·	EES SUBMI		20 .00			
ſ	5	ONE, ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE R	REPORTS + \$	20 PEI	R CONVEYA	NCE DOCUM	MENT LISTE	ED ABOVE.			
١	2	*WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION TO CONVEYANCE DOCUMENTS, AN ADDITIONAL FILING FEE OF \$120 IS REQUIRED. SEE GUIDELINES FOR MORE INFORMATION.						. I ILIINO			
ſ	6	This PEPOPT may require an ARSTRACT OF TITLE listing the shave documents in chronological order.									
Ì	7	LIST SUPPLEMENTAL RIGHTS: See attached.									
ŀ	8	COUNTY: POINT OF DIVERSION: Esmeralda	COUNTY	: PLA	ACE(S) OF U	ISE: Esmera	alda				
-	9	AMOUNT (DUTIES) TO BE ASSIGNED: 5.0 CFS	- 3619.85	AC	CRE-FEET		ACRE	S or UNITS			
ŀ	10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR	M.O.U. OF								
l	11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U									
ſ		List any other water rights relating to this Report of Conveyance that he 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 4425	as been filed u 55, 44256, 44	using th	ing the same abstract and chain of title. 257, 44258, 44260, 44261, 44267, 44268,						
1	12	44269, 44270, 49805, 49988, 52917, 52918, 52919, 52921, 8574									
			···								
		Additional Space/Remarks: This Report of Conveyance mem	orializes onl	ly a co	rporate nam	e change ar	nd not an				
	13	assignment or conveyance of water rights.	···				·····				
-											
	14	SIGNATURE: SIGNATURE:									
	STATE										
	COUN	NTY OF Washoe			RINT NAME: 1						
ļ	SUBSO	CRIBED AND SWORN TO BEFORE ME ON 07.28 17		FI	IRM NAME: E	Parsons Behle	& Latimer				
	_	loss E. de Lipkau			AILING ADDR						
	I	Print name of Permittee or Agent signing form			ITY: Reno		E: NV ZIP:	89501			
	<i>A</i>	RONI L. SHAF Notary Public - State	FER I		HONE:	775.323.160		OWNER? AGENT?			
	M	(/ 0 4 P \ / 1 OO d/ b/ 0 1 I See 1996) Appointment Recorded in W	Vashoe County		-MAIL: rdelip		enie.com I	,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
}	Signa	No: 99-36517-2 - Expires	s May 5, 2019		a consent to r orrespondence		ile?	ES 🔀			
		Natary Stamm on Soal Dequired			not, please do	-		e and include.			
- [Notary Stamp or Seal Required										

FEE RECORDS
Flocsipt No.(s) 33376

Debt of Faccipt 8/2/17

Stripinal Formit 20.00

Stripinal Foccipt Localed in File No. 10036

Deeds / Dogs Filed in File No. 10036

SOLVER SO

22/312 x ..

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

(See instructions on back)

SEP 2 8 2017

A. NDWR's Owner(s) of Record Albemarle U.S., Inc. (formerly known as	Rockwood Li	ithium Inc.)	9	2 8 ZU1/	
	_		STAN PACE	AFF8/SOF	EICE
B. IN THE MATTER OF PERMIT NO. 52920 FILED TO AP	PROPRIATE	CHANGE TH			ICL
Underground Source					
(Name of stream, lake, spring, un	derground or o	ther source)		***************************************	
C. THIS APPLICATION IS RESPECTFULLY SUBMITTED.					
Comes now John Mayes	,	the Po	ermittee 🗸	Agent	
who after being duly sworn and answering to the best of their knowledge the the permit terms:	following que	estions in comp	liance with the	m s	s as set forth i
1. Does this permit have multiple owners? Yes Vo	(Check the ap	opropriate box)		SEP 28 PH	
2. If "Yes" on question 1 is checked, is this request for an extension of time s	-			28 31KE	O M
Yes No (Check the appropriate box)				E P	<
3. If "No" on question 2 is checked, on whose behalf is this extension being f	iled?				m
Albemarle U.S., Inc.					
4. How much time is needed to construct the works of diversion or place the	water to bene	ficial use? Five	e Years		
	\$1,000,000		o) Total to date	\$72,104,	.791
6. The permittee requests an extension of time for Five Years		which to comp			
(Not to exceed 5 years		i winen to comp	ny with the pic	141210112 101 1	ining the
☐ Proof of Completion of Work	tural Map	(Check all tha	t apply)		
7. Describe progress made during the last year and explain in detail why back. Use additional pages if necessary): Please see Exhibit A - Applications For Extension of Time Permits 52918, 52			on of time is n	eeded. <i>(See i</i>	nstructions of
State of Nevada	Signed _	John	Permittee	r Agent	
County of ESMERACION	Address F	O Box 98	(78	
	_		Street Address	or PO Box	
Subscribed and sworn to before me on $\frac{SEPTZO,2017}{}$		Silver Peak, NV	89047 City, State, 2	ZID Code	
by John Mayes	Phone (775) 937-2222		AP Code	
Print name of Permittee or Agent signing form					
	E-mail j	ohn.mayes@alb	emarle.com		
Signature of Notary Public Required		Neup	ARTHUR R. Notary Public-S Appointment N by Appointment Ex Stamper Seal	State of Nevac lo. 14-14062- pires June 2, 20	ta 🕅 7 💸 18 0

\$120 FILING FEE PER YEAR FOR EACH YEAR REQUESTED MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

Revised 06/17 - ext_app

10/12/13

SE ROA 635



Division of Water Resources Receipt for Payment



Rockwood Lithium Inc.

P.O. Box 98

Silverpeak, NV 89047

Check #: 28751

Check Date: 9/19/2017

Date Received: 9/28/2017

Receipt #: 34544

FY

Amount

Permit #

Invoice #

Fee Type/Fee desc

Notes

2018

\$600.00

52920

- Extensions

COVERS 5 YR EXT

NO'S 52918

THROUGH 52921

CHECK TOTAL \$2,400.00

Warrant No.

9/29/2017

TAGGART & TAGGART, LTD.

PAUL G. TAGGART SONIA E. TAGGART A PROFESSIONAL CORPORATION 108 NORTH MINNESOTA STREET **CARSON CITY, NEVADA 89703** www.nvwaterlaw.com

DAVID H. RIGDON TIMOTHY D. O'CONNOR **EVAN J. CHAMPA** DAVID A. BAILEY

October 5, 2017

Jason King, P.E. State Engineer Nevada Division of Water Resources 901 S. Stewart St., Ste. 2002 Carson City, NV 89701

> Re: Albemarle Extensions of Time

RECEIVED OCT 0 € 2017

STATE ENGINEER'S OFFICE

Dear Mr. King:

We are writing on behalf of Pure Energy Minerals, Ltd., and its subsidiary, Esmeralda Minerals, LLC (hereinafter together as "Pure Energy") to formally request that your office deny Albemarle Corporation ("Albemarle")'s recently filed Extension of Time for water rights 52918, 52919, 52920, and 52921. Albemarle filed the extensions of time requests on September 28, 2017. As your office has stated in the past, "[b]ecause of Nevada's arid geography, vital public policy considerations dictate that the State Engineer monitor the beneficial use of water."1

This is the 19th extension of time request for these specific water rights.² To date, these water rights have never been fully put to beneficial use. Companies such as Pure Energy have filed for, and have been denied, access to this water while Albemarle has been permitted to hold the excess water hostage, never placing it to beneficial use. Pure Energy requests that your office take action regarding these unused rights, and deny Albemarle's extension of time.

The law is well settled in Nevada that beneficial use shall be the basis, the measure and the limit of the right to the use of water. When the necessity for the use of water does not exist, the right to divert it ceases.⁴ The quantity of water from an underground source . . . shall be limited to such water as shall reasonably be required for the beneficial use to be served.⁵ While extensions of time to put the water to beneficial use are permitted to be granted by the State Engineer's office, the applicant must provide proof that they are pursuing application of the water to beneficial use with good faith and diligence. "Because the state has a right to designate

¹ Ruling 6343 at 2.

² These rights are chained to rights that were originally filed in the 1980s. Albemarle has not been able to prove up these water rights since the 1980s.

³ NRS 533.035.

⁴ NRS 533.070.

⁵ NRS 533.070.

⁶ NRS 533.380(3)(b).

Page 2

the method of appropriation it can also designate how long water may be permitted to run idly and not be beneficially used."7

Albemarle has never been able to, nor are they likely ever going to be able to, put the water permitted to it to beneficial use. In its progress reports, Albemarle consistently cites to economic and structural impedances to its ability to put the water to full use. However, the impediment to the full use of water is a lack of ability to use 20,000 acre feet for its project, not economic or structural issues. Albemarle's operation simply cannot use 20,000 acre feet of water.

The anti-speculation doctrine reiterates a long-standing premise of western water law: an appropriator must show intent to put the appropriated water to beneficial use in a reasonable amount of time.8 In Ruling 6343, the State Engineer reviewed Nevada's anti-speculation doctrine. In doing so, the State Engineer found that a third extension violated the antispeculation doctrine. Here, the State Engineer is considering Albemarle's 19th extension. The Nevada Supreme Court has stated,

[the anti-speculation] doctrine precludes speculative water right acquisitions without a showing of beneficial use. applications by persons who would only speculate on need ensures satisfaction of the beneficial use requirement that is so fundamental to our State's water law jurisprudence.9

The Nevada Supreme Court has further stated,

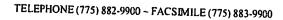
the preeminent public policy concern in Nevada regarding water rights is beneficial use . . . the legislature has recognized that water is a limited resource in Nevada and it belongs to the public; therefore one who does not put it to a beneficial use should not be allowed to hold it hostage. 10

Lastly, the Nevada Supreme Court has held that,

a mere statement of intent to put water to beneficial use, uncorroborated with any actual evidence, after nearly twenty years of nonuse is insufficient to justify a sixteenth extension to file proof of beneficial use resulting in cancellation of the right. 11

The State Engineer's office has explained that the legislative history of Nevada Revised Statutes ("NRS") 533.370(1)(c)(2) demonstrates that the anti-speculation doctrine applies to permits such as Albemarle's. 12 "While beneficial use is the cornerstone of Nevada water law,

¹² Ruling 6343.



0 0 200

⁷ In re Manse Springs, 60 Nev. 280, 287, 108 P.2de 311, 315 (1940).

⁸ Bacher v. State Engineer, 122 Nev. 1110, 146 P.3d 793 (2006). ⁹ Id. at 1121, 146 P.3d at 799 (2006).

¹⁰ Preferred Equities Corporation v. State Engineer, 119 Nev. 384, 389, 75 P.3d 380, 383 (2003); see also Bacher, 122 Nev. at 1118, 146 P.3d at 797; see also Ruling 6343.

Desert Irr. Ltd. v. State, 113 Nev. 1049, 944 P.2d 835 (1997).

the concept of diligence also runs deep through the water law."13 Allowing Albemarle to "maintain a[n] . . . appropriation without progress frustrates the fundamental policy of promoting the maximum use of the State's limited water supply."14 Albemarle has, for nearly two decades, been granted extensions of time to put their water rights to beneficial use. Yet, Albemarle has never shown an ability to use the full amount of its water rights.

A review of Albemarle's file shows that decades ago, Albemarle filed permits to ensure that it maintained water rights equal to the perennial yield of the basin. 15 For decades, this water has sat unused by Albemarle. According to the file, Albemarle has never been able to use more than roughly 11,000 acre feet in any given year. On average, Albemarle is able to put less than 10,000 acre feet to beneficial use. Yet, Albemarle has been permitted to hold 20,000 acre feet of water rights without showing an ability to use half of that water. In every recent year, Albemarle has filed progress reports with your office that show it cannot use all of the water it is permitted. Additionally, these reports show that Albemarle continues to drill new wells and rehabilitate existing wells without proper reporting to your office. These progress reports are almost identical year after year, showing no reasonable progress towards using the full extent of their permits. Thus, nearly 10,000 acre feet of water goes unused in Clayton Valley year after year.

That extra water can - and should - be put to beneficial use. Companies such as Pure Energy are forced to sit by and watch this water go unused because the water is being held hostage by Albemarle. Albemarle has manipulated the permitting system to keep competition out of Clayton Valley. Pure Energy holds valid federal mining rights to lithium in Clayton Valley, but seemingly cannot access that lithium without access to water under the current interpretations of Nevada water law. Pure Energy strives to mine Nevada lithium for Nevada companies, using Nevada workers, but cannot because Albemarle has strategically claimed water they will never use. If Albemarle is allowed to continue to hold all of the available water in Clayton Valley in unused permits, Nevada will miss a golden opportunity to become a leader in renewable energy lithium production.

Albemarle's extension of time to put its water to beneficial use should be denied, in part or in full, because the right to use water in Nevada is limited to what can reasonably be used. Water speculation or hoarding is prohibited in Nevada. A water holder simply cannot hold onto water rights they cannot themselves use within a reasonable amount of time. However, that is exactly what Albemarle has been doing for decades. Albemarle is speculating on their water because Albemarle knows that it cannot use this water. But by tying the water up in a permit stage, Pure Energy will be hampered in accessing its own federal claims to lithium. The water belongs to the public, and should be free to be placed to beneficial use by a willing user.

Pure Energy respectfully requests that your office deny, in whole or in part, Albemarle's application to extend time to place its water rights to beneficial use. 19 years is beyond a reasonable amount of time to prove up a set of permits. As such, your office should require

15 See Exhibit 1.

¹³ Ruling 6343.

Trans-County Water Inc. v. Central Colo. Water Conservancy Dist., 727 P.2d 60, 65 (Colo. 1986).

Re: Albemarle Extensions of Time October 5, 2017 Page 4

Albemarle to prove up the used water, allowing the unused water to be beneficially used by those who can use it.

If you have any questions, please contact us at our office.

Sincerely,

Timothy D. O'Connor, Esq.

TAGGART & TAGGART, LTD.

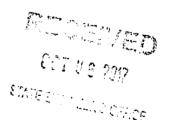


EXHIBIT 1



EXHIBIT 1

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

 Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Rockwood filed for a Super Permit under application #85746. This application was protested by Esmeralda Minerals LLC. The purpose of this Super Permit is to consolidate all of the existing groundwater permits and certificates for the continued pumping of the multiple groundwater sources owned by Rockwood Lithium and used for the withdrawal of the groundwater Lithium resource. The application was filed on 12/18/2015 and became Ready For Action on 03/05/2016. The Protest was filed by Esmeralda Lithium/Pure Energy on March 7, 2016. Rockwood Lithium continues to pump its existing water rights from wells that are interspersed on the Rockwood claims. The groundwater/brine that is pumped is placed into evaporative ponds that are used to concentrate the groundwater into a lithium concentrate for processing at the adjoining mill.

Well rehabilitation/drilling/development during 2015-2016 has resulted in greater capacity on a year on year basis. Rockwood Lithium has focused on its well efficiency across the playa resulting in an overall increase in well production. This focus has allowed the site to maintain a more consistent pumping rate throughout the year. However, critical well failures have also played a role by creating well downtime and thus negatively impacting pumping rates. Rockwood Lithium has detailed plans to minimize the downtime of each well and is beginning to see long term results. These plans start with maintaining a critical inventory of parts and equipment on site along with a team of qualified personnel immediately available for well repair/rehabilitation activities. Additional development of our water distribution facilities include; continuing to optimize our existing wells, rehabilitate older wells and drill new wells where appropriate.

An overall expansion plan has been implemented to increase our total pumping to a withdrawal of the permitted 20,000 acre feet per annum. One such action was the drilling of a replacement well under permit 86029 which was issued on 04/12/2016. Another action includes the preparation of the required permitting documents for the installation of two new wells during 2016. In addition, Rockwood Lithium is in the process of completing further scientific analysis of the groundwater system (via seismic and hydro stratigraphic modeling) in order to improve on its existing reservoir of knowledge in the Basin aquifer system. In the future, these will allow for more accurate targeting of production zones within the underground source. These items will continue throughout 2017 in order to make progress towards our goal of using the full permitted volumes.

Finally it should be noted that our efforts to expand our use of the permitted resource has been hindered by the proliferation of exploratory drilling in Clayton Valley. These exploration activities are being undertaken in wells immediately contiguous to wells used by Rockwood and thus we have been working to understand the negative impact resulting from these activities.

1000

considerable amount of time has been expended on administratively rejecting intrusion into the mining resource held by Rockwood Lithium and in analyzing what contributing effects that the additional withdrawal of the groundwater might have on the environment and the integrity of the groundwater basin. Concerns have been raised as to the potential impact of planned reinjection from contiguous claims and its dilution/pollution impact on the groundwater/lithium resource. Rockwood Lithium has also brought forward concerns as to inappropriate drilling techniques and perhaps unknown construction issues that may result in further impacts to this resource. All of these issues have substantiated growing concerns as to the physical ability of the groundwater resource to handle the potential over drafting of the groundwater as well as the potential impact to the pumping wells held by Rockwood Lithium.



WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Well rehabilitation/drilling/development in 2014-2015 ultimately resulted in greater capacity. However, some critical well failures resulted in downtime. Plans to minimize the downtime of each well are continuing to improve. These plans include having qualified personnel readily available and an inventory that meets the needs of our wells. Addition development for our water distribution facilities include, continuing to optimize our current wells, rehabilitate older wells and drill new wells. These items will continue throughout each year in order to make progress towards our goal of using the full permitted volumes. Currently the completion date is underdetermined.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period.
 11,720 acre-feet was used in 2014, during the period from August 2014-July 2015 the use was 11,533 acre-feet.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Several wells were drilled towards the end of 2014. Maintenance and development of all wells continued thereafter with scheduled plans to drill new wells in the remaining months of the year 2015. Similar development activities will take place in late 2015 and into 2016.
- 50 Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable label SNEED SNEED No reports or engineering drawings are submitted for review.

BECEINED

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are continuing to improve. Our new owner, Albemarle Corp., has shown favorable spending and support for expansion. In late 2014 and early 2015 there were some critical well failures that resulted in a reduction in volume from the previous year. However, with great effort we were able to repair these wells and continue working towards our goal. Funding has been approved to continue well rehabilitation and drilling for the remainder of the year, thus production volumes will continue to fluctuate until enough wells can provide flexibility to manage pumping rates at sustainable levels.

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2012-2013 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has 2. the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,670 acre-feet was used in 2012.
- Describe any work in progress and any facility or feature completed to 5. establish use in compliance with permit requirements. In 2012-2013, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2013 and throughout 2014, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.

 Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.
- 6.
- 7.

Market conditions are on an upswing. Drill rig repairs started at the end of 2012 and continued through the 1st and half of the 2nd quarter of 2013. The drill rig has been rebuilt and will continue to drill new production wells during 2013 and 2014.

STATE ENGINEERS OFFICE

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2011-2012 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping.

 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,606 acre-feet was used in 2011.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2011-2012, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2012 and throughout 2013, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Turn over of upper management at the end of 2011 resulted in slower than expected results.

2012 AUG 29 LH 11: 0:



WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- Explain anticipated development of water distribution facilities to serve the 1. place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has 2. the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period. 7 Total of wells 4.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements. In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been 6. submitted for review or recorded pursuant to applicable laws. submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.
- 7.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.

2011 AUG 29 PH 1: 50

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WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period.
 1.524 acre-feet was used in 2009.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production well-drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws. No reports or engineering drawings are submitted for review.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.

Line of the second

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2008-2009 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period.
 10,089 acre-feet was used in 2008.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2008-2009, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2009 and throughout 2010, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 One engineering design change for Chemetall Foote Corp.'s Water Pollution Control Permit was submitted and approved by NDEP in 2009. No other reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products beginning in late-2008, continuing into mid-2009. The result of this was the temporary idling of wells and transfer pumps, employee reduction in force, and budget cuts. Wells normally operated during this time are in recovery from pumping, with occasional pumping needed to exercise the pumping system. 2009 stimulus money, approved in August, is intended to aid this situation, allowing for restarting production wells and new well drilling and/or rehabilitation of older wells.

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918

 Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- 3. What type of mineral is being mined? Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

Who is buying your mineral product and for how long?

Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period.

 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 None have been submitted or recorded.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.
 No known adverse conditions.

BRIAN SANDOVAL Governor

BRADLEY CROWELL Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

Re: Permits 52918, 52919, 52920 and 52921

Dear Ladies and Gentlemen:

Applications for Extension of Time submitted by you and received in this office on September 28, 2017, are being approved; however, an extension of time is only being granted for **ONE YEAR** and not the five years that were requested on the application.

The \$1920.00, receipt 34544 in filing fees in excess of a one year extension will be returned to you under separate cover.

Should you have any questions regarding this matter, please contact me at (775) 684-2828.

Sincerely

Amanda Brownlee P.E.

Water Resource Specialist I

AB/sg Enclosure

BRADLEY CROWELL Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit(s) 52918, 52919, 52920, and 52921

This is to inform you that upon review of the Applications for Extension of Time for Permits 52918, 52919, 52920, and 52921, including attached exhibits, and, considering the grounds raised in the objection by Pure Energy Minerals, Ltd. to the Applications for Extension of Time, the Applications for Extension of Time for filing Proof of Beneficial Use have been granted for ONE YEAR, until September 30, 2018, not the requested 5 years, with the provision that no further extensions will be granted for filing of the Proof of Beneficial Use except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr

cc: Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

Albemarle U.S., Inc.

Parsons, Behle & Latimer (email) (Permits 52919, 52920, and 52921 Only)



ABSTRACT OF TITLE

Please retain this sheet underneath the Summary of Ownership form

PERMIT 52920
PAGE 1 of 1

DEED NO.	GRANTOR	GRANTEE	CFS	AF	Units	FILE UNDER 	# # 	DOCUMENT DESCRIPTION REMARKS	
Foc	Foote Mineral Company	Original Applicants filed 2/9/1989 for mining and domestic purposes Permit Approved 8/30/1993	ဟ	3619.85	0.000	52920 2/9/1989 8/30/1993	Original Application	Application to Appropriate an underground source POD SW/ZNE% Sec. 23, T. 1S., R. 40E., M.D.M.	
	Foote Mineral Company	Cyprus Foote Mineral Company	ı	I	I	10/9/1989	1/19/1989	Cert. of Amend - Corp. Name Chg. State of PA.	
π, I	Foote Mineral Company	Cyprus Foote Mineral Company	S	3619.85	i	10/9/1989	10/5/1989	Cert. of Amend - Corp. Name Chg. State of NV.	
0	Cyprus Foote Mineral Company	Chemetall Foote Corporation	5	3619.85	l	3/12/1999	2/5/1999	G, B & S Deed Water Rights (Corp. Name Chg)	
O	Chemetall Foote Corporation	Rockwood Lithium Inc.	S	3619.85	I	7/8/2014	3/22/2012	Cert. of Amended Corporation Name Change State of DE	
ď	Rockwood Lithium Inc.	Albemarle U.S., Inc.	က	3619.85		10036	202732140	Certificate of Amended Corporation Name Change, State of Delaware	
₹	Albemarle U.S., Inc.	Original Applicant filed Nov 3, 2017 for mining and milling purposes	0.4	290	ı	RFA 87457T 11/3/2017	Application to Change	Application to Change the POD, POU & MOU of a portion of Permit 52920	
₹	Albemarle U.S., Inc.	Original Applicant filed Nov 3, 2017 for mining and milling purposes	1.5	1086	ı	RFA 87462T 11/3/2017	Application to Change	Application to Change the POD, POU & MOU of a portion of Permit 52920	

State of Nevada Division of Water Resources Request for Correspondence and Change of Address

In re	egard to perm	it number(s) 52918, 52919, 52920, 52921, 85746	(0	Check a	pplicable item)
7	Please add (Fill in NE	my name to the mailing list and send copies of all correspondence to the address below: W ADDRESS information only.)			
	Please char (Fill in NE	nge the address for copies to be sent as indicated below: W ADDRESS and OLD ADDRESS information.)			
	I am the pe	ermit holder. Please change my address as indicated below: W ADDRESS and OLD ADDRESS information.)			
<u>NEV</u>	V ADDRESS				
Nam	ie:	Tim O'Connor		-	
Addı	ress:	108 North Minnesota Street			
City,	State, ZIP:	Carson City, NV 89703			
Tele	phone:	775-882-9900			
Emai	il:	paul@legaltnt.com; tim@legaltnt.com			
7	I prefer to receive correspondence by email. By checking this box, I agree to the terms under Consent to Electronic Deliver Documents.				
OLD Name	ADDRESS e:				
Addr	ess:				
City,	State, ZIP:				•
Telep	hone:				
I am t	he:				
V		amed above. (Complete signature below only.)			
	Agent (Com	plete signature, name and address below.)	JATE	6.7	
	Representation	ve (Complete signature, name and address below.)	ELI ELI	VON LIE	
This fo	orm accuratel	y reflects the mailing address for the permit holder or other individual identified above.	Encline	Y 15	•
Signat	ture:		ŕ.		· · ·
Name	:	Tim O'Connor	Ω c <u>·</u>	<u> </u>	
Addre	ss:	108 North Minnesota Street	5	<u>c</u>	
City, S	State, ZIP:	Carson City, NV 89703			
Teleph	ione:	775-882-9900			
Email:		paul@legaltnt.com; tim@legaltnt.com			
V	Documents.	eive correspondence by email. By checking this box, I agree to the terms under Consent to I	Electron		

Page 1 Subtotals

	SUMMA		STATE OF NEVADA DIVISION OF WATER RESOURCES READ OF OWN DIVISION OF WATER RESOURCES	STATE OF NEVADA DIVISION OF WATER RESOURCES READ OF OWNERSHIP	SHIP		
PERMIT: 52920 CERTIFICATE:	USE: ISSUED:	MM	CFS: 5		DUTY: 3619.85 DUTY:	Page 1 of 1 AF AF	
REVIEW 7/18/2014 DATE: 7/18/2014	BY: SLC	S	UPPLEMENT	AL TO: 44251 thru = 20,000 AF	44261, 44267 thru 44;	SUPPLEMENTAL TO: 44251 thru 44261, 44267 thru 44270, 49988, 52918 thru 52921 TCD = 20,000 AFA	
UPDATE: 11/30/2017 Owner	BY: DZ CFS	– DUTY AF	STINO	CHANGED BY STATUS	REFERENCED DOCUMENTS	DESCRIPTION	
Albemarle U.S., Inc.	ယ	3619.85	1				
Albemarle U.S., Inc.	l		o	87057T RFA			
Albemarle U.S., Inc.	l	1	0	87062T RFA			
GRAND TOTALS	TALS 5	3619.85					



JASON KING, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811

http://water.nv.gov December 4, 2017

VIA EMAIL

Parsons, Behle & Latimer Mr. Ross De Lipkau 50 W Liberty, Suite 750 Reno, NV 89501

RE: Water Rights Title

Mr. De Lipkau:

Please be advised that your *Reports of Conveyance* received on August 2, 2017, are hereby confirmed to update ownership of water rights and applications as listed in the table below. These water rights are now in the name of **ALBEMARLE U.S.**, **INC.** Details of the permits, including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	cfs	Duty (afa)	Acres/Units
10036/2627	0.334		
15847/4838	0.530		
24382/7234	1.000	723.95	
44248	1.000	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.000	723.97	
44252/12771	0.430	311.30	
44253/12772	0.840	608.13	
44255/12773	0.390	282.35	
44256/12774	0.220	159.27	
44257/12775	0.350	253.39	
44258/12776	0.270	195.47	
44260/12777	0.200	144.79	
44261/12778	0.220	159.27	
44267/12779	0.440	318.50	
44268/12780	0.462	334.47	
44269/12781	0.260	188.23	
44270/12782	1.000	723.97	
49805/14655	0.130	20.16	
49988/14295	2.000	1448.00	

Parsons Behle & Latimer Mr. Ross De Lipkau Permit 10036+ December 4, 2017 Page 2 of 2

52917	1.000	21.63	
52918	5.000	3619.85	
52919	3.000	2171.91	87053T por. change
52920	5.000	3619.85	
52921	5.000	3619.85	
85746			
86951T			
86952T			
87053T	2.000	1447.94	

Also be advised that the confirmation of your Report of Conveyance does not guarantee that the water right is in good standing with the office of the State Engineer; the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and, this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right. See NRS 533.386(2)(a)-(b).

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, call (775) 684-2829.

Sincerely,

Dan Zampirro

Engineering Technician III

Dan Zampirno

DZ/arp

cc:

Albemarle U.S., Inc.

No. 529		Date Filed	FEB 0	9 1989				
Index	ed under					Well	Log NO Co	5 <u>6</u> 7
lame of applicant		\geq						
Vlap		E	Basin (L	AYTON V	ALLEY			
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Township 25.	Range 39 E					Cou	inty ESMER	ALDA
oint of diversion	SW 1/4NE 1/	4 Section	10					
Applicant	OOTE MIN	ERAL (OMPANY					
ource of Water	•							
Returned for corre	ction			Abrogate	ed by			
Corrected applicat	ion received							
Map filed 12/8	81 UNDER	44251	(POD	on sheet	420F5)			
Sent for publicatio	n MAR	1 1989	•					
Proof of publication	A F	PR 101	989					
investigated on gro	ound by							
Protested					· · · · · · · · · · · · · · · · · · ·			
Approved ()) Denied	g.30,1°	193	5.	OCFs -	mirui	ng , don	nestic_	
N	PROOF COMMENC			OOF OF PLETION	PROO BENEFIC		CULTURAI	L MAP
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DIVISION OF WATER RESOURCES

CARSON CITY, NEVADA

TRANSMITTAL OF COPIES

Date FEB 2 4 1988

The following xerox copies were forwarded to the Las Vegas Branch Office, Division of Water Resources, this date: Application Amended Application Map Publication Ready for Action Card Permit Final Notice Final Notice Proof of Completion Extension of Time Proof of Beneficial Use Cultural Map Extension of Time Cultural Map Certificate Assignment Sheet 1-28-926+ Cancellation

THIS SHEET TO BE KEPT AT THE TOP OF THIS FILE FOR EASY REFERENCE

Form 22 (Rev. 12-88)

SE ROA 665

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office	FEB 0 9 1989
Map filed	DEC 08, 1981 under 44251
The applicant FOULE MINER	RAL COMPANY
Street and No. or P.O. Box No.	of Silver Peak City or Town
Nevada 89047 State and Zip Code No.	, hereby make application for permission to appropriate the public
waters of the State of Nevada, as hereinal	fter stated. (If applicant is a corporation, give date and place of incorporation; if a
copartnership or association, give names	s of members.)
Incorporated in the State o	f Pennsylvania on September 30, 1964.
1. The source of the proposed appropri	Name of stream, lake, spring, underground or other source
2. The amount of water applied for is	5.0 cfs One second-foot equals 448.83 gals, per min. second-feet
(a) It stored in reservoir give numbe	r of acre-feet
3. The water to be used for Mini	ing and domestic purposes. Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:	
(a) Irrigation, state number of acres	to be irrigated
(b) Stockwater, state number and kine	ds of animals to be watered
	No. 12. Remarks'')
(d) Power:	
(1) Horsepower developed	
	eam
5. The water is to be diverted from its so	
Township 2 South, Range 3	Describe as being within a 40-acre subdivision of public
corner of Section 22, Tow	nship 2 South, Range 39 Fast, MDR&M bears South
6. Place of use Refer to Ex	of 14,223 feet. hibit "A" attached hereto.
[Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7 Il January 1	December 21
	and end about. December 31
	er the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or stor	rage works.) Drilled and cased well, distribution, system. State manner in which water is to be diverted, i.e. diversion structure, dictibes and
delivery to evaporation po	
Estimated cost of works \$30.	.000





Estimated time required to construct we	_{vorks} Five years	
***************************************	If well completed, describe works.	
11. Estimated time required to complete the	e application of water to beneficial use Ten years	
 Remarks: For use other than irrigation consumptive use. 	on or stock watering, state number and type of units to be served or a	annual
The brine pump pursuant to the which includes the point of a pursuant to the Mining Laws a solution is pumped to evapora dehydrated solution. This wa	this application contains the mineral, lithium. The diversion and place of use is appurtenant is located of 1872, as found in 30 USC Sec 22, et seq. The bation ponds, where the lithium is recovered from the tater right will be utilized in conjunction with other map on file under Permit 44262.	he ar ted brine
***************************************	/s/ Ross E. de Lipkau	
	By Ross E. de Lipkau P.O. Box 2790	
Compared kh/ ps ab/se	Reno, Nv 89505	
Protested		
		•
APPRO	OVAT.	
	OF STATE ENGINEER	
This is to certify that I have examined the limitations and conditions:	foregoing application, and do hereby grant the same, subject to the following	owng
laced to beneficial use. It easonable lowering of the stat wo (2) inch opening for measuriust be installed and maintain estalled and maintained in the curate measurements must be kept eter must be installed before completion of Work is filed. This permit does not extendic, private or corporate lands The total combined duty of we estificate 12771; 44253, Certificate 12774; 44257, vater under Permits 44251, Certificate 12770; 44252 ficate 12772; 44255, Certificate 12773; 44256 ficate 12775; 44258, Certificate 12776; 44260	ly a a a ve be nd ng of on 2, 6, 0,	
	be limited to the amount which can be applied to beneficial use, and no	t to
exceed 5.0		•••••
acre-feet annually.		
	gence and be completed on or before	
	or before September 30, 1995	
	made on or before	
	use shall be filed on or before September 30, 1998	••••••
Map in support of proof of beneficial use shall		
Completion of work filed		E.
Proof of beneficial use filed	State Engineer of Nevada, have hereunto set my hand and the seal of r	
Cultural map filed	office, this. 30th day of August	····,
Certificate NoIssued	A D 19 93 / /	_
_	State Engineer	-
(O)-5314 (Rev.)	'	

Page 2 52921

(PERMIT TERMS CONTINUED)

Certificate 12777; 44261, Certificate 12778; 44267, Certificate 12779; 44268, Certificate 12780; 44269, Certificate 12781; 44270, Certificate 12782, 49988, 52918, 52919, 52920 and 52921 shall not exceed 17.86 million gallons per day or 20,000 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 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.

EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 23 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

* On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1983 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

	THIS SPACE FOR OFFICE USE ONLY	
	Date of filing in State Engineer's Office. FEB 0.9.1989	
	Returned to applicant for correction.	
	Corrected application filed	er 44251
The	e applicantFOOTE MINERAL COMPANY	

Nev	vada 89047, hereby make s application for permission t	
	State and Zip Code No. public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date	
	orporation; if a copartnership or association give names of members.)	-
·IICC	Incorporated in the State of Pennsylvania on September 30, 1964.	
*****	incorporated in the State of Femisylvania on September 30, 1704.	
	The source of the proposed appropriation is. Name of stream, lake, spring, underground or other source.	· ••••
2.	The amount of water applied for is. 5.0 cfs One second foot equals 448.83 gallons per minute.	second feet.
	(a) If stored in reservoir give number of acre-feet.	••••
3.	The water to be used for mining and domestic purposes. Irrigation, power, mining, commercial, domestic or other use. Must limit to one major	
4.	If use is for:	use.
	(a) Irrigation, state number of acres to be irrigated:	·····
	(b) Stockwater, state number and kind of animals:	•
	(c) Other use (describe fully under "No. 12. Remarks")	•
	(d) Power:	
	(1) Horsepower developed	
		DA 670

5.	The water is to be diverted from its source at the following point. WILLIII the Sw2 NE2 Section 10 Describe as being within a 40-acre subdivision of public
	Township 2 South, Range 39 East, MDB&M, at a point from which the southwest survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
	corner of Section 22, Township 2 South, Range 39 East, MDB&M bears South 13°27'53"
	West a distance of 14,223 feet.
6.	Place of use Refer to Exhibit "A" attached hereto. Describe by legal subdivision. If on unsurveyed land, it should be so stated.
	Use will begin about January 1 and end about December 31 of each year. Month and Day Month and Day
8.	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 and cased well, distribution State manner in which water is to be diverted, i.e. diversion structure,
	system, delivery to evaporation ponds. ditches and flumes, drilled well with pump and motor, etc.
9.	Estimated cost of works \$30,000
10.	Estimated time required to construct works. Five years If well completed, describe works.
11.	Estimated time required to complete the application of water to beneficial useTen years
12.	Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.
	The brine pump pursuant to this application contains the mineral, lithium. The
	area which includes the point of diversion and place of use is appurtenant is
	located pursuant to the Mining Laws of 1872, as found in 30 USC Sec 22 et seq.
	The brine solution is pumped to evaporation ponds, where the lithium is recovered
	from the dehydrated solution. This water right will be utilized in conjunction
	with others held by the applicant. Use map on file under Permit 44252.
	By Walter applicant or down
	SE: 67 6- 833 68. Ross E. de Lipkau
	PLICATION MUST BE SIGNED Reno, NV 89505 City, State, Zip Code No.
	ony, ourte, any outer to.

2888 (Rev. 4-82) SE ROA 671

EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 23 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

* On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1983 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.



PETER G. MORROS, P.E.
State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex
201 S. Fall Street
Carson City, Nevada 89710
(702) 885-4380
March 6, 1989

RE: 52918 through 52921

Governor

Foote Mineral Company Silver Peak, Nevada 89047

Ladies and Gentlemen:

The above referenced applications to appropriate water for mining, and domestic purposes have been reviewed by this office. Before further consideration can be given towards the issuance of any permit should the applications become ready-for-action, it will be necessary for you to submit additional justification data and information concerning the annual consumptive use of water for mining and milling purposes under your applications. Therefore, the following information is hereby requested (please answer all applicable items):

- 1. The number of hours per day and days per year of plant operation that water will be consumed.
- 2. The number of tons of ore to be processed on a daily basis.
- 3. The amount of water in gallons per ton of ore required by your plant operation.
- 4. Accurate description of all plant operation components utilizing water along with the hourly/daily volume of water (i.e. gallons per hour) required for each component.
- 5. Minimum total volume of water required for plant operations on a daily basis.
- Total annual volume of water calculated to be recycled or the % Recycle Factor of Item (5) above, and description of recycling method(s).
- 7. Projected total annual consumptive use, including plant losses, dust control and domestic use.

Page 2 RE: 52918 through 52921

March 6, 1989

Your earliest response would be greatly appreciated. Should you have any questions regarding this matter, please contact this office.

Sincerely,

Wrong sean defler Diana Jean Lefler Hydraulic Engineer II

DJL/kh

Certified Mail No. P 965 007 659

cc: Ross E. de Lipkau, Certified Mail No. P 965 007 660

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

RE: 44249 et al

May 4, 1989

Lee T. Gaskins
Cyprus Minerals Company
Property Management Department
P.O. Box 3299
Englewood, CO 80155

Subject: Copies of Foote Mineral Company's water right files.

Dear Mr. Gaskins:

Enclosed are the remaining copies you requested of Foote Mineral Company's water right files; numbers 44249, 44252, 44253, 44255 thru 44269, 49993 and 52917 thru 52921.

Permit 44250 was unavailable at the time of copying and will be forwarded to you in the near future. We are charging you the copying fees for 44250 at this time.

The fees for the copies of the above referenced permits and applications are broken down as follows:

There are a total of 525 copies representing 25 files. The charge for the first ten pages of each file is \$5.50, equaling \$137.50 for 25 files. The charge for the remaining 275 pages is \$0.06 each, equaling \$16.50. The total amount due is \$154.00. The billing statement is enclosed.

If you have any questions please contact this office.

Sincerely,

Kris A. B. Stenz

Engineering Technician IV

KABS/pas

Enclosure

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710

June 26, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Gentlemen:

The referenced ready for action applications have once again been reviewed and to date this office has not received the required information requested in our last letter of March 6, 1989, a copy of which is enclosed. Justification of consumptive use is imperative before further consideration can be given to the issuance of any permit.

Further action will be withheld on these applications for a period of thirty (30) days from the date of this letter. At that time, we will assume you are no longer interested in pursuing these applications and appropriate actions will be considered for their denial.

Should you so desire, NRS 533.370, Subsection 2.(a) provides "Action can be postponed by the state engineer upon written authorization to do so by the applicant..." This office would require a written authorization from the applicant to the State Engineer requesting postponement of further action for a period of up to one year.

Should you have any questions regarding this matter, please contact this office.

Sincerely,

Diana Jean Lefler

Hydraulic Engineer II

DJL/jm

Certified Mail No. P 179 142 879

Enclosure

cc: Ross E. deLipkau

Certified Mail No. P 179 142 830

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

July 17, 1989

WITH OFFICES IN:

DENVER, COLORADO Sherman & Howard 3000 FIRST INTERSTATE TOWER NORTH 633 SEVENTEENTH STREET DENVER. COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 2 SOUTH ULSTER STREET DENVER, COLORADO 80237

TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

COLORADO SPRINGS, COLORADO

SUITE 500, ALANO CORPORATE CENTER 102 SOUTH TEJON COLORADO SPRINOS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

TELEPHONE: 702 323-1601 TELECOPIER: 702 348-7250 6971967

ROSS E. DELIPKAU

Ms. Diana Jean Lefler ydraulic Engineer II Division of Water Resources 201 South Fall Street Carson City, Nevada 89710

Re: Applications 52918-52921, Inclusive

Dear Ms. Lefler:

This is to acknowledge receipt of your letter dated June 26, Pursuant to NRS 533.370(2)(a), request is hereby made that you postpone action on the above referred to applications for a period of one year.

Should you wish to discuss the matter, please contact me.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

REd/lbe 33593.003

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex
201 S. Fall Street
Carson City, Nevada 89710

August 8, 1989

RE: 52918 thru 52921

Foote Mineral Company Silver Peak Nevada 89047

Ladies & Gentlemen:

As requested on your behalf by agent Ross E. deLipkau, and pursuant to NRS 533.370, 2(a), a one-year postponement of further action from the date of this certified letter is hereby granted for Application No.'s 52918 through 52921, inclusive.

Sincerely,

Diana Jean Lefler Hydraulic Engineer II

Diaa fran Lifter

Certified Mail No. P 965 008 306 cc: Ross E. deLipkau

DJL/jm

Certified Mail No. P 965 008 307

SE ROA 678

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

WITH OFFICES IN:

denver, colorado Sherman & Howard

3000 PIRST INTERSTATE TOWER NORTH 633 SEVENTEENTH STREET DENVER, COLORADO 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET PARKWAY DENVER, COLORADO 80237

> TELEPHONE 303 779-9494 TELECOPIER 303 779-8480

August 24, 1989

COLORADO SPRINGS, COLORADO

SUITE 500, ALANO CORPORATE CENTER
102 SOUTH TEJON
COLORADO SPRINGS, COLORADO 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4576

Ross E. deLipkau

TELEPHONE: 702 323-1801

TELECOPIER: 702 348-7250
TELEX: 6971967

Honorable Peter Morros Nevada State Engineer 201 South Fall Street Carson City, Nevada 89710

Re: Foote Mineral Company; Application Nos. 52917-52921

Dear Mr. Morros:

This is to confirm our conversation of August 23, 1989. Under Item 12, entitled "Remarks", I wish to make it quite clear that the four above-entitled applications seek to appropriate new water, and are not to be included within the annual limitation of 16,800 acre feet annually as permitted in Permit Nos. 44251-44270, inclusive, and Permit Nos. 49988-49996, inclusive.

Should you, or other members of your staff have any questions, please call.

Very truly yours,

HILL CASSAS de LIPKAU AND ERWIN

Ross E. de Lipkau

RED/kb

Hill Cassas deLipkau and Erwin

A PARTNER IN

SUITE 300 HOLCOMB PROFESSIONAL CENTER 333 HOLCOMB AVENUE POST OFFICE BOX 2790 RENO, NEVADA 89505

Sherman & Howard

WITH OFFICES IN:

DENVER, COLORADO

Sherman & Howard 3000 first interstate tower north 633 seventeenth street denver, colorado 80202

TELEPHONE 303 297-2900 TELECOPIER 303 298-0940

SUITE 700, STANFORD PLACE 3 4582 SOUTH ULSTER STREET DENVER, COLORADO 80237

TELEPHONE 303 778-8484 TELECOPIER 303 778-8480

COLORADO SPRINGS, COLORADO

Suite 500, Alamo corporate center 102 South Tejon Colorado Springs, Colorado 80903

TELEPHONE 719 475-2440 TELECOPIER 719 635-4376

TELEPHONE: 702 323-1601 TELECOPIER: 702 348-7250 TELEX: 6971967

September 14, 1989

Ross E. deLipkau

Ms. Marilyn Meyer Division of Water Resources 201 South Fall Street Carson City, Nevada 89710

> Re: Clayton Valley Groundwater Basin (10-143) Applications 52918-52921, Inclusive

Dear Marilyn:

Enclosed herewith is our check in the amount of \$4.00 to cover the groundwater abstract. I note that Applications 52918-52921, inclusive, do not contain an annual duty set forth under that column. It is the intention of the applicant, as affirmed by my letter of August 24, 1989, that the applications seek to appropriate "new water" as contrasted to being supplemental to the other permits held by permittee. Accordingly, would you kindly change your records to reflect a duty of 3618.97 acre-feet annually for each application.

If you have any questions, please advise.

Very truly yours,

HILL CASSAS de LIPKAU and ERWIN

By Ross E. de Lipkan

REd/lbe Enclosure 33593,003

PETER G. MORROS State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 201 S. Fall Street Carson City, Nevada 89710 (702) 885-4380

February 13, 1990

52918, 52919, 52920, 52921

Ross E. deLipkau

Hill, Cassas, deLipkau & Erwin P.O. Box 2790 Reno, NV 89505

Dear Mr. deLipkau:

In a letter dated September 14, 1989 you advised this office that applications 52918, 52919 52920 and 52921 in the name of Foote Mineral Company were filed to appropriate additional water than previously appropriated by the applicant. This office has incorporated that information into the record on the above referenced applications and will review the applications as requests for additional appropriation at the described locations.

If you have any questions on this matter, feel free to call me.

Sincerely,

Christine Thiel, P.E.

Chief, Office Engineering Section

CT/bc

cc: Foote Mineral Company

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

OFFICE MEMORANDUM

Date:

To: 5-29/80-22

Action on above application

A court case is on young between Foute on The U.S Government in regard to some of the mining claims in which the place of use of the above applications coner. A letter date 8ths 89 allowed postponement for taking action.

R. MICHAEL TURNIPSEED, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 (702) 687-4380

October 10, 1991

RE: Foote Mineral Company

Ross deLipkau Hill Cassas deLipkau & Irwin P.O. Box 2790 Reno, NV 89505

Dear Mr. deLipkau:

This will acknowledge receipt of the 2 certified copies of Certificate of Amendments changing the name of Foote Mineral Co. to Cyprus Foote Mineral Company.

Before an assignment of water rights can be completed we require statutory filing fees in the amount of \$410.00 be submitted to this office.

All documents and fees that have been submitted will be held for 30 days awaiting a response from you.

If you have any questions please contact this office at (702) 687-4381.

Sincerely,

Rich Robinson

Engineering Technician III

RR/js

cc: Cyprus Foote Mineral Co. Silver Peak Operations



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 (702) 687-4380

December 20, 1991

RE: Water Rights Assignment

Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, NV 89047 Attn: C.B. Loundagin

Dear Mr. Loundagin:

Please be advised that the attached list of water rights have been assigned to show Cyprus Foote Mineral Co. as current owner of record.

This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions please contact this office.

Sincerely,

Rich Robinson

Engineering Technician III

RR/js

cc: Ross De Lipkau

S'ATUS REPURT

PERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	A C.
10036	Cyrpus Foote Mineral Company	Cert #2627	0.334		ММ
15847	Cyprus Foote Mineral Company	Cert #4838	0.530		MM
24382	Cyprus Foote Mineral Company	Cert #7234	1.0	235.9 MGA	
44248	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
44249	Cyprus Foote Mineral Company	Abr. By 4980	5 1.0	6.57 MGA	OM
44250	Cyprus Foote Mineral Company	Cert #11268	0.003	100 Cattle	Stk
44251	Cyprus Foote Mineral Company	Cert #12770	1.0	723.97	MM
44252	Cyprus Foote Mineral Company	Cert #12771	0.430	311.3 AFA	MM
44253	Cyprus Foote Mineral Company	Cert #12772	0.84		
44254	Cyprus Foote Mineral Company	Permit	1.5	608.13 AFA	
44255	Cyprus Foote Mineral Company	Cert #12773	0.39	1086.0 AFA	
44256	Cyprus Foote Mineral Company	Cert #12774	0.22	282.35 AFA	
14257	Cyprus Foote Mineral Company	Cert #12775	0.35	159.27 AFA	
14258	Cyprus Foote Mineral Company	Cert #12776	0.27	253.39 AFA	
14259	Cyprus Foote Mineral Company	Abr. By 49990		195.47 AFA	MM
:42	Cyprus Foote Mineral Company	Cert #12777	0.20	1086.0 AFA	MM
4261	Cyprus Foote Mineral Company	Cert #12778	0.22	144.79 AFA 159.27 AFA	MM
4262	Cyprus Foote Mineral Company	Abr. By 49995 Abr. By 49996	1.5	1086.0 AFA	MM
4263	Cyprus Foote Mineral Company	Abr. By 49992 Abr. By 49993			MM
4264	Cyprus Foote Mineral Company	Abr. By 49989	1.5	1086.0 AFA	MM
4265	Cyprus Foote Mineral Company		1.5	1086.0 AFA	MM
4266	Cyprus Foote Mineral Company	Abr. By 49994 Abr. By 49991	1.5	1086.0 AFA	MM
1267	Cyprus Foote Mineral Company	Cert #12779	0.44	1086.0 AFA	ММ
1268	Cyprus Foote Mineral Company	Cert #12779	· · · · · · · · · · · · · · · · · · ·	318.5 AFA	MM
		GELC #12/00	0.462	334.47 AFA	MM
		TOTALS			
			S	E ROA 685	

STATUS REPORT

ERMIT	OWNER OF RECORD	STATUS	CFS	DUTY	A C.
14269	Cyrpus Foote Mineral Company	Cert #12781	0.26	188.23 AFA	ММ
14270	Cyprus Foote Mineral Company	Cert #12782	1.0	723.97 AFA	
19805	Cyprus Foote Mineral Company	Permit	1.0	6.57 MGA	QM
9988	Cyprus Foote Mineral Company	Permit	2.0	1448.0 AFA	
9989	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	MM
9990	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	MM ·
9991	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	ММ
9992	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	MM
9993	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	MM
9994	Cyprus Foote Mineral Company	Permit	1.5	1086.0 AFA	Mrs
9995	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	мм
9996	Cyprus Foote Mineral Company	Permit	0.75	543.0 AFA	ММ
917	Cyprus Foote Mineral Company	RFA	2.0		QM
:918	Cyprus Foote Mineral Company	RFA	5.0		MM
919	Cyrpus Foote Mineral Company	RFA	5.0		MM
920	Cyprus Foote Mineral Company	RFA	5.0		MM
921	Cyprus Foote Mineral Company	RFA	5.0		MM
		·			
		TOTALS			
			s	ROA 686	

PERMIT TERMS SHEET

a.	APPLICATION NO. 52921	i.	Status of Basin:	Desig.	Non-Desig.
b.	Ready for Action May 6, 1989	j.	Basin Name	auten	Vallow
c.	Source Underground		Basin Number	/	/
d.	Amount <u>570 css</u>		Reviewed: Office		
e.	No. of Units, Cattle, Acres, etc.		7-30-93 B		
	· · · · · · · · · · · · · · · · · · ·		Reviewed: Ground	water Er	naineer
f.	Manner of Use Mining and Demostic		3070293 B		
g.	Period of Use		Reviewed: Surface	e Water	Engineer
h.	The state of the s		_	_	
11.	Fees			PER	CER
_Off	ice Notes:			44251	12770
				44252	12771
				44253	12772
				44255	12773
D				44256	12774
ren	mit Plat Filed	Supp	lemental to:	44257 44258	12775
***	*************	****	*****	44260	12776
_				44 261	12777
Peri	mit terms: AG			44267	12778
	<i>~</i>			44268	12779
	5(2)			44 269	12780
	5(c)		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	44270	12731 12762
					12/02
				49988	PERMIT
	17,86 million gallos per	1			
		•		52918	RFA
	01 25,500 Acre - Si	-7	man en they	52919	RFA _
				52920	RFA
	5 (10) B			52921	RFA
	5/11)			Typ' To y what when y	RFA
	amount of water to be appropriated shall		Completion _		
	ited to the amount which can be applied to				
Deile	eficial use, and not to exceed	•	PBU		, ,
	570 cubic feet per second, but	•	Cultural Map		
	101 70 Except 3219.85		Date: <u>7-28-93</u>		
	Mere- Feet manally		By: <u>56604</u>		
rorm	17 sed 3/84		The same of the sa		

SE ROA 687



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane

Carson City, Nevada 89710

Re: 52918 through 52921 (702) 687-4380

August 31, 1993

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak, NV 89407

Dear Gentlemen:

Enclosed herewith you will find Permits Nos. 52918 through 52921 for the waters of an underground source.

You are advised that if the various proofs thereunder, together with any map which may be required, are not filed in this office prior to the dates set for such filings, the permits will be subject to cancellation. For your assistance a sheet is enclosed which will advise you of the requirements to fulfill the terms of your permits.

Sincerely,

R. Michael Turnipseed, P.E.

State Engineer

RMT/ab

Enclosures

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

SEP 1 3 1995 STATE ENGINEER'S OFFICE

APPLICATION FOR EXTENSION OF TIME

•	Owner of Record	Cyprus Foote F	Mineral Comp	any		
	In the Matter of Permit	No. 52921	FILED TO A	PPROPRIATE /	CHANGE THE WAT	ers of
	ge de son son sel over couver side for the superficiel t	Underground So	ource	محافظة فينها جميد جميد وسيل جو جميد		
	THIS APPLICATION IS RESPECTFULLY		ing, underground or o	rther source)		
	Comes nowMichael Hard	ly Signing Application	, tho	Agent	Permittee or Agent	*******************************
.	under Permit No52921 following questions in compliance w					knowledge the
	1. If this permit has multiple owner YES NO (Check the		an extension of	time submitte	ed on behalf of all t	he owners?
	2. If "NO", on whose behalf is this	s extension being filed	<u> Cyprus F</u>	oote Miner	al Company	
	3. How much time is needed to finis	sh this project? 1	Year Complet	ion of Wor	k	10 1 D
	4. To date, what is the total expendi	iture on this project?	\$170,000	*· ···		
	5. In order to complete this project	as set forth in the per	mit terms, wha	t additional fi	unds will be spent?.	\$1,400,000
	6. The permittee requests an extensi	on of time for 1 3	year (Name)	wad I wast	within w	nich to comply
	with the provisions for filing the	Pro	oof of Compl	etion of W	ork	\$33,02,07,07,07,00,00,00,00,00,00,00,00,00,00,
	7. Explain in detail why this request See Attachment "A"		•		•	necessary):
						9-1
				m 2.	11001	1
					Permittee de Agent	
	Subscribed and sworn to before me the		Address	. 0. Box 9	8, Silver Peak	, NV 8904/
	<u> </u>		****		lly, State, Zlp Code No.)4 pag pagaga oog 900 8 900 8 9 9 9
	Manlyn & B	<u> </u>	Phone7	02-937-222	2, ext. 226	*******************************
	Notary Public in and for the County	of Com Malifa	A.		OFFICIAL SEAL RILYN E. COLE PUBLIC - STATE OF NEVADA	
	State of Alabadadk			ESME	RINCIPAL OFFICE IN RALDA COUNTY, NEVADA Dintment expires Apr. 2, 1996	
-	My commission expires Application	<u> </u>			and the same of th	



Cyprus Foote Mineral Company Silver Peak Operations, Hwy. 265 Silver Peak, Nevada 89047 (702) 937-2222 FAX (702) 937-2250

ATTACHMENT "A"

1. Permittee is actively constructing an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant is scheduled for the second quarter of 1996. Due to the large capital expenditure incurred for this plant expansion, the \$1,400,000 production drilling program has tentatively been rescheduled to begin the second quarter of 1996. To date, \$170,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work of aforementioned permits.



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane

In reply refer to No.

52919, 52920, 52921

Carson City, Nevada 89710 November 13, 1995 Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

Cyprus Foote Mineral Company Silver Peak Operations Hwy 265 Silver Peak NV 89047

This is to inform you that Application for Extension of Time

has been granted to		, 19	
for filing of the	***************************************		
-			

has been granted to	September 30	, 19	96
with the provision that no further ex	tensions will be granted		
for filing of the Proof of Co	ompletion of Work	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	********

except for good cause shown as prov	nded under NRS 533.390 and 533	.410.	

Sincerely,

Christine Thiel, P.E.

Deputy State Engineer

CT/cmg

cc: Michael Hardy

Ross de Lipkau

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex

Carson City, Nevada 89710 October 3. 1996 Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

In reply refer to

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy. 265 Silver Peak. NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work

on or before September 30, 1996

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours

State Engineer

RMT/cmm

CERTIFIED MAIL NO. Z 703 059 206

cc: Ross de Lipkau, Cert. Mail #Z 703 059 207

Michael Hardy, Cert. Mail #Z 703 059 208

Southern Nevada Branch Office

Enclosures: Proof of Completion of Work forms

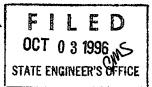
Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50.

Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



	Owner of Record Cyprus Foote Mineral Company	***************************************			
	IN THE MATTER OF PERMIT No52921 Underground Source (Name of stream, lake, spring, un	FILED TO APPROPRIATE / CHANGE THE WATERS OF			
This Application Is Respectfully Submitted.					
	Comes now Michael Hardy Person Signing Application	the Agent Permittee or Agent			
	under Permit No52921, who after being first de following questions in compliance with the requirements as se				
	1. If this permit has multiple owners, is this request for an ex \[\sum \text{YES} \square \text{XX} \text{ NO} (Check the Appropriate Box) \]	tension of time submitted on behalf of all the owners?			
	2. If "NO", on whose behalf is this extension being filed?	yprus Foote Mineral Company			
	3. How much time is needed to finish this project? 1 year	completion of work			
	4. To date, what is the total expenditure on this project?\$50	0,000			
	5. In order to complete this project as set forth in the permit	terms, what additional funds will be spent?\$1.070.000			
	6. The permittee requests an extension of time for 1 Year	(Not to exceed I year) within which to comply			
	with the provisions for filing the Proof of completio	on of work and beneficial use of completion of work and/or proof of beneficial use)			
	7. Explain in detail why this request for an extension of time See Attachment "A"				
		Signed Permittee or Agent			
	Subscribed and sworn to before me this Alay of	Address PO Box 98 Street No. oz-P.O. Box No.			
	September 1996	Silver Peak, NV 89047 City, State, Zip Code No.			
	September 1996. Marlya & Cole	Phone (702) 937-2222 ext. 226			
	Notary Public in and for the County of Espenaldk,	OFFICIAL SEAL			
	State of Dela Calle	MARILYN E. COLE NOTARY PUBLIC - NEVADA PRINCIPAL OFFICE IN			
	My commission expires Of 02, 19 2000	No. 92-0903-7 My Comm. Exp. Apr. 2, 2000			

In 10-3-4

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT.

Photo-copy
original in File No. 52918

ATTACHMENT "A"

1. Permittee has just recently completed an \$11,000,000 plant expansion which includes a new manufacturing process. Completion and startup of the new plant began the second quarter of 1996. The \$1,400,000 production drilling program is currently under way with the first of several water wells completed in mid September. We are scheduled to start test pumping this first well as early as next week. To date, \$500,000 has been invested in the completion of work for the following permits: 52918, 52919, 52920, 52921.

Based upon the foregoing, it is respectfully requested that the State Engineer exercise his statutory authority and grant an extension of time for one year within which to file for Completion of Work and Beneficial Use of aforementioned permits.

in reply refer to

No.

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

Capitol Complex 123 W. Nye Lane Carson City, Nevada 89710 October 4, 1996

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

Cyprus Foote Mineral Company P.O. Box 98, Highway 265 Silver Peak, NV 89047

52918, 52919,

52920, 52921

	This is to inform you that Application for Extension of Tin	ne
	has been granted to	19
	for filing of the	
	•	***************************************
:		
	has been granted to September	30 ₁₉ 97
	with the provision that no further extensions will be granted	
	for filing of the Proof of Completion of Work	
		•
	•	***********************************
	except for good cause shown as provided under NRS 533.390 a	nd 533.410.
	Sincerely,	
	Christine Thi	el, P.E.
CT/cms	Deputy State Enginee	r i i i i

SE ROA 695

cc:

Ross de Lipkau Michael Hardy

Southern Nevada Branch Office

R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246

Carson City, Nevada 89706-0818

October 2, 1997

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

In reply refer to

52918 thru 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Completion of Work



on or before September 30, 1997

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

State Engineer

RMT/kdg

CERTIFIED MAIL NO.

Z 703 035 689

cc: Ross de Lipkau, Cert. Mail No. Z 703 035 690 Michael Hardy, Cert. Mail No. Z 703 035 691 Southern Nevada Branch Office

Enclosures: Proof of Completion of Work forms

Fee for filing Proof of Completion \$10.

Fee for filing Proof of Beneficial Use \$50.

Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

PROOF OF COMPLETION OF WORK

	Permit No. 52921
	STATE OF Nevada
	COUNTY OF Esmeralda Ss.
	Comes now. Michael Hardy , the Permittee or Agent
	on behalf of Cyprus Foote Mineral , the Permittee, who after being first sworn, deposes
	and says that at least two million dollars (\$.2,000,000) has been expended in
	work or improvements performed or made under the conditions provided in Permit No. 52921 pertaining to
	the completion of said works, and at the expense of the permittee.
	Said improvements consisted of <u>Drilled 20"</u> borehole to 1210 feet. Installed 10 inch . If an underground source, state size and depth of well with casing and make and type of pump and motor.
	nominal casing to 1160 with ful flo louver screen from 850 to 1130 feet.
	Installed Grundfos 80 \$ 200-20 pump assembley with Franklin Ni-Resist 20 Hp
	submersible motor. The flow meter installed is a 4 inch Water Specialty mechanical
120	propeller meter, model ML-03 with total izer in gallons. Serial # 962936-4
	FM-344
	,
	said work being essential to the actual diversion of the water applied for and in the completion of the work required under
	said permit. Said work completed prior to June 1997
	Point of diversion located within the SW 1/4 NE 1/4 Sec. 2, T. 2 (S), R. 40 E., M. D. B. & M.
	WELL DRILLER Layne-Western Co., 275 County Rd. 98, Woodland, CA 95695
D	Name and Address
	WELL LOG FILED Yes
	No 🖾
	Subscribed and sworn to before me this 5 day of Signed Permittee or Agent
	Ustober 1997 Address Po Box 8
	Laudy J. Jewell Silver Peck NV 89047
	City, Sfate, Zip Code No.
	Notary Public in and for the County of June of
	State of JANAGO CANDY J. JEWETT
	My commission expires 10/6 = 3000 Notary public, state of Hevada Nye County, New York
	My Appointment Exp. Oct. 6th, 2000

(Ten dollar filing fee must accompany this proof)

APPLICATION FOR EXTENSION OF TIME

	FILED	
OCT	2 1 1997 P	,

	Owner of Record Cyprus Foote Mineral Company	, 	STATE ENGINEER'S OFFICE		
	IN THE MATTER OF PERMIT NO. 52921	Filed to Appropriate / Change the	e Waters of		
	Underground source (Name of stream, lake, spring, u	underground or other source)			
	THIS APPLICATION IS RESPECTFULLY SUBMITTED.				
	Comes now Michael Hardy Person Signing Application	the Agent Permittee or Agent	gent		
	under Permit No		f their knowledge the		
)	1. If this permit has multiple owners, is this request for an e YES NO (Check the Appropriate Box)	extension of time submitted on behalf of	of all the owners?		
	2. If "NO", on whose behalf is this extension being filed?	Cyprus Foote Mineral Com			
	3. How much time is needed to finish this project?1yea	ır			
4. To date, what is the total expenditure on this project? \$2,000,000					
5. In order to complete this project as set forth in the permit terms, what additional funds will be spent? \$500.00 6. The permittee requests an extension of time for 1 year within which to complete the provisions for filing the proof of beneficial use (Proof of completion of work and/or proof of heneficial use)					
	7. Explain in detail why this request for an extension of time See atachment "A"				
	***************************************	······			
		milm	2		
	-th	Signed Permittee or A	ECOL		
	Subscribed and sworn to before me this. 5 day of	Address P.O. Box Street No. or P.O.	Box No.		
	Vatober 1997 Mandy C. Sevel	Silver Peak, N. 1 City, State, Zip C Phone (702) 937-22	Code No.		
	Notary Public in and for the County of July,	r III III C	AL GEAL		
	State of Jevada	NO. 96- NOTARY PUBLIC, NYE COUN			
	My commission expires / 1/6/ , # 2000	My Appointment	Exp. Oct. 6년 ************************************		

Carl

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

AN APPLICATION MUST BE FILED FOR EACH SEPARATE PERMIT.

SE ROA 698



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818

52918 thru 52921

(702) 687-4380 • Fax (702) 687-6972

April 30, 1998

Michael Hardy P.O. Box 98 Silver Peak, Nevada 89047

Dear Mr. Hardy:

This office received Proofs of Completions for Permits 52918 thru 52921. These proofs are being returned for the following corrections:

The location given on the proofs does not correspond to the location in the permit. Please clarify which one goes with which permit, etc., and refile the amended documents.

The Proofs of Completion are herewith returned and must be resubmitted within thirty (30) days from the date of this letter. If the corrected proofs or applications for extension of time are not received and filed with the State Engineer within thirty (30) days of the date of this notice, your permit may be subject to cancellation.

Very turly yours,

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds

Enclosures

cc: NDWR, Las Vegas

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 thru 52921

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4380

May 19, 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

has been granted to
for filing of the
has been granted to
with the provision that no further extensions will be granted
for filing of theProof-of-Completion-(all-Permits)
except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau

Ross de Lipkau Michael Hardy

MARSHALL HILL CASSAS & de LIPKAU LAWYERS

ROBERT W. MARSHALL EARL M. HILL FRANK CASSAS BOSS E. de LIPKAU JOHN P. FOWLER DAVID S. MCELROY REW R. GOODENOW MICHAEL R. KEALY A. STANYAN PECK

300 HOLCOMB PROFESSIONAL CENTER
333 HOLCOMB AVENUE
P. O. BOX 2790
RENO, NEVADA 89505

TELEPHONE (702) 323-1601

FACSIMILE (702) 348-7250

May 20, 1998

Thomas K. Gallagher, P.E. Division of Water Resources 123 West Nye Lane Carson City, NV 89710

Re: Cyprus Foote / Permits 52918-52921

Dear Tom:

This is to confirm our recent conversation concerning your letter to Mike Hardy dated April 30, 1998. You asked that I supply you with a short history of the water rights appurtenant to and utilized at the lithium plant.

Cyprus Foote, through succession, is the owner/operator of the lithium plant located in Silver Peak, Esmeralda County, Nevada. My knowledge of the project goes back to the early 1970's. At that time, Cyprus Foote was operating under the federal mineral leasing program. It was believed, at least at that time, that lithium was a "leasable" mineral, as contrasted to a "locatable" mineral under the Mining Laws of 1866 and 1877.

In the early 1980's, a dispute arose between the United States and Cyprus Foote regarding royalty payments. The result of that litigation was a finding by the Courts that lithium was a locatable mineral, and not a leasable mineral. During the phase when the parties, including the State Engineer, believed the federal leasing laws were in effect, Cyprus Foote decided and believed that it was not within the jurisdiction of the Nevada State Engineer. A multitude of legal opinions supported that position. However, when lithium was determined to be locatable, we promptly set up a meeting with the then-State Engineer, Roland D. Westergard. It was agreed that Cyprus Foote would file 20 applications to appropriate, basically scattering the wells uniformly or fairly so throughout the thousands of acres included within the mining claims. The annual volume pumped from all wells could not and did not exceed the annual duty. Thereafter, with Peter G. Morros then being State Engineer, certain applications to change were filed

May 20, 1998 Page 2

based upon an increased area of mineral extraction. Cyprus Foote would drill its own wells, pump them for a period of time, abandon them an drill additional wells. The statutory permitting process did not allow for the rapid change in wells -- a condition similar to the several mine dewatering programs authorized by your office.

In order to comply with the water law, Cyprus Foote was directed to file Proofs of Completion of Work upon representative wells or wells fairly close to the points of diversion as reflected on the various permits. Over the course of years, Proofs of Beneficial Use were filed, with the above four permits being the only unperfected rights. The amended Proofs of Completion of Work, which are being refiled, are representative of recently drilled wells as previously agreed to between representatives of your office and Cyprus Foote, and regulate the flow and quality of brine. The amended Proofs of Completion of Work, which are representative of the production wells, are enclosed.

Additionally, and as we discussed, generally Cyprus Foote drills its own wells, pumps them for a matter of months or years, and thereupon abandons them, drilling new wells. The multitude of wells is constantly changing to meet the production needs of Cyprus Foote.

For your information, Steve Brown has worked with Cyprus Foote for many years and is aware of the facts. You may wish to discuss this subject with him.

Many thanks for your assistance.

Very truly yours

Ross E. de Lipkau

Rou E. de Jeplan

REdL/lbe Enclosures 33593.003

AMENDED

PROOF OF COMPLETION OF WORK

Permit No. 52921		FILED
STATE OF Nevada COUNTY OF Esmeralda	ss.	MAY 2 1 1998 STATE ENGINEER'S OFFICE
Comes now Michael Hardy		, the Permittee or Agent
on behalf of <u>Cyprus Foote Mineral</u>		
and says that at least two million	dollars (\$.2.	000,000) has been expended in
work or improvements performed or made unde	er the conditions provided in Permit	No52921, pertaining to
the completion of said works, and at the expens	5. (1) 1일 시간 (1) 1일 1. (1) 후보들이 다른 사람이 있는 사람이 있는 사람이 되었다. (2) 1일 1일 1일 1일 1일 1일 1일 1일 1일 1일 1일 1일 1일	
Said improvements consisted of <u>Drille</u> If an under	방향 2000년 전 그 사람들이 되어 가는 등을 위한다면 하는 그리고 하고 하는 사람들이 들어 되었다.	사람들 이 가면 보다 있어요. 그렇게 보는 것들은 하는 하는 사람들은 하나 하나 이를 가장하면 하셨었다. 살려면 되었습니다.
nominal casing to 1160 with ful	flo louver screen from	850 to 1130 feet.
Installed Grundfos 80 5 200-20 pum	<u>p assembley with Franklin</u>	Ni-Resist 20 Hp
submersible motor. The flow met	er installed is a 4 inch	Water Specialty mechanical
propeller meter, model ML-03 with	h total izer in gallons.	Serial # 962936-4
FM-344		
said work being essential to the actual diversion (of the water applied for and in the co	empletion of the work required under
said permit. Said work completed prior toJul	ne 1997	
Point of diversion located within the <u>SW</u>		
		일하다 살아 그는 이를 심속하는 했다.
WELL DRILLER Layne-Western Co.,	Name and Address	anu, 3. un
WELL LOG FILED Yes □	경영화 그리고 그는 그 전 함께 하였다. 기술하고 있다고 하고 있는 그 전체 교육수	,
No 🗓		1101/
Subscribed and sworn to before me this 5	day of Signed	Permittee or Agont
Uplober 1997	Address Po (Street No. or P.O. Box No.
11 andy J. Jewell	Silver	Peak NV 89047
Notary Public in and for the County of	'se	City, State, Zip Code No.
Dounda (J at	APPLAIN BEAL I
State of 1		CANDY J. JEWETT
My commission expires 10/6/,	# 2000	NOTARY PUBLIC, STATE OF NEVADA NYE COUNTY: NEVADA My Appointment Exp. Oct. 6th, 2000

(Ten dollar filing fee must accompany this proof)



R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (702) 687-4380 • Fax (702) 687-6972

52918 thru 52921

September 22, 1998

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047

Ladies & Gentlemen:

This is to confirm that the Proofs of Completion required under the above-referenced permits were filed in this office on May 21, 1998. Please advise this office of any address or ownership changes. If you have any questions please call me at (702) 687-3861.

Very truly yours

Thomas K. Gallagher, P.E.

Hydraulic Engineer

TKG/ds

cc: NDWR, Las Vegas

Ross de Lipkau

R. MICHAEL TURNIPSEED, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246
Carson City, Nevada 89706-0818
October 2, 1998

Address All Communications to the State Engineer, Division of Water Resources Telephone (702) 687-4381

in reply refer to

52918 through 52921

Cyprus Foote Mineral Co. Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use



on or before September 30, 1998

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours

State Engineer

RMT/kdg

CERTIFIED MAIL NO. Z 559 486 195

cc: Ross de Lipkau, Cert. Mail No. Z 559 486 196 Michael Hardy, Cert. Mail No. Z 559 486 197 Southern Nevada Branch Office

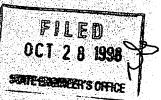
Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corporation
In the Matter of Permit No. 52921 Filed to Appropriate / Change the Waters of
Underground Source (Name of stream, lake, spring, underground or other source)
THIS APPLICATION IS RESPECTFULLY SUBMITTED.
Comes now Patrick R. Fischer the Agent
Person Signing Application Permittee or Agent
under Permit No. 52921 , who after being duly sworn and answering to the best of their knowledge th following questions in compliance with the requirements as set forth in the permit terms:
I. Does this permit have multiple owners? □ YES ᠈图 NO (Check the Appropriate Box)
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the owners? Solution YES INO (Check the Appropriate Box)
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Corporation
4. How much time is needed to finish this project? 1 year
마스트로 하는 것이 되었다. 그는 사람들은 사람들은 사람들은 사람들은 사람들은 사람들이 되었다. 그는 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은
5. To date, what is the total expenditure on this project? <u>in excess of 50 million dollars</u>
6. In order to complete this project as set forth in the permit terms, what additional funds will be spent? 3.5 million
7. The permittee requests an extension of time for 1 year (Not to exceed I year) within which to comply
with the provisions for filing the Proof of beneficial use
(Proof of completion of work and/or proof of beneficial use)
Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary): We have not reached maximum canceless and one allowed the same allowed the same allowed the same and one allowed the same al
We have not reached maximum capacity, and are planning a \$200,000 expansion in 1999.
•
Signed P22
Subscribed and sworn to before me this 37th day of Address Box 60
Street No. or P.O. Box No.
andy City, State, Zip Code No.
Signature of Notary Public Required Phone 702-537-222
Notary Public in and for the County of OFFICIAL SHALL
State of CANDY J. JEWETT No. 96-0422-14
My commission expires. Utoliev 6, 2000 My Appointment Exp. Oct. 6th. 2000 My Appointment Exp. Oct. 6th. 2000 My Appointment Exp. Oct. 6th. 2000
\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMITSE ROA 706
SE ROA 706



Supplier Notification:

We are pleased to announce that on October 13, 1998 Chemetall GmbH completed the acquisition of Cyprus Foote Mineral Company. Reflecting this purchase, our name has been changed to Chemetall Foote Corp. Together with the Lithium Division of Chemetall GmbH Europe, we will become a worldwide operating, fully integrated supplier of base and performance lithium products.

Attached is our updated credit account information document. Please do not hesitate to contact writer should you require any additional information.

Sincerely, Ranhall & Welf

Randall S. Weld Sourcing Manager

Please note:

The following address is to be used for shipping and billing for material ordered from the Silver Peak location.

N	Δ	M	c .
IV	м	IVI	_

Chemetall Foote Corp.

348 Holiday Inn Drive

Kings Mountain, NC 28086

TELEPHONE:

(704) 739-2501

OPERATING LOCATIONS:

Silver Peak, Nevada

Kings Mountain, North Carolina New Johnsonville, Tennessee Santiago and Antofagasta, Chile

DUNS NUMBER:

00-232-9456

INCORPORATED:

July 26, 1916

STATE OF INCORPORATION:

Pennsylvania

IRS IDENTIFICATION NUMBER:

23-0589510



TYPE OF BUSINESS:

Owns and Operates Lithium Extraction and Processing Facilities

PARENT:

Chemetall GmbH

Frankfurt, Germany

Duns Number: 31-580-9632

BANK REFERENCE:

PNC Bank, N. A.

Account No. 1008963455

Two PNC Plaza

Officer: Jeffrey Statmore

Pittsburgh, PA 15265

(908) 220-3078

TRADE REFERENCES:

Tg Soda Ash, Inc.

Phillips Chemical Company

4300 Six Forks Road, #850

P. O. Box 968

Raleigh, NC 27619-9248

Borger, TX 29008-0968

(919) 785-2040

(800) 858-4327

J. L. Clark Inc. 2300 6th Street Rockford, IL 61108 (815) 962-8861

OFFICERS:

President & CEO

Juergen Deberitz Ronald A. France

Vice President, CFO & Treasurer

Vice President, Human Resources

James E. Sanderson

Vice President, Operations

Paul J. Seaman

Vice President, Sales

Jeffrey S. Watson

Secretary

Arthur G. Taylor

We certify that all of the information on this form is correct. We understand your credit terms and agree to pay within the terms. If further information is required, please contact Sue Hartwyk at (704) 734-2663.

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49988	49989	49990	in Julian
49991	49992	49993	\$ *
49994	49995	49996	
52917	52918	52919	
52920	52921		

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918, 52919, 52920, 52921

Address All Communications to the State Engineer, Division of Water Resources

Telephone (702) 687-4380

November 13, 1998

Cyprus Foote Mineral Co. P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time

has been granted to	Septe	ember 30			, 19	99
for filing of the		Beneficia [®]	l Use	(a]]	Permi	ts
***************************************			••••••		***************************************	
			••••••	***************************************		
has been assessed as					10	
has been granted to with the provision that					, 19	•••••
for filing of the						
-						
except for good cause						

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: NDWR, Las Vegas Ross de Lipkau



ADJIACI OF THE COLUMN PERMIT OF PROOF NO. 52921		GRANTEE CFS or Under Number and	Units DATE	CHEMETALL FOOTE CORP 5.0 WATER RIGHTS DEED														
NON - DECREED																		
		GRANTOR		CYPRUS FOOTE MINERAL CO														
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Type or print in ink

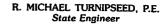
SE ROA 711

Ť	FFFO	State of Nevada RT OF C	ONVEYA	NCE	
E		to			
M	Department of Conservation and APPL., PERMIT, PROOF, or CLAIM No:	52921	and the second s	ermit USE:	MD
2	CURRENT HOLDER(S) SHOWN BY THE STA				
-		TE MINERAL COMPANY			
	If any item requires additional s	space, piesse amen additional 8 1/2" X	11" sheets referencing appropri	ato item number.	
3	NEW HOLDER(S): CHEMETALL	FOOTE CORPORATION			
	ADDRESS: Silver Peak Operations, Hwy CITY: Silver Peak STATE: NV	/ 265 / ZIP COD	E: 89047	PHON	E: 775/937-2222
4	DEED(S) OF TRUST RE NOTICE(S) OF PLEDGE MA DEATH CERTIFICATES AFI	ND NUMBER OF EACH RRECTION DEED(S) CONVEYANCEat no cha P(S) at no charge F OF ID at no charge HER:	TOTAL Report	R:	\$ DOCUMENTS => \$ 1.1 \$ 1.2 \$ 2.1
5	ONE \$25 FILING FEE MUST ACCOMP	ANY THIS REPORT +\$10 P	ER CONVEYANCE DO	CUMENT LISTED	ABOVE.
	(ITEM 3). Document(s) must be recorded in the Offic If the legal description on any deed(s) refer(s) to a	subdivision lot or parcel or	assessor's parcel nun	iber, or lists any de	viation(s) d deed(s)
	different than the place of use in a Quarter/Quarter/S is required. Copies of maps should be 8 1/2" x 11" or	11" x 17". Please refer to	mat, a copy of the ma instruction sheet fo	r details.	
7	is required. Copies of maps should be 8 1/2" x 11" or LIST SUPPLEMENTAL RIGHTS	11" x 17". Please refer to	instruction sheet fo	r details.	
7 8 9	is required. Copies of maps should be 8 1/2" x 11" or LIST SUPPLEMENTAL RIGHTS COUNTY: POINT OF DIVERSION Esmera	11" x 17". Please refer to	instruction sheet fo	ce(s) of use	
8	is required. Copies of maps should be 8 1/2" x 11" or LIST SUPPLEMENTAL RIGHTS COUNTY: POINT OF DIVERSION Esmera PLACE(S) OF USE:* QTR QTR	11" x 17". Please refer to 11 da SEC TWN 5.0 CFS	COUNTY: PLA RNG Acre F	CE(S) OF USE APN eet or MG	
8 9 10	is required. Copies of maps should be 8 1/2" x 11" or LIST SUPPLEMENTAL RIGHTS COUNTY: POINT OF DIVERSION ESMERA PLACE(S) OF USE:* QTR QTR AMOUNT (DUTIES) TO BE ASSIGNED:	11" x 17". Please refer to 1 da SEC TWN 5.0 CFS RETAIN ANY PORTION t of Conveyance that has	COUNTY: PLA RNG Acre F OF THE WATER F	CE(S) OF USE APN eet or MG	Esmeralda Acres or Units NO XX
8 9 110 111 112 112 114	is required. Copies of maps should be 8 1/2" x 11" or LIST SUPPLEMENTAL RIGHTS COUNTY: POINT OF DIVERSION ESMERA PLACE(S) OF USE:* QTR QTR AMOUNT (DUTIES) TO BE ASSIGNED: DOES THE CURRENT HOLDER INTEND TO F List any other water rights relating to this Report Remarks: *Refer to permit for place "I swear, under penalty of perjury, that this represents a in which the water is placed to beneficial use or diverted SUBSCRIBED AND SWORN TO BEFORE ME THIS	11" x 17". Please refer to 1 da SEC TWN 5.0 CFS RETAIN ANY PORTION t of Conveyance that has of use. a complete and thorough s from its natural source ar SIGNATURE: PRINT NAME:	COUNTY: PLA RNG Acre F OF THE WATER I been filed using this earch of the records on file Ross E. de L	CE(S) OF USE APN eet or MG RIGHT? YES s same abstract and the county record in the office of the county record in the county record in the office of the county record in the office of the county record in the office of the county record in the office of the county record in the office of the county record in the office of the county record in the office of the county record in the office of the county record in the office of the county record in the county record in the county record in the county record in the county record in the county record in the county record in the county record in the county record in the county record in the cou	Acres or Units NO XX and chain of title.
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8 9 110 111 112 112 114	is required. Copies of maps should be 8 1/2" x 11" or LIST SUPPLEMENTAL RIGHTS COUNTY: POINT OF DIVERSION ESMERA PLACE(S) OF USE:* QTR QTR AMOUNT (DUTIES) TO BE ASSIGNED: DOES THE CURRENT HOLDER INTEND TO F List any other water rights relating to this Report Remarks: *Refer to permit for place "I swear, under penalty of perjury, that this represents a in which the water is placed to beneficial use or diverted SUBSCRIBED AND SWORN TO BEFORE ME THIS	11" x 17". Please refer to 1 da SEC TWN 5.0 CFS RETAIN ANY PORTION t of Conveyance that has of use. a complete and thorough s from its natural source ar SIGNATURE: PRINT NAME:	earch of the records of the records on file Ross E. de L P. 0. Box 27 Marshall Hil	CE(S) OF USE APN eet or MG RIGHT? YES s same abstract and the office of the first and the office of the figure o	Acres or Units NO XX Indichain of title. The result of the county state engineer."
8 9 10 11 11 112 114 114	is required. Copies of maps should be 8 1/2" x 11" or LIST SUPPLEMENTAL RIGHTS COUNTY: POINT OF DIVERSION ESMERA PLACE(S) OF USE:* QTR QTR AMOUNT (DUTIES) TO BE ASSIGNED: DOES THE CURRENT HOLDER INTEND TO F List any other water rights relating to this Report Remarks: *Refer to permit for place "I swear, under penalty of perjury, that this represents a in which the water is placed to beneficial use or diverted subscribed by the control of the con	alda SEC TWN 5.0 CFS RETAIN ANY PORTION t of Conveyance that has of use. a complete and thorough s from its natural source ar SIGNATURE: PRINT NAME: MAILING ADDRESS	COUNTY: PLA RNG Acre F OF THE WATER F been filed using thi earch of the records on file Ross E. de L P. O. Box 27 Marshall Hill Reno STAT	CE(S) OF USE APN Leet or MG RIGHT? YES Same abstract and the office of the county recording the county recording the office of the county recording the office of the county recording the office of the county recording the office of the county recording the office of the county recording the office of the county recording the office of the county recording the office of the county recording the office of the county recording the county recording the county recording the county recording the county recording the county recording the county recording the county recording the county recording the county reco	Acres or Units NO XX nd chain of title.

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Supplemental rights re	cognized		\$\$ This R.O.C. 10/275
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Related rights by deed	s and abstract		Deeds/Docs Filed in File No. / 0036
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[Received Stamp Date]

SE ROA 713





DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 (775) 687-4380 • (775) 687-6972

July 16, 1999

RE: Permits 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 44255, 44256, 44257, 44258, 44260, 44261, 44267, 44268, 44269, 44270, 49805, 49988, 52917, 52918, 52919, 52920 & 52921

Mr. Ross E. de Lipkau Marshall Hill Cassas & de Lipkau PO Box 2790 Reno, NV 89505

Dear Mr. de Lipkau:

The above-listed permits have been assigned to show Chemetall Foote Corporation as owner of record. Copies of the Summaries of Ownership are enclosed for your information.

These assignments reflect only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions, please contact this office at (775) 687-4381.

Sincerely,

Robert M Zeisloff

Engineering Technician III

RHZ/ld

Enclosures cc: Sout

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246
Carson City, Nevada 89706-0818
October 6, 1999

Address All Communications to the State Engineer, Division of Water Resources Telephone (775) 687-4381

In reply refer to

52918 through 52921

Chemetal Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use



on or before September 30, 1999

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Very truly yours,

sei dem

RMT/kdg

CERTIFIED MAIL NO. P 444 470 273

cc: Ross de Lipkau, Cert. Mail No. P 444 470 274

Enclosures: Proof of Beneficial Use forms and Application for Extension of Time forms

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50. Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

F	ILE	D
OCT	2 5 199	19
STATE E	NGINEER'S (OFFICE

Owner of Record Chemetall Foote Corporation	STATE ENGINEER'S OFFICE
on the confidence of the second transfer and the confidence of the	
In the Matter of Permit No52921	FILED TO APPROPRIATE / CHANGE THE WATERS OF
Underground source (Name of stream, lake, spring	g, underground or other source)
This Application Is Respectfully Submitted.	
The state of the s	
Comes now Patrick R. Fischer Person Signing Application	the Agent Permittee or Agent
under Permit No. 52921, who after being following questions in compliance with the requirements as set	duly sworn and answering to the best of their knowledge the forth in the permit terms:
1. Does this permit have multiple owners? ☐ YES ☑ N	
If "YES" on question No. 1 is checked, is this request for a ☐ YES ☐ NO (Check the Appropriate Box)	an extension of time submitted on behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is	this extension being filed?
	C
5. To date, what is the total expenditure on this project?ine	excess of 50 million dollars
6. In order to complete this project as set forth in the permit te	erms, what additional funds will be spent?3.5 million
7. The permittee requests an extension of time for	1 year within which to comply (Not to exceed 1 year)
with the provisions for filing the Proof of beneficia	31 use of of completion of work and/or proof of beneficial use)
Explain in detail why this request for an extension of time is	
	are planning a \$200,000 expansion in 2000.
	<u> </u>
	000
and the	Signed Permittee or Agent
Subscribed and sworn to before me thisday	of Address PO Street No. or P.O. Box No.
Wetuber 1999	Siver Peak NV 8904
Much D. Keynell	City, State, Zip Code No.
Signature of Notary Public Required	Phone OFFICIAL SEAL B
Notary Public in and for the County of	CANDY J. JEWETT
State of Ulvada	NOTARY PUBLIC, STATE OF NEVADA NYE COUNTY, NEVADA My Appointment Exp. Oct. 6th, 2000
Wetcher 6 2006	Attorney of the second
My commission expires.	Notary Stamp or Seal Required
	S APPLICATION FOR EXTENSION OF TIME. ST BE FILED FOR EACH PERMISE ROA 716

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246

in recly refer to No.

Carson City, Nevada 89706-0818

52918 through 52921

December 20, 1999

This is to inform you that Application for Extension of Time

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4380

Chemetall Foote Corporation Silver Peak Operations, Highway 265 Silver Peak, NV 89047

has been granted to	September 30	2000
for filing of the Proof of Beneifici		
***************************************	***************************************	···
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has been granted to	***************************************	2000
with the provision that no further extensions w	vill be granted	
for filing of the		•••••••••••••••••••••••••••••••••••••••
	***************************************	***************************************
	***************************************	***************************************
except for good cause shown as provided unde	r NRS 533.390 and 533.	410.

Sincerely.

Christine Thiel, P.E. Deputy State Engineer

CT/my

cc:

Ross deLipkau

Chemetall Foote Corp./Patricia R. Fischer

Southern Nevada Branch Office

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246

Carson City, Nevada 89706-0818

In reply refer to No. 52918 through 52921

October 4, 2000

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4381

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof

of Beneficial Use

on or before September 30, 2000

Our records show that you have not filed said Proof(s) an therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

HR/kdg

CERTIFIED MAIL NO. 7000 0520 0023 8631 0900

cc: Ross de Lipkau, Cert. Mail No. 7000 0520 0023 8631 0917 Patrick R. Fischer, Cert. Mail No. 7000 0520 0023 8631 0924

Enclosures: Proof of Beneficial Use form(s) and Application for Extension of Time form(s)

Fee for filing Proof of Completion \$10. Fee for filing Proof of Beneficial Use \$50.

Fee for filing Request for Extension of Time \$100.

FINAL NOTICE

Address all communications to the State Engineer, Division of Water Resources

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corp.	STATE ENGINEER'S OFFIC
In the Matter of Permit No52921 Filed to Appropriate / Chan	IGE THE WATERS OF
Underground Source (Name of stream; lake, spring, underground or other source)	
This Application Is Respectfully Submitted.	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
Comes now Melissa R. Jennings the Agent Person Signing Application Pe	mittee or Agent
under Permit No. 52921 , who after being duly sworn and answering to the following questions in compliance with the requirements as set forth in the permit terms:	たいしょう アイ・スティール アイル おうしょ 放射 ちゅうかん いっしゃん
1. Does this permit have multiple owners? YES NO (Check the Appropriate Box	,
If "YES" on question No. 1 is checked, is this request for an extension of time submitted or YES NO (Check the Appropriate Box)	a behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?	
Chemetall Foote Corp.	
4. How much time is needed to finish this project? 1 year	
5. To date, what is the total expenditure on this project? in excess of 50 million dol	lars
6. In order to complete this project as set forth in the permit terms, what additional funds will be	
7. The permittee requests an extension of time for Proof of Beneficial Use (Not to exceed 1 year)	
with the provisions for filing the	initial (III)
Explain in detail why this request for an extension of time is being submitted (Use additional	
We have not reached maximum capacity, and have an exploration dri	
progress. Production well drilling program of \$1.1 million planne	ed for 2000-2001.
	0 1—
	ermittee or Agent
Subscripted and sworn to before me thisday of Address P.O. Box 98	Bet No. or P.O. Box No.
Sliver Peak,	NV 89047 v, State, Zip Code No.
Signature of Norary Public Regarded Phone (775) 937-222	22
Notice Builting and Control of the C	OFFICIAL SEAL
	NDY J. JEWETT No. 00-0422-14 PUBLIC, STATE OF NEVADA COUNTY, NEVADA
My commission coming (VIIII) (0 2004)	pointment Exp. Oct. 6, 2004

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

SE ROA 76

SE ROA 7/19

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4380 or 1-800-992-0900x4380

In reply refer to:

October 23, 2000

52918, 52919, 52920, 52921

Chemetall Foote Corporation PO Box 98 Silverpeak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2001** with the provision that no further extensions will be granted for filling of the **Proof of Beneficial Use** (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/ds

cc: Southern Nevada Branch Office

Ross E. de Lipkau

Notice of Proposed Action

by the

State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for the renewal of Water Pollution Control Permit for the Silver Peak Lithium Facility, a beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for Permit NEV70005 is:

Chemetall Foote Corporation P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

The facility, known as the Silver Peak Lithium Facility, is located in Sections 26-28 of Township 1 South, Range 40 East; Sections 1, 12, 13, 21-25 of Township 2 South, Range 39 East; and, Sections 1-11, 15-20, 29-32 of Township 2 South, Range 40 East in The project primarily consists of Esmeralda County, Nevada. numerous deep wells, solar evaporation ponds, liming facilities, and process plant for the production of lithium carbonate, lithium hydroxide monohydrate and anhydrous lithium hydroxide. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event. The groundwater beneath the playa is the source of lithium and it contains a very high total dissolved solids concentration. However, the groundwater quality from the production well and the town of Silver Peak well meet drinking water standards.

The Administrator is constrained to renew the water pollution control permit or to deny the application. The Administrator has made the tentative determination to renew the permit.

Persons wishing to comment upon the proposed permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to the

Nevada Administrative Code, NAC Chapter 445A, must submit their comments, objections, or requests no later than October 22, 2001 to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation Capitol Complex 333 W. Nye Lane, Room 138 Carson City, NV 89706-0851

All comments or objections received during the public notice period will be considered in the final determination regarding this permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-4670, extension 3130, toll free in Nevada (800) 992-0900, extension 4670, or visit our website at www.state.nv.us/ndep/bmrr/bmrr01.htm

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STATE OF NEVADA

DRAFT

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation

Permit Number:

NEV70005

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Facility, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

This facility is located in Esmeralda County in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999 as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of XXXX XX, 2001, and shall remain in effect until XXXX XX, 2006, unless modified, suspended, or revoked.

Signed this XX day of XXXX, 2001.

David Gaskin, P.E.

Bureau Chief

Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
 - B. Schedule of Compliance:
 - 1. By November 1, 2001, submit a proposal to NDEP for the installation of a monitoring well near R-2 pond in accordance with NAC 445A.425.2. This monitoring well shall be installed by January 1, 2002
 - C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plant and building including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and,
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components;

D. Monitoring Requirements

Ide	entification	<u>Parameter</u>	Frequency
1.	Fresh Water Well (WS) and well installed adjacent to the R-2 pond (R-2W)	Profile I ² and, Elevations of static water levels (amsl)	Initially; then Annually
2.	R-2 pond solution (R-2S)	Profile II ³ and, Report minimum freeboard	Annually Quarterly
3.	Plant waste stream (combined PWS)	Profile II ³	Annually
4.	Brine well* (BW)	Profile II ³ and,	Annually





		Elevations of static water level	
4.	continued -	(amsl)	
5.	Plant influent (PI)	Profile II	Annually

The Permittee may request a reduction in the number of elements and frequency of analyses after one year of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Note: Secondary containment sumps must be inspected and evacuated on a more frequent basis than weekly if the fluid level is at the top of the sump or above the invert of any pipe which discharges into the sump, whichever level is lower. Records are required documenting the volume, date and time of extraction to show that sumps are maintained in this condition.

(2) Profile I

Alkalinity (as CaCO₃) Lead Bicarbonate Magnesium Total Manganese Aluminum Mercury Antimony Nickel Arsenic Nitrate Barium pH (± 0.1 units) Beryllium Potassium

Boron Selenium Cadmium Silver Calcium Sodium Chloride Sulfate Chromium Thallium

Copper Total Dissolved Solids Fluoride Zinc

Iron

(3) Profile II

Alkalinity (as CaCO₁) Barium Bicarbonate Beryllium Total Boron Aluminum Cadmium Antimony Calcium Arsenic

Chloride

^{*} A different production (brine) well shall be sampled each year.

Chromium
Cobalt
Copper
Fluoride
Gallium
Iron
Lead
Lithium
Magnesium
Manganese
Mercury
Molybdenum
Nickel

pH (± 0.1 units)
Phosphorus
Potassium
Scandium
Selenium
Silver
Sodium
Strontium
Sulfate
Thallium

Total Dissolved Solids

Vanadium

Zinc

Tin

- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations

Nitrate

1. A minimum two (2) feet of freeboard shall be maintained in the R-2 pond at all times.

Exceeding these limitations may be permit violations and shall be reported as specified in Part II.B.3

- H. The facility shall install and maintain a calibrated rain gauge which shall be monitored daily. A record of all daily accumulations of precipitation shall be maintained on site.
- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device;
 - 3. The presence of liquids in leak detection systems; and
 - 4. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.



- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from this Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining a General or Individual Mining Bioremediation Facility Permit from the Division.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance item in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which the Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements

- 1. The Permittee shall submit an annual report by February 28th of each year which contains the following:
 - a. Monitoring results from those locations identified in Parts 1, 2 and 4;
 - b. Analytical results of the solution collected from monitoring locations identified

in Part I.D.1 through 5;

- c. A record of spills and releases and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0390 or equivalent;
- d. A brief summary of site operations, including the number of tons of ore processed during the year, construction and expansion activities and major problems with the fluid management system; and,
- e. Graphs of pH, total dissolved solids, sulfate, chloride, nitrate (as nitrogen), zinc, and arsenic concentrations (as applicable), versus time for all fluid sampling points. These graphs shall display a five year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.



- 2. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.
 - a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 p.m. of the first working day after knowledge of the release. An oral report shall be made by telephone to (775) 687-4670, extension 3023, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
 - b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.



- c. A release of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds 500 gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If the quantity is equal to or greater than 100 gallons, report in the time frame specified in Part II.B.3.a. Smaller spills are reported quarterly on NDEP Form 0390 or equivalent.
- 3. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-4670, extension 3123, not later than 5 p.m. of the next regular work day from the

time the Permittee has knowledge of the circumstances. This report shall include the following:

- i. Name, address, and telephone number of the owner or operator:
- ii. Name, address, and telephone number of the facility:
- iii. Date, time, and type of incident, condition, or circumstance:
- iv. Name and quantity of materials released; if process solution is released, report total gallons and quantity of contaminant;
- v. Human and animal mortality or injury:
- vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
- vii. The estimated quantity of material that will be disposed and the disposal location.
- b. A written summary shall be provided to the Division within 10 days of the time the Permittee makes the oral report. The written summary shall contain a description of the release or discharge and its cause, the periods of the release or discharge (including exact dates and times), whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring, to:
 - i. Determine the effect and extent of each release or discharge;
 - ii. Minimize any adverse impact to the waters of the State arising from each release or discharge;
 - iii. Minimize the effect of each release or discharge upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each release or discharge.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than 120 days before this permit expires.
- All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any

relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.

- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities, and analytical results including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action as provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.





E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in this permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416 and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.

- 3. The Permittee must notify the Division in writing at least thirty days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Renewed 9/01



FACT SHEET

(pursuant to NAC445A.401)

Permittee Name:

Chemetall Foote Corporation

P.O. Box 98, Hwy. 265 Silver Peak, NV 89047

Permit Number:

NEV70005

A. <u>Description of Facility</u>

Location: This project is located in and near the town of Silver Peak, Nevada in Township 1S, Range 40E, Sections 26-28; Township 2S, Range 39E, Sections 1, 12, 13, 21-25; and, Township 2S, Range 40E, Sections 1-11, 15-20, 29-32 in Esmeralda County.

Characteristics: The Silver Peak Lithium Facility primarily consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, the Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Subsurface brines are pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. The lithium carbonate product is then dried and packaged, processed, or used as head feed for the lithium hydroxide facility. In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced. Evaporation produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

Brine ponds were built directly on top of native clay that has a coefficient of permeability of 1 x 10E-6 cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability with the exception of one pond (the strongest brine pond) that is lined with 20-mil PVC liner.

The R-2 pond, located on the peripheral edge of the playa, is asphalt lined and receives CaCO3 solution that is pumped to the playa as needed. Piping changes are being made to facilities.

Storm water runoff and accumulation is within a closed system. All storm water is maintained within the Clayton Valley.

Secondary containment within the post-regulation hydroxide plant meets secondary containment requirements and was constructed to standard engineering principles and practices. The existing pre-regulation plant appears to be provided with adequate secondary containment.

C. <u>Site Hydrology/Hydrogeology and Background Groundwater</u> <u>Ouality</u>

The ground water pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids as documented by the long history of lithium production. It would be economically impractical to render the water fit for human consumption due to the very high total dissolved solids concentrations (see data) and it is not reasonably expected to become a drinking water supply. However, the Silver Peak water supply well and the freshwater production well for Chemetall produce high quality water that meet drinking water standards. Hydrogeologically, the location where the groundwater quality exceeds drinking water standards and becomes non-potable is complex. Establishment of a monitoring well adjacent to the R-2 pond will provide groundwater quality and elevation at this location.

D. Procedures for Public Comment

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate, and close subject to the conditions contained within the permit, is being sent to the Tonopah Times-Bonanza in Tonopah for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of the public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator, or any interested agency, person or group of persons.



The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed facility or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the proposed permit.

F. <u>Proposed Effluent Limitations</u>, <u>Schedule-of-Compliance and Special Conditions</u>

See Part I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. Also, the facility is located in the Clayton Valley where the playa ground water does not serve as a source of drinking water and would probably not serve as an economically viable source of drinking water. The groundwater is the source of lithium, contains very high total dissolved solids concentration and is not reasonably expected to become a drinking water supply. However, potable wells in and near the town of Silver Peak will be protected.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50CFR10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with state permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical

isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of toxic water. Methods which attempt to make uncovered ponds attractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Blvd., Suite 234, Reno, Nevada 89502-7147, for additional information.

Bob Carlson September 2001

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HUGH RICCI, P.E. State Engineer

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

In reply refer to

123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 Address All Communications to: The State Engineer Division of Water Resources Telephone (775) 687-4381

October 3, 2001

52918 through 52921

Chemetall Foote Corporation
Silver Peak Operations, Highway 265
Silver Peak NV 89047
CERTIFIED MAIL: 7000 0520 0023 4553 1162

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file **Proof of Beneficial Use**



on or before September 30, 2001

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

lies, P.E.

HR/cmf

CC:

Ross E. DeLipkau, Certified Mail No. 7000 0520 0023 4553 1179 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use form with instructions

Fee for filing Proof of Completion - \$10 Fee for filing Proof of Beneficial Use - \$50 Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

OCT 1 5 2001 **OFFICE**

Owner of Record Chemetall Foote Corp.	STATE ENGINEER'S
In the Matter of Permit No. 52921 Filed to Appropriate / Change the Wat	ERS OF
Underground Source (Name of stream, lake, spring, underground or other source)	••••
This Application Is Respectfully Submitted.	
Comes nowDanny. Zampirro	*********************************
under Permit No. 52921 , who after being duly sworn and answering to the best of the following questions in compliance with the requirements as set forth in the permit terms:	
1. Does this permit have multiple owners? YES Output	
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all YES NO (Check the Appropriate Box)	l the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed?	
Chemetall Foote Corp.	*****************************
4. How much time is needed to finish this project?lyear	
5. To date, what is the total expenditure on this project?in excess of 51 million dollars	************************************
5. In order to complete this project as set forth in the permit terms, what additional funds will be spent? $\frac{1}{1}$.l million
7. The permittee requests an extension of time for 1 year (Not to exceed 1 year) with	
with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use)	***************************************
3. Explain in detail why this request for an extension of time is being submitted (Use additional sheets if near we have not reached maximum capacity, and have a well drilling program program.	
for 2001-2002 at a cost of 1.1 million dollars . A deep aquifer system	has been
identified with plans to test and explore as a resource.	***************************************
Signed Dan Zanpi	m
Subscribed and sworn to before me this day of Address P.O. Box 98	l .
Street No. or P.O. Bo Silver Peak, NV	89047
[audy S City, Stafe, Zip Code Phone (775) 937-2222	No.
Signature of Nodary Public Required	^^^ <u>^^^</u>
trate of () evada CANDY	CIAL SEAL 7 J. JEWETT 10-0422-14 10-1422-14 NIV NEVADA

Stoo FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

TCPJ 12-26 2001 - PER CT

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 687-4381 or 1-800-992-0900x4381 (within Nevada)

January 15, 2002

52918, 52919, 52920, 52921

Chemetall Foote Corporation Silver Peak Operations, HWY 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2002</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> (all Permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/dr

cc: Ross De Lipkau
Dan Zampirro
Southern Nevada Branch Office

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

In reply refer to No. 123 W. Nye Lane, Suite 246 Carson City, Nevada 89706-0818 Address All Communications to: The State Engineer Division of Water Resources Telephone (775) 687-4381

October 1, 2002

52918 through 52921

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, Nevada 89047 CERTIFIED MAIL 7106 7808 0630 0000 5937

The provisions of your permit(s) with the above serial number(s) to appropriate waters of the State of Nevada requires you to file Proof of Beneficial Use under all Permits referenced above



on or before September 30, 2002

Our records show that you have not filed said Proof(s) and therefore your permit(s) is/are in poor standing and subject to cancellation.

Unless the legally required Proof(s) or affidavit requesting an extension of time in which to file said Proof(s) for good cause shown is/are received and filed with the State Engineer within thirty (30) days of the date of this final certified notice, your permit will be cancelled.

Sincerely,

State Engineer

Nice , P.E.

HR/cac

cc: Danny Zampirro, Certified Mail 7106 7808 0630 0000 5951 Ross E. de Lipkau, Certified Mail 7106 7808 0630 0000 5944 Southern Nevada Branch Office

Enclosure(s): Proof of Beneficial Use forms with instructions

Fee for filing Proof of Completion - \$10 Fee for filing Proof of Beneficial Use - \$50 Fee for filing Request for Extension of Time - \$100

FINAL NOTICE

APPLICATION FOR EXTENSION OF TIME

Owner of Record Chemetall Foote Corporation		OCT 1 5 2002
IN THE MATTER OF PERMIT No. 52921 Fill Underground source	LED TO APPROPRIATE / CHANGE T	
This Application Is Respectfully Submitted.	ground of other source)	
Comes now Danny Zampirro Person Signing Application		
under Permit No. 52921, who after being duly following questions in compliance with the requirements as set forth	sworn and answering to the be in the permit terms:	st of their knowledge the
1. Does this permit have multiple owners? YES NO	(Check the Appropriate Box)	
2. If "YES" on question No. 1 is checked, is this request for an ex YES NO (Check the Appropriate Box)	tension of time submitted on beha	alf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this concentration		
4. How much time is needed to finish this project? one year		
5. To date, what is the total expenditure on this project?in	excess of \$51,000,000	
6. In order to complete this project as set forth in the permit terms,	what additional funds will be spo	ent? \$50,000
7. The permittee requests an extension of time for <u>one year</u>		
with the provisions for filing the Proof of Beneficia	1 Use completion of work and/or proof of beneficial us	e)
8. Explain in detail why this request for an extension of time is being Maximum water usage has not been achieve	-	
with resultant increased water usage sche		
	(,)	
~ *	Signed Yanny Permity	Mu Din
Subscribed and sworn to before me thisday of	Address.Chemetall Foote Street No.	
Of tober, 2002	PO Box 98 Silve:	r Peak, NV 89047 . Zip Code No.
Signature of Notary Public Required	PhonePhone	***************************************
Notary Public in and for the County of ge, State of Made	CAN NOTARY PI	FICIAL SEAL DY J. JEWETT IO. 00-0422-14 SIGNEY OF NEVADA OUNTY, NEVADA
My commission expires October 6, 2004		ntment Exp. Oct. 6, 2004

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

FILED

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

> Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

in reply refer to:

November 21, 2002

52918, 52919, 52920, and 52921

Chemetall Foote Corporation Silver Peak Operations, Highway 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2003** with the provision that no further extensions will be granted for filling of the **Proof of Beneficial Use** (all permits) except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Christine Thiel, P.E. Deputy State Engineer

CT/dl

cc: Ross de Lipkau

Southern Nevada Branch Office

Chemetall Foote Corp.

July 27, 2003

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, NV 89706-0818

Subject: Permit numbers 52918, 52919, 52920 & 52921 and Quarterly Production Data

Dear Mr. Ricci,

Enclosed please find four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400 to cover the filing of the Extensions. We are conducting a drilling program to supplement our aging wellfield to meet product demand. Additionally, please find our quarterly production report for the second quarter, basin 143. A total of 2,174 acre feet were pumped from the basin of which 5.6% was fresh water, the remainder brine for production purposes. Please contact our office should you have any questions. Thank you.

Sincerely,

Danny Zampirro, CPG, RG

Danny Zampsino

Hydrogeologist

Certified Mail # 7099 3220 0006 0137 6548

cc Mr. Ross de Lipkau Marshall, Hill, Cassas & de Lipkau

Enclosures: Quarterly prod. report, Ext. of Time Renewals, check #26799

QUARTERLY PRODUCTION REPORT



		77777 ATOM 4 7 7	BAARE 60B	202.22									
1		CHEMETALL	FOOTE COR ER PEAK OP					YEAR: 2003			REPORT DA	TE: July 31st,	2003
		JIL V	ER FEAR OF	ERATIONS			BASIN: 143 (CLAYTON V	ALLEY)				
,	PERMIT NUN	ABERS: 52918	; 52919; 52920	0; 52921				1					
SITE I.D.							WATER	PUMPED IN	GALLONS				AMOUNT
reli#	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	USED
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9C	2,550,000	2,250,000	2,500,000	2,580,000	2,700,000	2,720,000	-		0				15,300,00
10B	5,880,000	4,844,000	5,411,000	5,530,000	5,944,000	5,749,800			0				33,358,800
23A	3,866,000 3,532,000	3,162,000	3,702,000	3,819,000	3,972,000	3,882,500			0 0				22,403,50
41B	2,545,000	2,251,000	3,491,000 2,762,000	3,513,000 2,653,000	3,826,000 2,855,000	3,523,800 2,733,200) 0				20,919,800 15,799,200
43A	3,105,000	2,537,000	3,102,000	3,040,000	3,159,000	3,074,600	<u>' </u>		0				18,017,600
45B	0	0	0	0	0	0,01,000			0				10,017,000
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62A	6,798,000	2,631,000	5,662,000	6,672,000	7,117,000	6,831,300			0		0	0	35,711,300
65A	6,329,000	5,624,000	6,527,000	6,335,000	6,412,000	6,296,400			0			-	37,523,400
71A 73A	8,311,000	5,787,000	0	0	0	0			0				14,098,000
76	6,388,000 6,492,000	5,530,000	6,490,000	5,041,000	6,767,000	6,308,500		-	0) 0 01 0				36,524,500
78	6,486,000	5,414,000	6,624,000	6,609,000 5,704,000	6,874,000	6,367,400 5,837,800			ol o				38,737,400 36,643,800
80	1,474,000	0	0,750,000	3,704,000	449,000	2,086,200			0 0				4,009,280
99B	1,639,000	669,000	0	0	73,000	1,610,700			oi <u> </u>				3,991,700
103A	10,539,000	6,718,000	0	0	0	0)	0 0				17,257,000
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122	10,909,000	9,277,000	10,671,000	10,981,000	11,244,000	10,739,500			0 0				63,821,500
152	3,185,000 8,210,000	2,854,000 6,899,000	3,318,000	3,215,000	3,308,000	3,199,100			o! o	0 0			19,079,100
153	1,772,000	1,473,000	8,764,000 1,784,000	8,413,000 1,679,000	8,828,000 1,805,000	7,153,200 1,738,400				0 0			48,267,200
156	2,084,000	7,908,000	12,209,000	12,002,000	12,796,000	12,358,800				0 0		+	
165	14,167,000	11,467,000	2,712,000	0	0	13,550,500	+			0			
168	1,165,000	0	0	0	2,616,000	8,986,100	1	o!	0 (0			
170	3,748,000	3,108,000	3,909,000	3,705,000	3,871,000	3,534,100				0 0		0	21,875,100
172	6,455,000	5,358,000	6,692,000	6,424,000	6,732,000	6,059,400				0			
173 180	5,486,000	4,558,000	5,739,000	5,521,000	5,767,000	5,049,200				0 0		0	
100	8,328,000	6,863,000 CHEMETALL	8,196,000 FOOTE COP	7,787,000	8,498,000	7,820,000); 	YEAR: 200		0 0		0	47,492,000
			VER PEAK OI					I LOTAL SOU		RE		July 31st, 2003	
	1	1	- 1										
			•		Ì		BASIN: 143	(CLAYTON V	VALLEY)	1			
		MBERS: 52918	8; 52919; 5292	0; 52921	İ								
SITE I.D.							WATER	PUMPED IN	GALLONS				AMOUNT
		MBERS: 52918 FEB	8; 52919; 5292 MAR	0; 52921 APR	MAY	JUN	WATER			ост	NOV	DEC	
SITE I.D. Well #	JAN	FEB	MAR	APR			WATER	PUMPED IN AUG	GALLONS SEP	ост	NOV	DEC	AMOUNT USED
SITE I.D. Well #	JAN 1,209,000	FEB	MAR 0	APR 0	0		WATER	PUMPED IN AUG	GALLONS SEP	OCT 0	NOV	DEC	AMOUNT USED
SITE I.D. Well #	JAN 1,209,000 509,000	FEB 0 1,258,000	MAR 0 1,499,000	APR 0 1,311,000	0 1,525,000	1,405,20	WATER	PUMPED IN AUG	GALLONS SEP 0 0	OCT 00 00 00 00 00 00 00 00 00 00 00 00 00	NOV	DEC 0	AMOUNT USED 1,209,000 7,507,200
300 302 303 304	JAN 1,209,000	FEB	MAR 0	APR 0	0		WATER	PUMPED IN AUG	GALLONS SEP	OCT 0	NOV	DEC 0	AMOUNT USED 1,209,000 7,507,200 25,196,800
300 302 303 304 305	JAN 1,209,000 509,000 4,296,000	FEB 0 1,258,000 3,754,000	MAR 0 1,499,000 4,383,000	APR 0 1,311,000 4,180,000	0 1,525,000 4,464,000	1,405,20 4,119,80	WATER JUL	PUMPED IN AUG	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0	AMOUNT USED 1,209,000 7,507,200 25,196,800 25,290,700
300 302 303 304 205	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000	0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000	0 1,311,000 4,180,000 4,214,000	0 1,525,000 4,464,000 4,362,000	1,405,20 4,119,80 4,239,70	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,000 7,507,200 25,196,800 25,290,700 59,945,300
300 302 303 304 205	JAN 1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000	1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,656,000	1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,000 7,507,204 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400
300 302 303 304 305 44 319	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000 5,269,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,293,000 5,803,000	1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,656,000 6,436,000	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 3,504,40 6,290,30	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,000 7,507,201 25,196,801 25,290,700 59,945,301 42,148,501 20,493,401 35,968,900
300 302 303 304 205 314 319 330	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,888,000 5,269,000 2,810,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000	0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,656,000 6,436,000 3,450,000	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 3,504,40 6,290,30 3,265,10	WATER	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,000 7,507,201 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900
300 302 303 304 205 44 319 330 333	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 8,245,000	FEB 0 1.258,000 3,754,000 3,754,000 8,652,000 6,054,000 2,898,000 5,269,000 2,810,000 6,707,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 3,545,000 5,927,000 3,222,000 8,243,000	0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 8,318,000	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 5,435,000 3,450,000 8,827,000	1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 6,290,300 3,265,100 8,166,800	WATER	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,201 25,196,801 25,290,701 59,945,301 42,148,501 20,493,401 35,968,901 19,041,101 48,506,801
300 302 303 304 205 314 319 330	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 8,245,000 1,509,100	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,888,000 5,269,000 2,810,000 6,707,000 1,232,200	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000 8,243,000 1,473,700	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 8,318,000 1,301,600	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,656,000 6,436,000 3,450,000 8,827,000 1,389,900	1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 6,290,90 3,265,100 8,165,300 1,278,75	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,201 25,196,801 25,290,701 59,945,301 42,148,501 20,493,401 35,968,901 19,041,101 48,506,801 8,185,251
300 302 303 304 205 44 319 330 333 334	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 8,245,000	0 1,258,000 3,754,000 3,755,000 8,652,000 6,054,000 2,898,000 5,269,000 6,707,000 1,232,200 1,745,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 8,243,000 1,473,700 2,060,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 8,318,000 1,301,600 1,931,000	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 6,436,000 3,450,000 8,827,000 1,389,900 2,120,000	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 3,504,40 6,290,30 3,265,10 8,165,80 1,278,75 2,047,20	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,204 25,196,801 25,290,701 59,945,301 42,148,501 20,493,401 35,968,901 19,041,101 48,505,801 8,185,251
300 302 303 304 305 314 319 330 333 334 337 343 344	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 8,245,000 1,509,100 2,130,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,888,000 5,269,000 2,810,000 6,707,000 1,232,200	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000 8,243,000 1,473,700	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 8,318,000 1,301,600	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,656,000 6,436,000 3,450,000 8,827,000 1,389,900	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 3,504,40 6,290,90 3,265,10 8,166,80 1,278,75 2,047,20 8,831,00	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,201 25,196,801 25,290,701 59,945,301 42,148,501 20,493,401 35,968,901 19,041,101 48,506,800 8,186,825 12,033,201
300 302 303 304 205 319 330 333 334 337 343 344 346	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 8,245,000 1,509,100 2,130,000 8,920,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000 5,269,000 2,810,000 6,707,000 1,232,200 1,745,000 7,796,000	MAR 0 1,499,000 4,383,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000 8,243,000 1,473,700 2,060,000 9,150,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 1,301,600 1,391,000 8,934,000	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 6,436,000 3,450,000 8,827,000 1,389,900 2,120,000 9,216,000	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 3,504,40 6,290,30 3,265,10 8,165,80 1,278,75 2,047,20	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,201 25,196,801 25,290,701 59,945,301 42,148,501 20,493,401 35,968,901 19,041,101 48,506,505 12,033,201 52,847,001
300 302 303 304 205 319 330 333 334 337 343 344 346 347	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 8,245,000 1,509,100 2,130,000 8,920,000 3,502,000 2,512,000 2,463,000	0 1,258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000 5,269,000 2,810,000 6,707,000 1,232,200 1,745,000 7,796,000 2,639,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,567,000 2,429,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 3,008,000 8,318,000 1,301,600 1,931,000 8,934,000 2,414,000 2,298,000	0 1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,656,000 6,436,000 3,450,000 1,389,900 2,120,000 9,216,000 3,518,000	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 3,504,40 6,290,90 3,265,10 8,165,80 2,047,20 8,831,00 3,258,00	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,300 35,968,900 19,041,100 48,506,800 8,185,25 12,033,200 52,847,000 19,492,000 14,588,300
300 302 303 304 705 319 330 331 331 331 341 346 347 356	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 8,245,000 1,509,100 2,130,000 8,920,000 3,502,000 3,502,000 2,512,000 2,463,000 1,766,000	0 1,258,000 3,754,000 3,735,000 8,652,000 5,054,000 2,888,000 5,269,000 2,810,000 6,707,000 1,232,200 1,745,000 7,796,000 2,639,000 1,998,000 2,102,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,567,000 2,429,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 3,008,000 8,318,000 1,301,600 1,931,000 8,934,000 3,131,000 2,2414,000 2,298,000	1,525,000 4,464,000 4,362,000 10,608,000 7,450,000 3,450,000 8,827,000 1,389,900 2,120,000 9,216,000 2,618,000 2,455,000 1,382,000	1,405,200 4,119,800 4,239,700 10,435,300 7,113,500 3,504,400 3,265,100 8,166,800 1,278,75 2,047,20 8,831,000 2,479,300 2,325,200 2,325,200 2,325,200 2,326,800	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,201 25,196,801 25,290,701 59,945,301 42,148,500 20,493,401 35,968,900 19,041,101 48,505,801 8,185,251 12,033,201 52,847,001 14,588,301 14,072,201 5,517,801
300 302 303 304 305 14 319 330 331 331 331 343 343 344 345 347 356 357	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 8,245,000 1,509,100 2,130,000 8,920,000 3,502,000 2,512,000 2,463,000 1,766,000 13,543,000	0 1,258,000 3,754,000 3,754,000 6,054,000 2,888,000 6,707,000 1,232,200 1,745,000 2,639,000 2,102,000 0,5,502,000 0,5,502,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,567,000 2,429,000 0 2,611,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 1,301,600 1,931,000 8,934,000 3,131,000 2,414,000 2,298,000 0 12,492,000	0 1,525,000 4,464,000 4,362,000 7,450,000 3,656,000 6,436,000 3,450,000 8,827,000 1,389,900 2,120,000 3,518,000 2,618,000 2,455,000	1,405,200 4,119,800 4,239,700 10,435,300 3,504,400 6,290,900 3,265,100 8,166,800 1,278,75 2,047,200 3,258,000 2,479,300 2,325,200	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,201 25,196,801 25,290,701 59,945,301 42,148,500 20,493,401 35,968,301 19,041,101 48,506,801 8,185,251 12,033,204 52,847,001 19,492,300 114,072,20 5,517,801 58,511,101
300 302 303 304 305 314 319 330 333 334 337 343 344 347 347 358	1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 8,245,000 1,509,100 2,130,000 8,920,000 3,502,000 2,463,000 1,766,000 1,766,000 13,543,000 3,243,000	FEB 0 1.258,000 3,754,000 3,735,000 8,652,000 6,654,000 2,898,000 5,269,000 1,222,200 1,745,000 7,796,000 2,639,000 1,998,000 1,998,000 2,102,000 0 5,592,000 318,000	MAR 0 1,499,000 4,383,000 10,297,000 7,274,000 3,545,000 5,927,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,567,000 0 2,611,000 441,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 1,301,600 1,391,000 8,934,000 3,131,000 2,414,000 2,298,000 0 12,492,000 48,000	0 1,525,000 4,464,000 10,608,000 7,450,000 3,450,000 3,450,000 1,389,900 2,120,000 9,216,000 3,518,000 2,455,000 1,382,000 1,382,000	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 3,504,40 6,290,90 3,265,10 8,165,30 1,278,75 2,047,20 8,831,00 3,258,00 2,479,30 2,355,20 2,355,30 11,933,10	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,204 25,196,800 25,290,701 59,945,301 42,148,500 20,493,401 35,968,900 19,041,101 48,506,800 8,185,251 12,033,200 52,847,000 19,492,001 14,588,300 14,072,200 5,517,800 58,511,101 4,050,000
300 302 303 304 4295 314 319 330 333 334 337 343 344 347 356 357	JAN 1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 6,243,000 3,286,000 1,509,100 2,130,000 8,920,000 3,502,000 2,512,000 2,463,000 1,766,000 13,543,000 3,243,000 2,581,000	FEB 0 1.258,000 3,754,000 3,735,000 8,652,000 6,054,000 2,898,000 5,269,000 1,232,200 1,745,000 2,639,000 1,998,000 2,102,000 5,502,000 318,000 2,224,000	MAR 0 1,499,000 4,383,000 10,297,000 7,274,000 3,545,000 5,927,000 3,222,000 8,243,000 1,473,700 2,060,000 9,150,000 3,444,000 2,567,000 0 2,611,000 441,000 2,654,000	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 1,301,600 1,391,000 2,414,000 2,298,000 0 12,492,000 48,000 2,007,000	0 1,525,000 4,464,000 4,362,000 3,655,000 6,436,000 3,450,000 1,389,900 2,120,000 9,216,000 3,518,000 2,618,000 1,382,000 1,382,000	1,405,20 4,119,80 4,239,70 10,435,30 7,113,50 6,290,90 3,265,10 8,165,80 1,278,75 2,479,30 2,479,30 2,325,80 2,369,80 11,933,10 1,679,10	WATER JUL	PUMPED IN AUG 0 0 0 0 0 0	GALLONS SEP 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	OCT OCT OCT OCT OCT OCT OCT OCT	NOV	DEC 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,001 7,507,204 25,196,800 25,290,701 59,945,301 42,148,501 20,493,401 35,968,900 19,041,101 48,506,801 8,185,251 12,033,201 52,847,001 19,492,001 14,588,301 14,072,200 5,517,801 58,511,101 4,050,000 12,613,101
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300 302 303 304 305 319 330 333 334 347 346 347 356 357 358 360 *FWW	JAN 1,209,000 509,000 4,296,000 4,303,000 10,358,000 7,469,000 3,497,000 8,245,000 1,509,100 2,130,000 8,920,000 2,512,000 2,463,000 1,766,000 13,543,000 2,581,000 4,531,000 4,531,000 12,954,000 12,954,000 12,954,000 12,954,000	0 1.258,000 3,754,000 3,754,000 6,054,000 2,888,000 6,074,000 1,232,200 1,745,000 7,796,000 2,639,000 2,102,000 318,000 2,102,000 4,400,000 11,040,000 663 719,873,000 WELL 36,106,000	MAR 0 1,499,000 4,383,000 4,437,000 10,297,000 7,274,000 3,545,000 3,222,000 8,243,000 1,473,700 2,060,000 9,150,000 2,567,000 2,611,000 441,000 2,654,000 12,112,000 12,112,000 710	APR 0 1,311,000 4,180,000 4,214,000 9,595,000 6,788,000 3,393,000 5,803,000 3,008,000 1,931,000 1,931,000 2,414,000 2,298,000 12,492,000 48,000 2,007,000 5,049,000 15,078,000 699	0 1,525,000 4,464,000 4,362,000 7,450,000 3,655,000 8,827,000 1,389,900 2,120,000 9,216,000 2,618,000 2,455,000 1,382,000 1,458,000 0 0 1,458,000 1,458,000 1,458,000 1,458,000 1,458,000 5,377,000 11,611,000	1,405,204 4,119,80 4,239,70 10,435,300 3,504,40 6,290,90 3,265,10 8,166,80 1,278,75 2,047,20 8,831,00 3,258,00 2,479,30 2,359,80 11,933,10 1,679,10 4,816,90 12,926,00 240,189,75 737	WATER JUL Discourse Disco	PUMPED IN AUG 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	GALLONS SEP	OCT OCT OCT OCT OCT OCT OCT OCT	NOV	DEC 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	AMOUNT USED 1,209,000 7,507,200 25,196,800 25,290,700 59,945,300 42,148,500 20,493,400 35,968,900 19,041,100 48,506,800 8,185,250 12,033,200 52,847,000 19,492,000 14,588,300 14,072,200 5,517,800 58,511,100 4,050,000 12,613,100 29,494,900 75,721,000 1,428,109,250 4,383

APPLICATION FOR EXTENSION OF TIME

FILED
AUG 0 6 2003 558
STATE ENCINEER'S OTFICE

	THE REAL PROPERTY OF THE PARTY
Owner of Record Chemetall Foote Corporation	•••
IN THE MATTER OF PERMIT NO. 52921 FILED TO APPROPR	uate / Change the Waters of
Underground source (Name of stream, lake, spring, underground or other source	
This Application Is Respectfully Submitted.	,
Comes now	Agent Permittee or Agent
under Permit No52921, who after being duly sworn and ans following questions in compliance with the requirements as set forth in the permit te	swering to the best of their knowledge the
1. Does this permit have multiple owners? YES NO (Check the App	propriate Box)
If "YES" on question No. 1 is checked, is this request for an extension of time \[\subseteq \text{YES} \subseteq \text{NO} \(\text{Check the Appropriate Box} \)	submitted on behalf of all the owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being i	filed? Chemetall Foote Corp.
4. How much time is needed to finish this project? two years	
5. To date, what is the total expenditure on this project? \$52,300,000	
6. In order to complete this project as set forth in the permit terms, what additional	funds will be spent? \$5.70,000
7. The permittee requests an extension of time for one year (Not to exceed 1 year	
with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and	/or proof of beneficial use)
8. Explain in detail why this request for an extension of time is being submitted (Us	
Old wells are being supplemented by the construction	of new wells in order
meet expanding demend for production.	
Signed	Danny Zamping)
Subscribed and sworn to before me this 3/4 day of Address Che	Perfinitive or Agent ()
	metall Foote Corporation Street No. or P.O. Box No. Box 98 Silver Peak, NV 89047
Landy Jewell Phone 1-7	City, State, Zip Code No.
Signature of Notary Public Required Notary Public in and for the County of	OFFICIAL SEAL
State of levada 09:01 HV 9-50 EU	CANDY J. JEWETT No. 00-0422-14 NOTARY PUBLIC, STATE OF NEVADA NYE COUNTY, NEVADA
My commission expires Welvler le, 2004	My Appointment Exp. Oct. 6, 2004 Notary Stamp of Sear Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

In reply refer to No.

52918 through 52921

October 23, 2003

Address All Communications to the State Engineer, Division of Water Resources

Telephone (775) 687-4380

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

	This is to inform you that Application for Extension of Time	
9	has been granted to,	
	for filing of the	•••••
		••••
		••••
	has been granted to September 30	2004
	with the provision that no further extensions will be granted	
	for filing of the Proof of Beneficial Use	••••
)		••••
		••••
	except for good cause shown as provided under NRS 533.390 and 533.410.	
	Sincerely,	
	Christine Thiel, P.E.	
	Deputy State Engineer	

Chemetall Foote Corp., (additional address)

Southern Nevada Branch Office

SE ROA 746

CT/sg cc:

Ross de Lipkau

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

FILED 47 AUG 19 2004

Owner of Record	Chemetall Foote Corporation	n	STATE ENSINEER'S OFFICE
In the M.	ATTER OF PERMIT No. 52921	Filed to Appropriate / Ci	iange the Waters of
	Undergro	und Source underground or other source)	
THIS APPLICATION IS I	ESPECTFULLY SUBMITTED.		
Comes now	Sherry L Huelsen-Wilks Person Signing Application	, the	Agent
under Permit No		duly sworn and answering to	Permittee or Agent the best of their knowledge the
1. Does this permit ha	ve multiple owners? 🗆 YES 🏻 No	O (Check the Appropriate)	Box)
If "YES" on questi □ YES 전 NO	on No. 1 is checked, is this request for a (Check the Appropriate Box)	n extension of time submitted	on behalf of all the owners?
3. If "NO" on question	n No. 2 is checked, on whose behalf is th	his extension being filed?Ch	
4. How much time is a	needed to finish this project?		
5. To date, what is the	total expenditure on this project?	\$52,900,000	
7. The permittee reque	this project as set forth in the permit ters	One Year (Not to exceed I year)	within which to comply
with the provisions	for filing the P	roof of Beneficial Up of completion of work and/or proof of b	S <u>e</u> eneficial use)
Explain in detail wh	y this request for an extension of time is	being submitted (Use addition	nal sheets if necessary):
	Old wells are being supplem in order to meet expanding		
REC.	, , , 4	Signed Shung C	Heulen Wilka Permittee or Agent
10.0	o before me thisday of	f Address Chemetall	Foote Corporation Street No. or P.O. Box No.
	2004		3, Silver Peak, NV 89047 City, State, Zip Code No.
Signa	audy J. James		222 ext. 230
Notary Public in and fo	(I/I/I)		
State of / lua	October 6, 2004		PFICIAL SEAL ANDY J. JEWEIT No. 00-0422-14
My commission expires	(cur o d)		MOTARY PUBLIC, STATE OF NEVADA Stamp of Seal Beggired NEVADA Spointment Exp. Oct. 6, 2004
\$100 FILIN	IG FEE MUST ACCOMPANY THIS A SEPARATE APPLICATION MUST		ENSION OF TIME.
MAJW 11-10-0	g per JIC		SE ROA 747

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

123 W. Nye Lane, No. 246 Carson City, Nevada 89706-0818

> Address All Communication to the State Engineer, Division of Water Resources

Telephone (775) 687-4381 or 1-800-992-0900x4381 (In Nevada Only)

In reply refer to:

52918, 52919, 52920, and 52921

November 12, 2004

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2005</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Sincerely,

Jason King, P.E. Deputy State Engineer

JK/1t

cc: Ross de Lipkau

Southern Nevada Branch Office

Chemetall Foote Corp.

RECEIVED

August 24, 2005

05 MIG 29 PH 1:53

Chemetall Foote Corporation Silver Peak Operations

STATE ENGINEERS OFFICE

Post Office Box 98, Hwy 265 Silver Peak, NV 89047

State of Nevada – Office of the State Engineer
Department of Conservation and Natural Resources
Division of Water Resources
901 S. Stewart St., Ste. 2002
Carson City, NV 89701-5250

RE: Application for Extension of Time for Permit No.'s: 52918, 52919, 52920, 52921

To The State Engineer - Division of Water Resources:

Enclosed are applications for Extension of Time for Permits 52918, 52919, 52920 and 52921. A check in the amount of \$400.00 is also enclosed to cover the filing of the extensions.

If you have any questions, please feel free to call.

Sheny L Herelsen Wilks

Sincerely,

Sherry L. Huelsen-Wilks

Hydrogeologist & Wellfield Supervisor

cc Mr. Ross de Lipkau

File

Enclosures: Application for Extension of Time, Permit 52918

Application for Extension of Time, Permit 52919 Application for Extension of Time, Permit 52920 Application for Extension of Time, Permit 52921

Check # 26991

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

AUG 2 9 2005

Owner of Record Chemetall Foote Corporation	STATE ENGINEER'S OFFI
IN THE MATTER OF PERMIT NO. <u>52921</u> FILED TO APPROPRIATE/CHANGE THE WATER	IS OF
Underground Source	
(Name of stream, lake, spring, underground or other source)	
THIS APPLICATION IS RESPECTFULLY SUBMITTED.	
Comes now Sherry L Huelsen-Wilks , the Ag	zent
	e or Agent
under Permit No. 52921 , who after being duly sworn and answering to the best of their kn	owledge the following
questions in compliance with the requirements as set forth in the permit terms:	owleage are following
1. Does this permit have multiple owners? ☐ YES ☑ NO (Check the Appropriate Box)	
2. If "YES" on question No. 1 is checked, is this request for an extension of time submitted on behalf of all the ☐ YES ☐ NO (Check the Appropriate Box)	owners?
3. If "NO" on question No. 2 is checked, on whose behalf is this extension being filed? Chemetall Foote Cor	
on question 140. 2 is encoxed, on whose behalf is this extension being their Chemetan Foote Cor	poration
4. How much time is needed to finish this project? Two Years	
5. To date, what is the total expenditure on this project?\$53,900,000	
6. In order to complete this project as set forth in the permit terms, what additional funds will be spent?	;000;000
	ं ज हा
	ithin which to comply
	0 E
with the provisions for filing the Proof of Beneficial Use (Proof of completion of work and/or proof of beneficial use)	
8. Explain in detail why this request for an extension of time is being submitted (Use additional sheets if necessary Old wells are being supplemented by the construction of new wells in order to meet expanding demand	sary):
	Ж
Subscribed and sworn to before me this 25 day of Signed Many Little Subscribed and Signed Permittee or A	ne Wilks
Address Chemetall Foote Corpo Street No. or P.O.	
Signature of Notary Public Required P.O. Box 98, Silver Per City, State, Zip C	
Notary Public in and for the County of Phone 775-937-2222 ext. 230	
My commission expires October 6, 2008. NOTAR STATE O	J. JEWETT Y PUBLIC IF NEVADA . 92-0422-14 RES OCT. 6, 2008

Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. lyr Pon A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

ALLEN BIAGGI
HUGH RICCI, P.E.
Director
State Engineer

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701

> Address All Communication to the State Engineer, Division of Water Resources

in reply refer to:

Telephone (775) 684-2800 or 1-800-992-0900x2800 (In Nevada Only)

January 20, 2006

52918, 52919, 52920 and 52921



Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2006</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.



Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King

Jason King, P.E.

Deputy State Engineer

JK/mc

Cc: Southern Nevada Branch Office
 Sherry L. Huelsen-Wilks

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME

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	W FILED
	1 12.2
	AUG 3 1 2006
- [STATE ENGINEERING ALT.
ı	STATE ENGINEER'S OFFICE

Owner of Record	Chemetall Foote Corporation			. STATE ENGINEER'S
Int	HE MATTER OF PERMIT NO52921	FILED TO APPR	OPRIATE/CHAN	GE THE WATERS OF
	Lind	erground Source		
	(Name of stream, lake,		r other source)	
THIS APPLICATION IS RE	ESPECTFULLY SUBMITTED.			
Comes now	Sherry L Huelsen		, the	Agent
	Person Signing Application			Permittee or Agent
under Permit Noquestions in compliance	52921 , who after being with the requirements as set forth in the	duly sworn and ar ne permit terms:	nswering to the	best of their knowledge the following
1. Does this permit have	multiple owners?	☑ NO (Check the	e Appropriate B	ox)
☐ YES	No. 1 is checked, is this request for an Mo (Check the Appropriate Box No. 2 is checked, on whose behalf is the	9		
	<u> </u>			
4. How much time is ne	eded to finish this project?	Two Years		
5. To date, what is the to	otal expenditure on this project?	\$54,350,000	•	
6. In order to complete t	his project as set forth in the permit ter	ms, what addition	al funds will be	spent?\$2,000,000
7. The permittee request	s an extension of time for	One Yea		within which to comply
with the provisions for	r filing the	Proof of completion of	Beneficial Use	of heneficial use)
	this request for an extension of time is eing supplemented by the construction	being submitted (Use additional	sheets if necessary):
Subscribed and sworn to	before me this // the day of d	Signed <u>\$</u> Address _	Chemeta	Permittee or Agent Street No. or P.O. Hox No. x 98, Silver Peak NV 39047 City, State, Zip Coal No.
Notary Public in and for	/ - (0	Phone	775-937	-2222 ext. 230 m
State of	Nacla Netober 6, 2008		otary	CANDY J. JEWETT INTO NOTARY PUBLIC STATE OF NEVADA PAPPT. No. 92-0422-14 YMARPOT EXPIRESURES. 6, 2008

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF SIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

OK ser JK/ARE 9/24/06 SE ROA 752

ALLEN BIAGGI
TRACY TAYLOR, P.E.
Director
State Engineer

STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

Address All Communication to the State Engineer, Division of Water Resources

In reply refer to:

Telephone (775) 684-2800 or 1-800-992-0900x2800 (In Nevada Only)

October 5, 2006

52918 through 52921

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to <u>September 30, 2007</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Benefial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

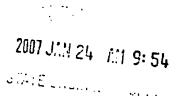
Sincerely,

Jason King, P.E. Deputy State Engineer

KH/ef

cc: Southern Nevada Branch Office

Notice of Proposed Action By the



State of Nevada

The Administrator of the Division of Environmental Protection gives notice that an application for renewal of a Water Pollution Control Permit for the **Silver Peak Lithium Project**, a mining and beneficiation facility, has been properly filed with the Division of Environmental Protection in Carson City. The applicant for renewal of Water Pollution Control Permit **NEV0070005** is:

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

The facility is located on public and private land in Esmeralda County, within Sections 26-28, Township 1 South, Range 40 East, Sections 1, 12, 13, 21-25, Township 2 South, Range 39 East, and Sections 1-11, 15-20, 29-32, Township 2 South, Range 40 East, Mount Diablo Baseline and Meridian, near the town of Silver Peak. Nevada.

The project consists of a dewatering and beneficiation facility, designed to extract lithium, with a maximum permitted process rate of 6,000 tons of naturally occurring material per year. The facility is comprised of numerous deep wells, solar evaporation ponds, lime sludge pond, process plants, stockpiled salt dumps, and appurtenances such as the lime slaker. Facilities are required to be designed, constructed, operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

The Administrator is constrained to either issue the renewed Water Pollution Control Permit or to deny the application. The Administrator has made the tentative decision to issue the renewed permit.

Persons wishing to comment upon the proposed Water Pollution Control Permit, to recommend terms and conditions for consideration of incorporation into the permit, or who request a public hearing pursuant to Nevada Administrative Code, NAC Chapter 445A, must submit their written comments, objections, or requests no later than 5:00 PM on the 30th day following the date of publication of this notice to:

Division of Environmental Protection Bureau of Mining Regulation and Reclamation 901 South Stewart Street, Suite 4001 Carson City, Nevada 89701-5249 All comments or objections received during the public notice period will be considered in the final determination regarding this Water Pollution Control Permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Water Pollution Control Permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS 445A.665. For more information, contact Bob Carlson at (775) 687-9401 or visit our website at http://ndep.nv.gov.bmrr/bmrr01.html

STATE OF NEVADA



Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation Silver Peak Lithium Project

P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of February Day, 2007, and shall remain in effect until February Day, 2007, unless modified, suspended, or revoked.

Signed this #### day of February 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
 - B. Schedule of Compliance: None Required
 - C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

<u>Id</u>	<u>entification</u>	<u>Parameter</u>	Frequency
1.	Fresh Water Well (WS)	Profile I ¹ and Static water level (amsl)	Quarterly
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually
6.	Brine well ³ (BW)	Profile H ² and Static water levels (amsl)	Annually
7.	Plant influent (PI)	Profile II ²	Annually



Silver Peak I (thium Project Permit N° NI V0070005 Page 3 of 9

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The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkalinity (as CaCO3)	Boron	Lead	Selenium
Bicarbonate	Cadmium	Magnesium	Silver
Total	Calcium	Manganese	Sodium
Aluminum	Chloride	Mercury	Sulfate
Antimony	Chromium	Nickel	Thallium
Arsenic	Copper	Nitrate (NO3+NO2 as N)	Total Dissolved Solids
Barium	Fluoride	pH (± 0.1 std units)	Zinc
Beryllium	Iron	Potassium	

(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum of two (2) feet of freeboard shall be maintained in the R-2 Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.

- The Permittee shall inspect all control devices, systems and facilities weekly.
 Drainage and containment systems shall also be inspected during, when possible,
 and after major storm events. These inspections are performed to detect evidence
 of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements





- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, and 3;
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2;
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6;
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent;
 - d. A brief summary of site operations, including the number of tons of naturally occurring material processed during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal;
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all spills must be reported as per NAC 445A.347.

- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
 - b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;





- ii. The periods of the incident (including exact dates and times);
- iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
- iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident:
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.
- 7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any

Silver Peak I (thrum Project Permit Nº NI-V(0)70005 Page 8 of 9

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injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- 2. Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents. Profile II constituents that





have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: Bob Carlson Date:

January 2007

Revision: 16 February 2005; employee access statement deleted.

24 May 2005; Bureau Chief title changed to Chief, Bureau of Mining Regulation and Reclamation.

25 May 2006; modified Part I.I. to include new PCS Management Plan wording.

January 2007 - Permit renewal process

FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address:

Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number:

NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1×10^{-6} cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.

The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. <u>Procedures for Public Comment</u>

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being



sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater





Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 5 of 5

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quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

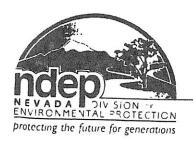
Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by:

Bob Carlson

Date:

January 2007 Renewal



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

March 8, 2007

NOTICE OF DECISION

WATER POLLUTION CONTROL PERMIT NUMBER NEV0070005

Chemetall Foote Corporation Silver Peak Lithium Project

The Nevada Division of Environmental Protection has decided to renew Water Pollution Control Permit NEV0070005 to Chemetall Foote Corporation. This permit authorizes the construction, operation, and closure of approved mining facilities in Esmeralda County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the groundwater quality will not be degraded by this operation, and that public safety and health will be protected.

The permit will become effective March 23, 2007. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, March 18, 2007, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Bob Carlson at (775) 687-9401 or visit the Division website at www.ndep.nv.gov/bmrr/bmrr01.htm.

Comments were not received during the public comment period.



STATE OF NEVADA

200711112 - 3 /1110: 52

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit

Permittee:

Chemetall Foote Corporation Silver Peak Lithium Project

P.O. Box 98

Silver Peak, NV 89047

Permit Number:

NEV0070005 (Renewal)

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this permit authorizes the Permittee to construct, operate, and close the Silver Peak Lithium Project, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to process up to 6,000 tons of ore per year.

The facility is located in Esmeralda County in Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32, Mount Diablo Baseline and Meridian, near the town of Silver Peak.

The Permittee must comply with all terms and conditions of this permit and all applicable statutes and regulations.

This permit is based on the assumption that the information submitted in the application of January 20, 1999, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the Permittee's ability to comply with applicable regulations or permit conditions.

This permit is effective as of March 23, 2007, and shall remain in effect until March 23, 2012, unless modified, suspended, or revoked.

Signed this 8th day of March 2007.

David Gaskin, P.E.

Chief, Bureau of Mining Regulation and Reclamation

- I. Specific Facility Conditions and Limitations
 - A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:
 - 1. Construct, operate, and close the facility in accordance with those design plans;
 - 2. Contain within the fluid management system all process fluids including all meteoric waters which enter the system as a result of the 25-year, 24-hour storm event; and
 - 3. Not release or discharge any process or non-process contaminants from the fluid management system.
 - B. Schedule of Compliance: None Required
 - C. The fluid management system covered by this permit consists of the following process components:
 - 1. Process plants including, but not limited to, all tanks (e.g. tank farm and acid tanks), basins, sumps, pumps, and piping necessary to connect components of the process facility;
 - 2. Evaporation ponds, liming facility and the R-2 pond; and
 - 3. Transfer pipes, ditches, valves, and pumps used in conveyance, control or detection of process fluids between process components.

D. Monitoring Requirements

<u>Id</u>	<u>entification</u>	<u>Parameter</u>	Frequency	
l.	Fresh Water Well (WS)	Profile I ^I and Static water level (amsl)	Quarterly	
2.	Monitoring well adjacent to the R-2 Pond (R-2W)	Profile I ¹ and Static water level (amsl)	Quarterly	
3.	R-2 Pond (R-2)	Freeboard (minimum)	Quarterly	
4.	Lithium hydroxide plant waste stream (HPWS)	Profile II ²	Annually	
5.	Lithium carbonate plant waste stream (CPWS)	Profile II ²	Annually	
6.	Brine well (BW)	Profile II ² and Static water levels (amsl)	Annually	
7.	Plant influent (PI)	Profile II ²	Annually	





The Permittee may request a reduction in the number of elements and frequency of analyses after four (4) quarters of complete monitoring based on justification other than cost. Such reductions may be considered formal modifications to the permit.

Footnotes:

(1) Profile I:

Alkalinity (as CaCO3)	Boron	Lead	Selenium
Bicarbonate	Cadmium	Magnesium	Silver
Total	Calcium	Manganese	Sodium
Aluminum	Chloride	Mercury	Sulfate
Antimony	Chromium	Nickel	Thallium
Arsenic	Copper	Nitrate (NO3+NO2 as N)	Total Dissolved Solids
Barium	Fluoride	pH (± 0.1 std units)	WAD Cyanide
Beryllium	Iron	Potassium	Zinc

(2) Profile II includes Profile I plus the following:

Bismuth	Lithium	Scandium	Titanium
Cobalt	Molybdenum	Strontium	Vanadium
Gallium	Phosphorus	Tin	

- (3) A different production (brine) well shall be sampled each year.
- E. Quarterly and annual monitoring reports and spill reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.
- G. Permit Limitations
 - 1. A minimum of two (2) feet of freeboard shall be maintained in the R-2 Pond at all times.

Exceedances of these limitations may be permit violations and shall be reported as specified in Part II.B.4.

H. The facility shall maintain an automated device or a calibrated rain gauge, which shall be monitored daily, to record daily precipitation. A written record of all daily accumulations of precipitation shall be maintained on site.





- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
 - 1. Deterioration, malfunction, or improper operation of control systems;
 - 2. Sudden changes in the level of the contents of any monitoring device; and
 - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final permanent closure plan.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this permit and every year thereafter until the permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or remediate hydrocarbon-contaminated soil exceeding 100 mg/kg Total Petroleum Hydrocarbon (TPH) on the mine site without first obtaining from the Division either a Mining Hydrocarbon Facility Permit or approval of a Petroleum Contaminated Soils (PCS) Management Plan.

II. General Facility Conditions and Limitations

A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.
- 3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this permit and appropriate enforcement action.

B. Reporting Requirements





- 1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28th day of the month following the quarter and must contain the following:
 - a. Monitoring results from those locations identified in Parts I.D.1, 2, 3, and 4;
 - b. Analytical results of the solution collected from monitoring locations identified in Part I.D.1 and 2:
 - c. A record of spills and releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report by February 28th of each year, for the preceding calendar year, which contains the following:
 - a. Analytical results of the solution collected from monitoring locations identified in Part I.D.4, 5, 6, and 7;
 - b. Monitoring results from those locations identified in Parts I.D.6;
 - c. A synopsis of spills and releases on NDEP Form 0390 or equivalent;
 - d. A brief summary of site operations, including the number of tons of ore milled or placed on heaps (as applicable) during the year, construction and expansion activities and major problems with the fluid management system;
 - e. A table of total monthly precipitation amounts reported for the five-year history previous to the date of submittal;
 - f. An updated version of the facility monitoring and sampling procedures and protocols;
 - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
 - h. Graphs of leak detection flow rates, pH, total dissolved solids (TDS), sulfate as SO₄, chloride, nitrate (NO₃ + NO₂ as nitrogen), WAD cyanide, fluoride, zinc, and arsenic concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional constituents may be required by the Division if deemed necessary.
- 3. Spill Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved

Emergency Response Plan, then all spills must be reported as per NAC 445A.347.

- a. A release directly into surface or groundwater of any quantity of pollutant, hazardous waste or contaminant must be reported to the Division as soon as possible, but no later than 5 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to 888-331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within ten (10) days in accordance with Part II.B.4.b.
- b. A release of a substance in a quantity equal to or greater than that covered by 40 C.F.R. Part 302.4 must be reported as required by NAC 445A.347 and Part II.B.3.a.
- c. A release to soils or land surfaces of solutions containing a pollutant, hazardous waste or contaminant and the quantity is equal to or exceeds five hundred (500) gallons, report as per Part II.B.3.a. Report smaller spills quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products: If a release enters a surface water or is discovered on or in groundwater, or if the quantity is equal to or greater than one hundred (100) gallons released to soil or land surfaces, report in the time frame specified in Part II.B.3.a. Smaller spills, greater than twenty five (25) gallons but less than 100 gallons, released to soil or land surfaces, or if discovered in at least three (3) cubic yards of affected soil, are reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the permit.
 - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident, condition, or circumstance;
 - iv. If materials released, identify material and report total gallons and quantity of contaminant;
 - v. Human and animal mortality or injury;
 - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
 - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.





- b. A written summary shall be provided within ten (10) days of the time the Permittee makes the oral report. The written summary shall contain:
 - i. A description of the incident and its cause;
 - ii. The periods of the incident (including exact dates and times);
 - iii. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
 - i. Determine the effect and extent of each incident;
 - ii. Minimize any potential impact to the waters of the State arising from each incident;
 - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
 - iv. Minimize the endangerment of the public health and safety which arises from each incident.

C. Administrative Requirements

- 1. A valid permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for permit renewal not later than one-hundred twenty (120) days before the permit expires.
- 2. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 3. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this permit, or to determine compliance with this permit.
- 4. The Permittee shall maintain a copy of, and all modifications to, the current permit at the permitted facilities at all times.
- 5. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 6. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not thereby be affected.



7. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this permit. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this permit. NRS 445A.675 provides that any person who violates a permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

D. Division's Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the Permittee's premises where a regulated activity is conducted or where records are kept per the conditions of this permit;
- Have access to and copy any record that must be kept per the conditions of this permit;
- 3. Inspect any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring permit and regulatory compliance.

E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this permit, the Permittee shall record the following information:
 - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
 - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified by the State of Nevada. The Permittee must identify the certified laboratory used to perform the analyses, laboratory reference number, sample date and laboratory test date in quarterly reports.





6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and reliable to at least two (2) significant digits. The analytical methods used must have a lower level of detection equal to or less than one-half the MCL for Profile I constituents. Profile II constituents that have established standards shall be quantified using an analytical method with a lower level of detection equal to or less than the standard.

F. Permit Modification Requirements

- 1. Any material modification must be reported by submission of a new application, or, if such changes will not violate the limitations specified in the permit, by notice to the permit issuing authority of such changes. Any change which materially modifies, as defined in NAC 445A.365, the permitted facility must comply with NAC 445A.392, NAC 445A.416, and NAC 445A.417.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in the application, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as permit modification.
- 3. The Permittee must notify the Division in writing at least thirty (30) days before the introduction of process solutions into a new process component or into an existing process component which has been materially modified, or of the intent to commence active operation of that process component.
- 4. The Permittee must obtain a written determination from the Administrator of any planned material modification(s) as to whether it is considered a permit modification.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with permit requirements.

Prepared by: <u>Bob Carlson</u>

Date: <u>Lanuary 2007</u>

Revision: 01 March 2007 - Permit renewal process

FACT SHEET (pursuant to NAC 445A.401)

Permittee Name and Address:

Chemetall Foote Corporation

P.O. Box 98, Highway 265 Silver Peak, Nevada 89047

Permit Number:

NEV0070005 (Renewal)

A. <u>Description of Facility</u>

Location: This project is located in Esmeralda County near the town of Silver Peak, Nevada within Township 1 South, Range 40 East, Sections 26-28; Township 2 South, Range 39 East, Sections 1, 12, 13, 21-25; and Township 2 South, Range 40 East, Sections 1-11, 15-20, 29-32 MDB&M.

Characteristics: The Silver Peak Lithium Facility consists of numerous deep wells, solar evaporation ponds, lime sludge pond, process plant(s), stockpiled salt dumps and appurtenances such as the lime slaker(s). Based on hydrogeologic considerations, Clayton Valley is considered the final destination for groundwater from surrounding areas.

B. Synopsis

Chemetall Foote Corporation, formerly Cyprus Foote Mineral Company, has been in operation since 1965. The original water pollution control application was permitted in 1978. In 1994, a proposal was made to construct a lithium hydroxide monohydrate production facility. The expansion was completed by April of 1996. In 1998, another proposal was made to NDEP to construct an expansion to the lower tank farm in the lithium hydroxide monohydrate plant.

The groundwaters of the Clayton Playa are the "ore" for this facility, averaging more than 139,000 ppm total dissolved solids (TDS). Subsurface brines are

Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 2 of 5

pumped, via numerous deep wells, into a series of solar evaporation ponds, where the brines are concentrated over time. Halite (rock salt) is deposited on the pond bottoms early in the series when the saturation point of the sodium chloride is reached. At approximately a third of the way through the concentration circuit, slaked lime treatment results in the production of a semi-solid sludge, consisting primarily of magnesium hydroxide and calcium sulfate, which is deposited in a lime solids pond. Decant and further evaporation of the treated brine results in the continued deposition of salts in the pond bottoms. Where it is economically efficient, the salts are removed from the ponds and stockpiled in one of three piles located adjacent to the pond area. The salts primarily consist of sodium chloride with a minor fraction of potassium chloride and traces of borates and sulfates.

The brine ponds were built directly on top of native clay of the playa that has a coefficient of permeability of 1 x 10⁻⁶ cm/sec. All pond dikes have a clay slurry core with the same coefficient of permeability. However, the most concentrated brine pond is lined, in addition to the naturally occurring clay, with 20-mil polyvinylchloride (PVC). The ponds are designed to operate with a brine depth of one to two feet. The resulting freeboard (nominal one foot) will accommodate wave action and accumulation of meteoric waters resulting from more than the 100-year, 24-hour event.

The concentrated brine is fed into the lithium carbonate plant to obtain the final product, lithium carbonate. In the plant, the brine is treated with lime and soda ash to remove any remaining magnesium and calcium, which would interfere with the precipitation of lithium carbonate. This treatment results in the production of a semi-solid sludge composed primarily of magnesium hydroxide and calcium carbonate. This sludge is removed periodically from the treatment tanks and discharged to the playa surface. The polished brine is then heated with steam provided by a fire-tube boiler and the lithium precipitated as carbonate by the addition of soda ash. The lithium carbonate product is then dried and packaged, or used as head feed for the lithium hydroxide facility (see below). The spent liquor is then returned to the pond system via the plant waste ditch, which carries it and other plant waste waters (e.g. pump packing coolant, emergency shower and eyewash supply, floor washing) to the playa surface near the western edge of the pond system.

In the lithium hydroxide facility, lithium hydroxide solution and calcium carbonate solids are produced after adding slaked lime. The calcium carbonate solids are separated by centrifuging, washed and moved to the playa for storage in the pond system. Evaporation of the lithium hydroxide solution produces solid lithium hydroxide monohydrate that is dried and packaged. A portion is further processed into anhydrous lithium hydroxide product.





Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 3 of 5

The process fluids in the lithium carbonate plant are contained in lined steel tanks, which are covered so they are not affected by meteoric events. Fluids in the lithium hydroxide plant are contained in steel and fiber-reinforced plastic tanks, which are contained within the building so they too are not affected by meteoric events. The secondary containment required under Nevada Administrative Code (NAC) 445A.436 is provided for the post-regulation lithium hydroxide plant and lower tank farm (including acid tanks), but not the pre-regulation lithium carbonate plant.

The R-2 pond, which is asphalt-lined, receives process water (CaCO₃ solution) that is pumped to the playa as needed.

C. Site Hydrology/Hydrogeology and Background Groundwater Quality

Extensive exploration drilling has occurred to define the naturally occurring brine ore body and hydrogeology of the playa and areas surrounding the playa. The dual-tube drilling method is used to define a vertical profile of the hydrogeologic conditions of the subsurface as well as the groundwater chemistry. Freshwater does not exist near the pond system of the playa. However, upgradient of the playa margin yields groundwater that is potable. A monitoring well is located between the R-2 process pond and the freshwater wells (located upgradient) to define the groundwater quality between the playa aquifer and the freshwater aquifer. The topographic surface at the freshwater wells is about 120 meters (390 feet) higher in elevation than the playa surface and the direction of the groundwater flow is clearly toward the playa.

The groundwater pumped from the Clayton Valley Playa produces a brine solution with very high Total Dissolved Solids (TDS) concentrations, averaging 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). The article goes on to say "Since Clayton is a hydrologically closed valley..."

Stormwater runoff and accumulation is directed to the closed hydrogeologic system of the Clayton Valley.

D. <u>Procedures for Public Comment</u>

The Notice of the Division's intent to issue a permit authorizing the facility to construct, operate and close, subject to the conditions within the permit, is being

sent to the <u>Tonopah Times-Bonanza & Goldfield News</u> for publication. The Notice is being mailed to interested persons on our mailing list. Anyone wishing to comment on the proposed permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, the regional administrator of EPA Region IX, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

E. Proposed Determination

The Division has made the tentative determination to issue the permit.

F. Proposed Effluent Limitations, Schedule of Compliance, Special Conditions

See Section I of the permit.

G. Rationale for Permit Requirements

The facility is located in an area where annual evaporation is greater than annual precipitation. The groundwaters of the Clayton Valley Playa do not currently serve as a source of drinking water, produces a mineral fluid that is capable of commercial production, as evidenced by a 40 year history of lithium production from the fluid, and it would be economically or technologically impractical to render the water fit for human consumption. In addition, the total dissolved solids in the groundwater averages 139,000 ppm. This "is due to the fact that Clayton Playa is the terminal discharging point for deeper water circulation through the adjacent valleys." (Geology and Hydrology of Selected Playas in Western United States, August 2006). Therefore, an exemption of playa groundwater from standards in subsection 1 of Nevada Administrative Code 445A.424 is applicable.

The primary method for identification of escaping process solution from components on the playa margin and upgradient thereof, where groundwater





Chemetall Foote Corp. Fact Sheet for WPCP NEV0070005 Page 5 of 5

quality meets or exceeds Profile I standards, will be placed on required routine monitoring and sampling of monitoring well(s) and inspections. Specific monitoring requirements can be found in the Water Pollution Control Permit.

H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S.C. 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 CFR 10, April 15, 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by: <u>Bob Carlson</u>

Date: January 2007 Renewal

Chemetall Foote Corp.

2607 AUG 24 ANTH: 00

August 22, 2007

STATE ENGINEERS OF FIUL

Chemetall Foote Corporation Silver Peak Operations PO Box 98, Hwy 265 Silver Peak, NV 89047

Office of the State Engineer Nevada Division of Water Resources 901 South Street, Suite 2002 Carson City, NV 89706-0818

Subject:

Permit Numbers 52918, 52919, 52920, 52921

Enclosed are applications for Extension of Time for Permits 52918, 52919, 52920, and 52921. A check in the amount of \$400.00 is also enclosed to cover the filing of the extensions.

If you have any questions or need additional information, please feel free to call me at 775-937-2222 ext. 229.

Sincerely,

Melissa Jennings

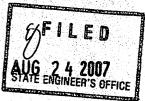
Mine Superintendent

Melina Tenning

Cc. Mr. Ross de Lipkau, Marshall, Hill, Cassas and de Lipkau File

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record <u>Chemetall Foote Corportation</u>		The state of the s			The state of the s	AMERICA S OFFIC
IN THE MATTER OF PERMIT No	52921	FILED TO	APPROPRIATE/0	CHANGE TH	E WATERS O)F
	Underground So	urce				
THE ADDITION IS DESDECTED IN SUDA	(Name of stream, lake, sprin	g, underground or ot	her source)		•	
THIS APPLICATION IS RESPECTFULLY SUBM	III IED.					
Comes now Melissa Je Person Signing	nnings Application	, the	······································	Agent Permittee or A	gent	
under Permit No. 52921 ,			A			wing questions
in compliance with the requirements as set forth in	the permit terms:		J			
1. Does this permit have multiple owners?	YES • NO (Chec	k the Appropri	ate Box)			
2. If "YES" on question No. 1 is checked, is this YES • NO (Check the Appropriate	-	on of time subn	nitted on behalf of	all the owner	s?	
3. If "NO" on question No. 2 is checked, on whose	behalf is this extension	on being filed?	Chemetall Foo	te Corporation	.	
				·		
4. How much time is needed to finish this project?	Two Vears					
4. Now much time is needed to finish this project:	1 WO TCais	· • · · · · · · · · · · · · · · · · · ·				
5. To date, what is the total expenditure on this pro	ject? <u>\$55,900,000.</u>	00				
6. In order to complete this project as set forth in the	ne permit terms, what	additional fund	s will be spent? _	\$3,200,000	.00	····
7. The permittee requests an extension of time for	One Year (Not to exceed 1 year)		wi	thin which to	comply with t	he provisions
for filing the	Proof of Benenficial U	Use	of heneficial use)			
8. Explain in detail why this request for an extens	•	•		f necessary):		
	_			-		
Old wells are being supplemented by production,	the construction	or new v	veiis in order	to meet	expanding	demand for
					S	
			$m_{1.1}$	7		
	,	Signed _	Melissa	Permittee or Agent	mg =	
Subscribed and sworn to before me this 22 me	day of	Address	Chemetall Foot	•		
Augusta la				Street No. or P	O. Box No.	
20			PO Box 98, Sil	ver Peak, Nev City, State, Zi		
Laudy J. C.	Xewell	Phone _	(775) 937-2222	ext. 229	9 =	
Signature of Notary Public Required					00 00	
Notary Public in and for the County of	,		11.07	CANDY J.		
State of Iwada	,			NOTARY		
My commission expires Wetober 6,	2008			STATE OF APPT. No. 1		
	-		M	Y APPT, EXPIR	ES OCT. 6, 200 Seel Required	18

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.
A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.
THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

OIC W/ WP INTO 1H. REI / 4/2 9/6/07 SE ROA 786



TRACY TAYLOR, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

RE: Permits 52918, 52919, 52920 and 52921

September 19, 2007

Melissa Jennings Chemetall Foote Corporation PO Box 98 Silver Peak, Nevada 89047

Dear Ms. Jennings:

Please refer to the Application for Extension of Time forms you submitted on August 24, 2007 as Agent for Chemetall Foote Corporation for the above referenced permits.

These Applications for Extension of Time are <u>approved</u>; however, before any further requests for Extension of Time for the filing of the Proof of Beneficial Use are granted, this office requires that you answer the questions on the enclosed Work Progress Information Sheet. This information is needed to update the Permit files and to determine progress made towards establishing Beneficial Use. Please note that on your Applications you state that "old wells are being supplemented by the construction of new wells"; we do not currently have any Applications to Change on file in the name of Chemetall Foote. If you have any questions, please contact Tony Eng at 775-684-2800.

Please submit to this office the requested information before the next Proof Beneficial Use are due. Failure to comply may result in the denial of future requests for Extension of Time.

Sincerely,

Jason King, P.E. Deputy State Engineer

JK/ALE/ef Enclosure

cc: Parsons Behle & Latimer, Ross de Lipkau

Southern Nevada Branch Office

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918, 52919, 52920 and 52921

Please furnish information and documents explaining the progress to complete the project to be served under each permit. The explanation should include the following information and any other pertinent information:

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates (e.g., planning, design, construction, start-up, partial or full operation).
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of lands within the place of use? If so, detail this authorization.
- 3. What type of product or mineral is being mined? Who is buying your mineral product and for how long?
- 4. Submit the record of water measurements (e.g., meter readings) for the last one-year period. Specify the measurement volume units (e.g., gallons, 100 gallons, million gallons, or acre-feet).
- 5. Describe any work in progress and any facility or feature completed to establish full beneficial use in compliance with permit requirements.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.



STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002 Carson City, Nevada 89701 http://water.nv.gov

> Address All Communication to the State Engineer, Division of Water Resources

September 20, 2007

Telephone (775) 684-2800 or 1-800-992-0900 x 2400 (In Nevada Only)

In reply refer to:

52918, 52919, 52920 and 52921

Æ.

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

This is to inform you that Application for Extension of Time has been granted to **September 30, 2008** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E.

Deputy State Engineer

JK/ef

cc: Ross de Lipkau

Southern Nevada Branch Office

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA

APPLICATION FOR EXTENSION OF TIME



Owner of Record Chemetall Foote Corportation				STATE E	NGINEER'S OFFIC
					The state of the s
IN THE MATTER OF PERMIT No	52921	_ FILED TO A	PPROPRIATE	CHANGE THE WATERS O	F
	11-1				
	Underground Sour Name of stream, lake, spring, t		er source)		
THIS APPLICATION IS RESPECTFULLY SUBMIT	TED.				
Comes now Melissa Jenn Person Signing App	ings	, the		Agent Permittee or Agent	
		vorn and anew	ering to the best	of their knowledge the follo	wing avantians
in compliance with the requirements as set forth in the	permit terms:	TOTAL WILL WILLS W	oring to the best	of their knowledge the fono	wing ducerions
d. Decades and the					
1. Does this permit have multiple owners? Y	ES • NO (Check i	the Appropria	te Box)		
2. If "YES" on question No. 1 is checked, is this req	quest for an extension	of time submi	itted on behalf o	f all the owners?	
YES • NO (Check the Appropriate Bo	xx)				
3. If "NO" on question No. 2 is checked, on whose be	half is this aveansion	baing filad?	Chamatall Fac	to Compandia	
The standard No. 2 is encerted, on whose be	tiali is tills extension	oeing meu: _	Chemetan Fot	ne Corporation	
			 :	<u> </u>	
4. How much time is needed to finish this project?	Two Years				
5. To date, what is the total expenditure on this project	t? <u>\$57,802,000.00</u>)	· · · · · · · · · · · · · · · · · · ·		
6. In order to complete this project as set forth in the p	permit terms, what add	ditional funds	will be spent?	\$1,700,000,00	
7. The permittee requests an extension of time for	One Year (Not to exceed 1 year)		w	ithin which to comply with th	ne provisions
	oof of Benenficial Use	e			
	(Proof of completion of we	ork and/or proof of	beneficial use)		
8. Explain in detail why this request for an extension	n of time is being sub	mitted (Use ad	lditional sheets	f necessary):	
Old wells are being supplemented by the construction	of new wells in order	to meet expan	ding demand fo	r production. The 2006 well	drilling
program added three new wells, and a drilling program	slated for the fall of	2008 will add	another 5 to 8 v	ells, which will bring produc	tion rates
closer to the targeted volume.					- "
)			-		
			Malia	1 - 11	······································
18 4)	Signed <u></u>		Permittee or Agents	
Subscribed and sworn to before the this	day of	Address	_Chemetall Foo		
				Street No. or P.O. Box No.]
	8		PO Box 98, Si	Ver Peak, Nevada 89647 To	
L'alidy J. A	Ewell	Phone	(775) 937-2222	= 10 \	
Signature of Notary Public Required	7/2	I HOME	(113) 931-2222		
Notary Public in and for the County of	79e,			CANDYA. JENETTE: NOTABY PUBLIC:	
State of Merada	1 0			STATE OF NEVADA	
Matila	2007			APPT. Nd. 92-0722-14	
My commission expires Wewev O,	2008			MY APPT. EXPIRES 50 T. 6, 20	700

Notary Stamp or Seal Required

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52921

1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use?

 Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- 3. What type of mineral is being mined?

 Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

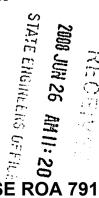
Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period. 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 None have been submitted or recorded.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

 No known adverse conditions.



QUARTERLY PRODUCTION REPORT

CHEMETALL FOOTE CORPORATION SILVER PEAK OPERATIONS

YEAR: 2007

REPORT DATE:

Jan. 23, 2008

PERMIT NUMBERS: 52918; 52919; 52920; 52921

BASIN: 143 (CLAYTON VALLEY)

SITE LD. WELL#	TAN	PED	3717	1 455		NE PUMPED I				,		AMOUNT
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ОСТ	NOV DEC	USED
9C	2 (02 000	· · · · · · · · · · · · · · · · · · ·	270 6 200 7 6 9	Section of the second			** *(A) ****		San Secretar			and the second
****	2,692,000	2,390,200	2,690,400	2,619,500	2,688,700	2,620,800	2.700,200	2,620,700	2,580,700	2,642,700	2,378,800 2,628,600	31,253,300
10B 23A	5,780,000	5,131,700	5,747,500	5,582,800	5,718,300	5,585,300	5,767,700	5,601,100	5,562,200	5,744,400	5,569,100 5,715,700	67,505,800
41B	3,871,000	3,529,300	3,777,700	2,684,000	3,892,416	3,799,488	3,570,240	3,479,000	3,640,000	3,796,300	3,658,000 3,777,900	43,475,344
	2,980,000	2,617,000	2,968,200	2,872,100	2,833,700	2,867,100	2,958,000	2,894,300	2,831,300	3,106,300	3,041,800 3,103,600	35,073,400
43A	3,201,000	2,853,400	3,193,500	3,112,400	3,191,200	3,107,900	3,203,400	3,084,900	3,105,360	3,201,300	3,110,900 3,173,200	37,538,400
59	4,218,000	3,737,300	4,228,700	4,081,700	4,013,800	3,858,800	3,973,100	3,830,200	3,983,100	4,080,700	3,947,800 3,999,500	47,952,700
62A	7,041,000	6,236,800	6,993,500	6,669,400	6,959,700	6,692,500	6,816,000	6.717,300	6,756,400	6,998,900	6,851,600 6,800,700	81,533,800
65A	5,761,000	4,840,500	5,443,100	5,198,700	5,187,600	5,024,500	5,200,900	5.024,900	4,994,000	5,102,100	4,979,500 5,111,000	61,867,800
73A	6,228,000	5,508,200	6,208.300	6,004,700	6,173,700	6,008,700	6,397,400	6,206,700	5,582,000	5,798,600	5,577,400 5,586,100	71,279,800
76	0,011,000	8,820,800	9,744,600	8,674,700	9.636,000	9,388,500	9,808,920	8,895,900	9,422,700	9,656,600	9,486,400 9,682,800	113,128,920
109	8,659,000	7,690,300	8,608,500	8,110,000	8,552,500	8,167,600	8,400,500	8,216,300	8,153,100	8,422,600	8,148,800 8,366,300	99,495,500
131	12,016,000	10,633,000	12,023,100	11,609,900	11.908,400	11,610,900	12,016,500	11,583,400	11,601,000	9,943,000	11,838,600 12,141,500	138,925,300
133	7,021,000	6,257,100	7,037,200	6,854,800	6,994,800	6,744,500	6,948,900	6,869,300	6,943,500	7,145,300	6,945,400 7,100,000	82,861,800
152	1,730,000	1,564,400	1,762,800	1,704,200	1,744,800	1,701,300	1,769,900	1,731,300	1,712,800	1,777,400	1,571,400 1,627,700	20,398,000
153	10,729,000	10,262,000	11,802,700	10,991,400	11,721,200	11,296,000	12,034,600	11,711,500	11,269,300	12,079,400	12,496,200 7,694,800	134,088,100
156	12,638,000	10,947,700	13,087,300	12,645,700	12,934.700	12,568,900	9,500,800	11.849,400	12.848,400	13.436,000	13,098,000 13,338,000	148,892,900
170	3,837,000	3,379,000	3.710,800	3,296,800	3,403,600	2,055,400	3,629,600	3.688,000	3,548,000	3,698,900	3.597,400 3,064,100	40,908,600
172	5,685,000	4,903,500	5,793,900	5,566,100	5,655,800	5,586,700	6,086,800	6,053,200	6,061,400	6.353,100	6,220,500 6,248,100	70,214,100
瓣 173	4,121,000	3,804,600	4,491,100	4,498,300	4,434,700	4,426,100	4,895,700	4.905,700	4,882,200	5,130,700	4,925,500 5,121,400	55,547,000
180	6,840,000	6,230,700	7,937,100	6,681,900	6,969,600	6,860,300	7,639,596	7,114,000	7,271,580	7,659,000	7,466,000 7,609,000	85,378,776
302	1,502,000	1,346,700	1,506,500	1,422,100	1,497,900	1,467,200	1,515,300	1,498,200	1,547,000	1,587,600	1.565,800 1,608,600	18,064,900
303	5,960,000	5,326,000	5,950,000	5,742,000	5,918,000	5,761,000	5,939,000	5,762,000	5,781,000	5,856,000	5,698,000 5,868,000	69,561,000
304	4.260,000	3,793,800	4,290,600	3,883,400	4,279,100	4,213,600	4,372,200	4.264,600	4,293,200	4,355,300	4.175,200 4,313,300	50,494,300
305	7,734,000	6,641,900	7,490,600	6,784,700	243,500	5,299,600	10,448,500	10,180,300	10,038,700	10,328,900	9,759,600 9,643,500	94,593,800
314	3.831,000	3,387,100	3,821,200	2,979,100	3,139,600	3,451,200	3,831,300	3.527,600	3,745,872	3,360,100	3,245,600 3,393,400	41,713,072
319	6,502,000	5,785,400	6,502,300	6,323,700	6,477,300	6,315,100	6,511,500	6,322,500	6,272,300	6,467,100	6,277,920 6,426,600	76,183,720
330	3,252,000	2,926,900	3,280,400	3,187,500	3,260,600	1,518,000	1,853,000	708,000	O	0	0 1 0	19,986,400
333	8,914,000	7,954,000	8,848,300	8,317,000	8,782,000	8,522,600	8,767,800	8,398,200	8,620,400	8,807,100	8,591,300 8,767,800	103,290,500
334	613,000	511,600	582,700	586,100	1,193,940	1,165,914	1,202,850	1.168,020	1,169,154	1,201,230	1,172,880 1,195,074	11,762,462
337	1,600,000	1,131,000	1,463,000	1,568,000	1,589,000	1,517,000	1,547,000	1,507,000	1,528,000	1,558,000	1,511,000 1,543,000	18,062,000
343	9.757,000	8,745,700	9,816,700	9,514,400	9,765,600	9,495,300	9,819,700	9,497,400	9,460,440	9,931,300	9,675,500 9,882,900	115,361,940
344	3.341,000	3,014,100	3,410,500	3,299,700	3,376,800	3,280,920	3,882,114	3,292,320	3,288,000	3,397,000	3,327,000 3,393,000	40,302,454
346	1,287,000	1,162,300	0	0	200	0	0	O	757,452	360,200	0 0	3,567,152
347	1,944,000	1,716,800	1,905,400	1,837,600	1.934.000	1.882,500	1,969,000	1,900,600	1,890,500	2,005,600	1,906,872 1,372,680	22,265,552
356	2,234,000	1,973,600	2.204,700	2,161,000	2,228,100	2,157,600	2,235,500	2,174,800	2.222.200	2,293,000	55,600 300	21,940,400
357	7.872.000	6,919,200	7,867,900	7,400,800	7,665,800	7,156,700	6,865,300	6,349,248	5,138,100	O	1,409,300 0	64,644,348
358	152,000	0	: 0	0	0	0	0	0	0	0	0 0	152,000
359	2,661,000	2,237,700	2,012,300	2,512,800	2,692,500	2,488,500	2,536,100	1,533,000	700	0	1,100 2,756,900	21,432,600
360	4,646,000	4,172,000	4,663,700	4,497,900	4,492,100	4,533,480	4,725,480	4,562,800	4,576,800	4,690,800	4,622,000 4,744,200	54,927,260
374	26,117,000	16,705,000	1 0	0	0	0	3,781,000	9,221,000	8,299,000	5,595,000	9,113,000 9,255,000	88,086,000
378	5,251,000	10,769,000	. 0	9,511,200	24.548,800	22,545,000	22,184,000	19,752,000	18,795,000	19,335,000	18,813,000 19,081,000	190,185,000
379	4,132,000	3,797,000	6,248,000	3,905,000	5,349,000	2,021,000	2,205,000	2.112,000	2,069,000	2,245,000	2,154,000 2,015,000	38,252,000
380	3,182.000	1,897,100	9 0	2,105,800	3,012,000	2,952,700	1,269,600	1,300,800	1,802,700	1,903,900	0 0	19,426,600
384	6,164,000	5,227,000	6,016,000	5,739,000	5.794,000	3,523,000	6,149,000	6,275,000	6,175,000	6,333,000	6,140,000 6,256,000	69,791,000
386	9,873,000	15,141,000	16,562,000	16,529,000	16,891,000	16,109,000	16,290,000	11,390,000	20,477,000	19,814,000	18.376,000 18,388,000	195,840,000
392	15,135,000	7.062,700	0	4,805,000	56,724,000	54,121,000	54,771,000	52,906,000	55,609,000	57.284,000		
394	0	1,532,000	4.466.000	3,554,000	4,074,000	3,602,000	3,438,000	3,747,000	3,548,000			469,869,700
*FWW	12,732,000	11,962,000	12,443,000	12.374,000	16,177,000	12,843,000	17,299,000			3,181,000	3,283,200 2,922,480	37,347,680
4 17 77	12,122,000	11,012,000	14.945,880	1 (2.374,040)	10,177,000	14,843,668	I F. SPFARRI	15,140,060	14,969,000	16,374,000	12,862,000 43,574,000	197,849,000
TOTAL GAL	285 607,000 876	253,776,100	247,701,800	249,900,900	325.721.956	307,914,202	328,727,000	316,567 488	123,022,408	324,037,430	313,777,972 344,609,734	3,622,272,180
AF Megit	<u> </u>	779	760	767	1000	945	1009	972	994	994	963 1058	11,116
TOTAL		787,084,900		L	883,545,158			969,216,986			982,425,136	3,622,272,180

PERMIT NUMBERS: 44248 & 52917 * FRESH WATER WELL

FWW sum	37,137,000	FWW sum	41,394,000	FWW sum	46,508,000	FWW sum	72,810,000
all AF sum	2415	all AF sum	2712	ail AF sum	2974	all AF sum	3056.
FWW AF	114	FWW AF	127	FWW AF	143	FWW AF	.> 2
FWW %	4,72	FWW %	4.68	FWW %	4.80	FWW %	7,970

ALLEN BIAGGI Director

TRACY TAYLOR, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

October 9, 2008

Chemetall Foote Corporation P.O. Box 98 Silver Peak, Nevada 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to <u>September 30, 2009</u> with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

Jason King, P.E.
Deputy State Engineer

JK/ef

Enclosure: Important Notice: "Future Application for Extension of Time Filings"

Southern Nevada Branch Office

Ross de Lipkau, Parsons, Behle & Latimer

BEFORE THE STATE ENGINEER OF THE STATE OF NEVADA \mathcal{L}

APPLICATION FOR EXTENSION OF TIME

AUG 2 1 2009 STATE ENGINEER'S OFFICE

Owner of Record <u>Chem</u>	etall Foote Corportation					LINGINE	IN 3 URFICE
IN THE MA	ATTER OF PERMIT No529	<u>)21 </u>	FILED TO APP	ROPRIATE/CHAN	IGE THE WAT	ERS OF	
	<u> </u>	Inderground Source of stream, lake, spring, und					
TIME ADDITION OF			lerground or other sou	rce)	생활을 하는 하는		
THIS APPLICATION IS	RESPECTFULLY SUBMITTE	D.					
Comes now	Melissa Jennings Person Signing Application	s on	_, the	Реп	Agent nittee or Agent		
under Permit Noin compliance with the re		fter being duly swo mit terms:	rn and answerin	g to the best of the	ir knowledge th	e follow	ing question
1. Does this permit hav	e multiple owners?	NO (Check t	he Appropriate	Box)			
2. If "YES" on question	n No. 1 is checked, is this reques	t for an extension o	f time submitted	on behalf of all the	e owners?		
	□ YES	NO (Check to	he Appropriate	Box)			
)	그 동생 왕이다는 그 그 그래요요?				<i>∪</i> . ∵	200	
3. If "NO" on question N	o. 2 is checked, on whose behalf	is this extension be	ing filed?Cl	nemetall Foote Con	poration :		
					in:		
					<u>i.)</u>	<i>\</i> 2	
4. How much time is nee	ded to finish this project?	wo Years	<u> </u>				Section 1
5. To date, what is the to	al expenditure on this project?	\$57.987.550.00			e e	1	
	그러 생길, 이번 하는 그 경험을 받는				C		
6. In order to complete the	is project as set forth in the pern	nit terms, what addit	tional funds will	be spent?\$1,4	00.000.00	".	
7. The permittee requests	an extension of time for(N	One Year		within w	hich to comply		provisions
for filing the	Proof	of Benenficial Use					
	(P	roof of completion of work	and/or proof of benef	icial use)			a jalik
8. Explain in detail why	this request for an extension of	time is being submi	itted (<i>Use additi</i>	onal sheets if neces	sary):		
Old wells are being suppl	emented by the construction of n	ew wells in order to	meet expanding	demand for produ	ction. The 200	6 well d	rilling
program added three new willoser to the targeted volu	wells, and a drilling program sla	ted for the fall of 20	008 will add ano	ther 5 to 8 wells, w	<u>hich will bring</u>	product	ion rates
proser to the targeted void	ine,						
				Welina	tena	no	7
•	with		Signed	Permittee	or Agent	7	
Subscribed and sworn to l	pefore me this	_day of	AddressCh	emetall Foote Corp			
(Stan	r				t No. or P.O. Box No		
	, 200	N/	PC) Box 98, Silver Pe City	ak, Nevada 890 v. State, Zip Code No		
	endy J. Gle	well	Phone (77	(5) 937-2222 ext. 22		•	
Signatu	e of Notary Public Required			oj 207 HANN CAL, E.	···		
Notary Public in and for t	he County of						
State of	da				CANDY J. JE	WETT	
	Part C 10 4				NOTARY PI STATE OF N	JBLIC FVADA	
My commission expires	September 12,20	012			NYE COU	NTY	, ,
	▼ 1			MYGA	APPT, No. 92-0	1422-14 Biret 12	2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER. 794

NEAL ATT

ALLEN BIAGGI Director

TRACY TAYLOR, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 (800) 992-0900 (In Nevada Only) http://water.nv.gov

September 30, 2009

Chemetall Foote Corporation PO Box 98 Silver Peak, NV 89047

RE: 52918, 52919, 52920 & 52921

This is to inform you that Application for Extension of Time has been granted to **September 30, 2010** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.390.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

If you have any questions regarding this notification, please contact Tony Eng at (775) 684-2800.

Sincerely,

Gloria K. Lash

Administrative Assistant III

& Dash

cc: Southern Nevada Branch Office Parson Behle & Latimer, Ross E. DeLipkau

FILED

APPLICATION FOR EXTENSION OF TIME

SEP 0 2 2010

Owner of Record <u>Chemetall Foote Corporation</u>

STATE ENGINEER'S OFFICE

IN THE MATTER OF PERMIT No. <u>52921</u>	FILED TO APPROPRIATI	E/CHANGE THE WAT	ERS OF
Underground	Source		
(Name of stream, lake, s	pring, underground or other source)		
THIS APPLICATION IS RESPECTFULLY SUBMITTED.			
Comes now Melissa Jennings Person Signing Application	, the	Agent Permittee or Agent	
under Permit No. 52921 , who after being du	ly sworn and answering to the be		e following questions
in compliance with the requirements as set forth in the permit terms:			
1. Does this permit have multiple owners? YES NO (Check the Appropriate Box)		
2. If "YES" on question No. 1 is checked, is this request for an exter	asion of time submitted on behalf	of all the owners?	
YES NO (C	Check the Appropriate Box)		e Security
3. If "NO" on question No. 2 is checked, on whose behalf is this exten	sion being filed?Chemetall Fo	ote Corporation	
4. How much time is needed to finish this project?		တ	
		Ā	201
5. To date, what is the total expenditure on this project?\$59,487,50	00		-8-22-
6. In order to complete this project as set forth in the permit terms, wh	at additional funds will be spent?	\$2,603,750	<u> </u>
7. The permittee requests an extension of time for One Year (Not to exceed 1 year)	ear)	within which to comply	with the provisions
for filling the control of the contr		17 14/2	To the second se
8. Explain in detail why this request for an extension of time is being		if necessary):	:- :
			0
In early 2009, A well rehabilitation program successfully identified an sonline prior to temporary idling of operations in 2009. Wells were restant			
drilling rig for the purpose of well rehabilitation and construction. The			<u>s a production</u>
	Signed Mells	sa Henry	ino,
22.1	Jigilou	Permittee or Agent	7
Subscribed and sworn to before me this	Address <u>Chemetall Fo</u>	ote Corporation Street No. or P.O. Box No.	0.
U ugust 2010	PO Box 98, S	Silver Peak, Nevada 890	047
Landy Cf. Chewell	Phone(775) 937-222	City, State, Zip Code No 22 ext. 229	.
Signature of Notary Public Required			
Notary Public in and for the County of	,	CANDY J. JEV	
State of Iwada		NOTARY PUE STATE OF NE	
My commission expires explember 12, 2012		NYE COUN	TΥ
, , , , , , , , , , , , , , , , , , , ,		APPT. No. 92-04 MY APPT. EXPIRES SEI	

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

•

SE ROA 796

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 1.524 acre-feet was used in 2009.
- establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method-was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.

2010 SEP -2 /6111: 30

LEO DROZDOFF

Acting Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2010

Chemetall Foote Corporation Silver Peak Operations Hwy 395 Silver Peak, NV 89047

RE: PERMIT(S) 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time has been granted to **September 30, 2011**, with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Staff I Associate Engineer

ALE/ag

cc: Parsons Behle & Latimer

Southern Nevada Branch Office (via email)

Rev. 5/2010 SE ROA 799

Chemetall Foote Corp.

August 25, 2011

State of Nevada
Dept. of Conservation & Natural Resources
Division of Water Resources
901 South Stewart Street, Suite 2002
Carson City, NV 89701

RE: Permit # 52918, 52919, 52920, and 52921

To Whom It May Concern:

Enclosed are four Applications for Extension of Time for the above referenced permit numbers in addition to a check in the amount of \$400.00 to cover the filing of the Extensions.

The Work in Progress information is also attached per NRS 533.380 3(b).

Z Man

Please contact our office if you have questions or comments regarding the Extensions. Our telephone number is 775-937-2222, ext. 222.

Sincerely,

Joseph L. Dunn

General Manager, Silver Peak Operations

Certified Mail # 7003 1680 0001 6420 5191

Cc: Mr. Ross De Lipkau Parsons, Behle & Latimer

REOFINE 29 PH STATE ENGINEERS

FILED

APPLICATION FOR EXTENSION OF TIME

AUG 2 9 2011

wner of Record <u>Chemetall Foote Corporation</u>		STATE ENGINEER'S OF
		The second secon
IN THE MATTER OF PERMIT No	52921	FILED TO APPROPRIATE/CHANGE THE WATERS OF

IN THE MATTE	ER OF PERMIT No52921	FILED TO API	PROPRIATE/CHANG	E THE WATER	S OF
<u> </u>	Undergrou	nd Source			
	(Name of stream, lal	ce, spring, underground or other so	ource)		
THIS APPLICATION IS RES	PECTFULLY SUBMITTED.				
Comes now	Joseph L. Dunn Person Signing Application	, the	Agen Permitt	ee or Agent	
under Permit No. 52	.921, who after being	duly sworn and answeri	ing to the best of their l	enowledge the fo	ollowing question
	ments as set forth in the permit terms:				
Does this permit have multiple	e owners? YES NO	(Check the Appropriat	te Box)		
2. If "YES" on question No.	. 1 is checked, is this request for an ex	tension of time submitte (Check the Appropriat		wners?	
If "NO" on question No. 2	is checked, on whose behalf is this ex	tension being filed?	Chemetall Foote Corpor	ration	
				217	
				角モ	70
4. How much time is needed t	o finish this project?			(1)	m
5 To date what is the total ex	penditure on this project?\$61,704	701		2 G	\circ
J. 10 date, what is the total ex	rpenditure on this project: _01,704			2 6	111
6. In order to complete this pr	oject as set forth in the permit terms, v	what additional funds wi	ill be spent?\$2,400		-
7. The permittee requests an e	extension of time for One Year	Lugar	within whice		h the provisions
for filing the	Broof of Bonofia	ial I Isa		F 5	
*	(Proof of compl	etion of work and/or proof of ben	eficial use)	e+ i	
	request for an extension of time is be				
Wells were restarted in 2010 a	nd ARRA funding was used to purcha	se a production drilling	rig for the purpose of v	vell rehabilitatio	n and
construction. The budget for the increase pumping capacity to a	nis project is \$2.6 MM. Well rehab an achieve production goals.	d production drilling oc	curred during 2011 and	l will continue th	arough 2012 to
			- 		· · · · · · · · · · · · · · · · · · ·
		Signed	Seral 2 Permittee or	Acent	
Subscribed and sworn to befor	re me this 27 th day of	Address	Chemetall Foote Corpor	ation	
Blugus	A 20 1/	√	Street N O Box 98, Silver Peak,	lo. or P.O. Box No. . Nevada 89047	·
Mary	du Ch. Theme	\mathcal{M}	City, S (75) 937-2222 ext. 222	tate, Zip Code No.	
1 -	otary Public Required	riione(/	13) 931-2222 CAL 222		
Notary Public in and for the C	(1)				
State of	4		CAL	NDY J. JEWET	T
My commission expires	eptember 12,2	015	NC NC	TARY PUBLIC	C
			STA Notary	TE OF NEVAL	PA
	۵		AD AD	NYE COUNTY PT. No. 92-0422-1	14
			MY APPT.	EXPIRES SEPT.	12, 2012

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

Jy PBN

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has 2. the landowner authorized your use of the lands within the place of use? The landowner is Chemetail Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period. 4. 6.565 acre-feet was used in 2010.
- Describe any work in progress and any facility or feature completed to 5. establish use in compliance with permit requirements. In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use. 6.
- 7.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.

RECEIVE TO 2011 AUG 29 PH 1:50
STATE ENGINEERS OF THE

BRIAN SANDOVAL Governor

LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 19, 2011

Chemetall Foote Corporation P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2012</u>, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Water Resource Specialist I

ALE/ag

cc: Parsons Behle & Latimer

Southern Nevada Branch Office

ABSTRACT OF TITLE

ABSTRACT OF IIILE PERMIT Please retain this sheet underneath the Summary of Ownership form PAGE

52921

			- 1	 								
DESCRIPTION/	REMARKS	SRV 120341 Certificate of Amendment of	O.F. Permit 10036)									
DOC #	DATE	SRV 120341	3/22/12									
FILED	DATE											
ACRES												
AFA		261005	5,019.65									
CFS		U	ſ									
GRANTEE		- 175	KOCKWOOG LIKNIUM INC.									
GRANTOR			Chemetali Foote Corporation									
DEED	Ö		_	7	m	4	ဂ	٥	,	~	c	0

AUG 2 9 2012 STATE ENGINEERY CITIES

APPLICATION FOR EXTENSION OF TIME

IN THE MATTER	R OF PERMIT No	52921	THE DO		
		<u> </u>	FILED TO APPR	OPRIATE/CHANG	E THE WATERS OF
		771.30			
	0	Underground	Source or other source or other source		
HIS APPLICATION IS RESP	ECTFULLY SUBMIT	TED	series and of other source	e)	
Comes now	Joseph L. Dun Person Signing Appl	n_	, the		
de a Tra	Person Signing Appl	ication	, are	Agen Permitte	
der Permit No. 5292	<u>11,</u> wh	o after being dul	y sworn and answering (to the best of their le	
compliance with the requirement	ents as set forth in the	permit terms:		to the ocst of their k	diowledge the following
es this permit have multiple o	wnoro?	. (52)			
			heck the Appropriate Bo	ox)	
If "YES" on question No. 1	is checked, is this real	lest for an extens	ion of time to the t		
	YES	NO (C	heck the Appropriate Bo	behalf of all the ow	vners?
(S (D) (O)	· · · · · · · · · · · · · · · · · · ·	12_31 - 10	neck ine Appropriate Bo	ex)	
f "NO" on question No. 2 is c	hecked, on whose beh	alf is this extensi	on being filed? Chem	retall Foote Company	
				ionar i oole Corpora	illon
					~ 60 <u> </u>
low much time is needed to fi	nish this project?	Tue V			\$ 5
					M 2
o date, what is the total expen	diture on this project?	\$64,104,791			ENG IT
ondon to a second second	• • • • • • • • • • • • • • • • • • •				
n order to complete this project	t as set forth in the per	mit terms, what	additional funds will be	spent? \$2.00.00	THE OF
he permittee requests an output				- <u>42,00,00</u>	70 23 -
he permittee requests an exten	ision of time for	One Year		within which	to comply with the pro
r filing the	Droot				**
	(f of Beneficial Us (Proof of completion of	work and/or proof of beneficial	····	0
Explain in detail why this requing from ARRA was used dur	nest for an automaia	e		•	r r -
ing from ARRA was used dur r Peak Operation. Several mo	ing 2012 to increase p	umping capacity	During 2013 drilling w	sheets if necessary)) :
r Peak Operation. Several mo de product to meet the growin	re production wells an	d rehab wells wil	be brought on-line dur	ing 2013. The image	er increase capacity at
de product to meet the growin	g demand.		22 See See Oil line dui	ing 2013. The incre	ease in brine capacity w
			Λ	1	•
			- //	1 2 1/2	2
	. Ц.		Signed _	1 2 /	
ribed and sworn to before me	this 27 th	day of		Permittee or Age	
		_ day or	Address <u>Chemeta</u>	all Foote Corporatio	on
Much			DO D		P.O. Box No.
august	, 20/2	/		98, Silver Peak, Ne	vada 89047
- august	1.0.77	VI	<u></u>	City, State.	Zin Code No.
Cugust and Signature of Newstra	edy Or Ox	ewell		City, State,	Zip Code No.
Signature of Notary Pt	edy of O	ewell		City, State, 7	Zip Code No.
Signature of Notary Pt	edy of O	ewell_		City, State,	Zip Code No.
	edy of O	ewell		City, State, 3 7-2222 ext. 222	Zip Code No.
Signature of Notary Po Public in and for the County	edy of O	ewell		7-2222 ext. 222 CAND	Y J. JEWETT
Signature of Notary Po Public in and for the County of	edy of O	ewell_		City, State, 7-22222 ext. 222 CANDON NOTA STATE	Y J. JEWETT ARY PUBLIC OF NEVADA
Signature of Notary Po Public in and for the County	edy of O	ewell		City, State, 7-2222 ext. 222 CANDON NOTA STATE NYE	Y J. JEWETT

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

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THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

SE ROA 806

Brian Sandoval Governor LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 12, 2012

Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: PERMITS 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2013</u> with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

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Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

Tony Eng

Water Resource Specialist 1

ALE/mt

c: Parsons, Behle and Latimer (via email)
Southern Nevada Branch Office (via email)

Rev. 9/2011 SE ROA 807

	APPLICATION FOR	R EXTENSION C	
Owner of Record Rockwood	Lithium Inc. (previously known as Cher	metall Foote Corporation)	JUL 1 0 2013 84
IN THE MATTE	R OF PERMIT No. 52921	FILED TO APPROPE	HATE/CHASIAHEER OYAEERS OFFICE
	Underground (Name of stream, lake, s	Source spring, underground or other source)	
THIS APPLICATION IS RES	PECTFULLY SUBMITTED.		
Comes now	Joseph L. Dunn Person Signing Application	, the	Agent Permittee or Agent
under Permit No. 52 in compliance with the require			he best of their knowledge the following quest
Does this permit have multiple	e owners? YES NO	(Check the Appropriate Box)	
2. If "YES" on question No	. 1 is checked, is this request for an external YES NO	nsion of time submitted on b (Check the Appropriate Box)	ehalf of all the owners?
f "NO" on question No. 2	is checked, on whose behalf is this exter	nsion being filed? <u>Rockw</u>	ood Lithium Inc.
5. To date, what is the total e	to finish this project?	791.	
			within which to comply with the provision
for filing the	Proof of Beneficia (Proof of complete	al Use ion of work and/or proof of beneficial u	se)
8. Explain in detail why thi	s request for an extension of time is bein d during 2013 to increase pumping capa al more production wells and rehab well	ng submitted (Use additional	sheets if necessary): rill continue to further increase capacity at the ring 2014. The increase in brine capacity will
Subscribed and sworn to before	day of	Address <u>Rockw</u> PO Bo	Permittee or Agent ood Lithium Inc. Street No. or P.O. Box No. x 98, Silver Peak, Nevach No. City, State, Zip Gode No.
Notary Publication and for the State of	Notacy Public Required 1900 Country of 1900 Public Required 1900 Public	Phone(775) 9	CANDY JOHNSTT NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14 MYARRY SEAFRIRES SOCIEGO, 2016

\$100 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

14 16 19 9 16 17

Call Sanks

LEO DROZDOFF Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

September 25, 2013



Chemetall Foote Corporation Silver Peak Operations, Hwy 265 Silver Peak, NV 89047

RE: Permits 52918, 52919, 52920 and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2014</u>, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

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Should you have any questions regarding this notification please contact Tony Eng at (775) 684-2800.

Sincerely,

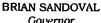
Tony Eng

Water Resource Specialist I

ALE/dl

cc: Parsons, Behle and Latimer, email Joseph L. Dunn, Rockwood Lithium Inc. Southern Nevada Branch Office

l T	State of Nevada REPORT OF CONVEYANCE							
E	of a water right to							
M	Department of Conservation and Natural Resources, Division	n of Water R	esources, Office	of the State Eng	gineer			
1	APPLICATION / PERMIT No.: 52921 or PROOF/CLA			TUS: PER	USE:	M&D		
2	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEE	R.: Chemeta	all Foote Corpora	tion				
4		<u> </u>						
	If any item requires additional space, please use Item 13 Remarks:	or attach 8 1/2"	X II" sheets referen	cing appropriate ite	m number.			
-	NEW OWNER(S): Rockwood Lithium Inc.		EFICIARY(S):					
3								
	ADDRESS: P.O.Box 98	ADDRESS	:	Lom v mp	Tara			
	CITY: Silver Peak STATE: NV ZIP: 89047	CITY:	rmation OK? Se	STATE:	ZIP:			
	Email confirmation OK? See below YES				YES [
4	INVENTORY DOCUMENTS BY CATEGORY AND NUMBE	ER OF EACH			See Gu	idelines Page 2		
	DEED(S)	· .	OTHER:					
	DEED(S) OF TRUST	- 1		## OF \$\$ Docur # x \$20 each =		20 .00		
	NOTICE(S) OF PLEDGE MAP(S) at no charge DEATH CERTIFICATES AFF OF ID at no charge			ing fee = \$120.	+	.00		
	DECREE(S) OF DISTR OTHER: Corporate	,	─ ─ ·	FEES SUBMIT		20 .00		
	ONE, ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE R	REPORTS + \$	20 PER CONVEY	ANCE DOCUME	ENT LISTE	D ABOVE.		
5	*WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION TO CONVEYANCE DOCUMENTS, AN ADDITIONAL FILING FEE OF \$120 IS REQUIRED. SEE <i>GUIDELINES</i> FOR MORE INFORMATION.							
	This REPORT may require an ABSTRACT OF TITLE listing th		ments in chrono	logical order. A	copy of the	ne map		
6	referred to in said deed(s) may be required. Copies of maps should be letter or legal size. Refer to Guidelines sheet for details.							
7	LIST SUPPLEMENTAL RIGHTS: 44251, 44252, 44253, 44255, 44256, 44257, 44258, 44260, 44261,44267, 44268, 44269							
8	COUNTY: POINT OF DIVERSION: Esmeralda	COUNTY	: PLACE(S) OF	USE: Esmerale	da			
9	AMOUNT (DUTIES) TO BE ASSIGNED: 5 CFS	3,619.85	ACRE-FEET		ACRES	or UNITS		
10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR				,	NO 🄼		
11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.							
	List any other water rights relating to this Report of Conveyance that h 10036, 15847, 24382, 44248,44250, 44251,44252, 44253, 4425	as been filed u 5, 44256, 442	ising the same abstr 257, 44258, 4426	act and chain of t 0,44261, 44267	litle. <u>, 44268, 4</u>	4269,		
12	44270, 49805, 52917,52918, 52919, 52920, 52921.							
	Additional Space/Remarks: #7 Continued - 44270, 49998, 52	918, 52919,	52920, and 5292	1 -	-			
13								
-	"I swear under penalty of perjury, that this represents a complete and thoroug	ah search of the	records of the county	recorder of each cou	ıntv in which	the water is		
14	placed to beneficial use or diverted from its natural sou	rce and the reco	rds on file in the office	of the state engine	er."			
STATI	E OF Nevada		SIGNATURE:	John C.				
COUN	ITY OF Washoe			John R. Zimmer				
SUBS	RIBED AND SWORN TO BEFORE ME ON 1.1			RESS: 50 W. libe		:e 750		
BY:	*** John L. Zimmerman ***			Parsons Behle &				
	A A M		CITY: Reno		NV ZIP:	89501		
			PHONE:	89501	¦	OWNER? AGENT?		
Po	RONI L. SHAF	FFER	E-MAIL:		l	AGENT		
Signa	Notary Public - State ture of Notary Public Required Appointment Recorded in V	Vashoe County		o receive email ace already on file	e? YE	s r		
	No: 99-36517-2 - Expires	s May 5, 2015		download from o		and include		
	Notary Stamp or Seal Required		•					



Governor

LEO DROZDOFF Director

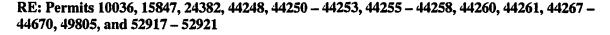
JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES **DIVISION OF WATER RESOURCES**

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov July 23, 2014

John R. Zimmerman Parsons Behle & Latimer 50 W. Liberty St., Suite 750 Reno, NV 89501



To Whom It May Concern:

Please be advised that your Reports of Conveyance received on July 8, 2014, are hereby confirmed to update ownership of the above mentioned permits in the name of Rockwood Lithium Inc., as listed in the table below. Details of the above permit(s), including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	Diversion Rate (cfs)	Duty (AFA/AFS)	Acres/Units
10036/2627	0.334		
15847/4838	0.53		
24382/7234	1.0	723.95	
44248	1.0	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.0	723.97	
44252/12271	0.43	311.3	
44253/12772	0.84	608.13	
44255/12773	0.39	282.35	
44256/12774	0.22	159.27	
44257/12775	0.35	253.39	
44258/12776	0.27	195.47	
44260/12777	0.20	144.79	
44261/12278	0.22	159.27	
44267/12779	0.44	318.50	
44268/12780	0.46	334.47	
44269/12781	0.26	188.23	
44270/12782	1.00	723.97	
49805/14655	0.13	20.13	
52917	1.0	21.63	
52918	5.0	3619.85	
52919	5.0	3619.85	
52920	5.0	3619.85	
52921	5.0	3619.85	

Zimmerman, John Permit 10036+ July 23, 2014 Page 2 of 2

Permits 29728, 44248, 49805, 52917, 69220, 76343 and 77966 have a total combined duty not to exceed 588.67 acre feet annually.

Permits 44251 – 44258, 44260, 44261 , 44267 – 44270, 49988, and 52918 - 52921 have a total combined duty not to exceed 20,000 acre feet annually.

Also be advised that according to NRS 533.386 (2.), this confirmation of your Report of Conveyance does not guarantee that a) the water right is in good standing with the office of the State Engineer; or b) the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and c) this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right.

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, please contact me directly at (775) 684-2830.

Sincerely,

Shaunce R. Clayson

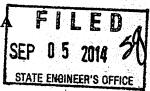
Engineering Technician III

SLC/sgc

cc: Rockwood Lithium Inc.

SNBO

APPLICATION FOR EXTENSION OF TIME



			L	STATE ENGINEER'S OFFICE
Owner of Record Rockwood L	ithium Inc. (previously known as Cl	nemetall Foote Corporation)		
IN THE MATTER	OF PERMIT No. <u>52921</u>	FILED TO APPROPRIAT	TE/CHANGE THE W	/ATERS OF
	Undergrou	nd Source		
		te, spring, underground or other source)		
THIS APPLICATION IS RESP	ECTFULLY SUBMITTED.			
Comes now	Melissa Jennings Person Signing Application	, the	Agent Permittee or Agent	
under Permit No. 529 in compliance with the requirement	21 , who after being tents as set forth in the permit terms:	duly sworn and answering to the b	est of their knowledg	e the following questions
Does this permit have multiple of	owners? YES NO	(Check the Appropriate Box)		
2. If "YES" on question No. 1	is checked, is this request for an ex	tension of time submitted on behale (Check the Appropriate Box)	f of all the owners?	
3. If "NO" on question No. 2 is	checked, on whose behalf is this ex	tension being filed? <u>Rockwood</u>	Lithium Inc.	7 20
			in the second second	
		All the second s		(/)
4. How much time is needed to	finish this project?Two Years_			<u> </u>
5. To date, what is the total exp	enditure on this project?\$68,104	l. 79 1.		ECEIVI EP +5 AM
				HM RS
6. In order to complete this pro	ject as set forth in the permit terms,	what additional funds will be spent	7\$2,00,000	
7. The permittee requests an ex-	tension of time for One Yea	· *		nply with the provisions
, , , , , , , , , , , , , , , , , , ,	(Not to exceed	l year)		₩, @
for filing the	Proof of Benefic	cial Use letion of work and/or proof of beneficial use)	· · · · · · · · · · · · · · · · · · ·	
O Printete to 4.7.9 1 41			-4- 2 6	
	request for an extension of time is be at production wells were brought on			tated for use as either
monitoring or production v	vells. The in-house drilling operation	n is expected to continue through 2	014 and into 2015 to	maximize production
well availability, resulting	in operations more near to capacity.	The harsh environment, deep aqui	fer depths, and fluctu	ating recharge make
maintaining pumping syste demand for lithium.	ans difficult; however, the goal is to	increase brine capacity to optimize	production needs to	meet the growing
demand for minum.		~ 0.0	- # -	· ·
·		Signed Mella	2 Ilmun	<u> </u>
C.1	28th	Adduse Desluyed	Permittee or Agent	U
Subscribed and sworn to before	me this day of	Address <u>Rockwood</u>	Street No. or P.O. E	Box No.
- () agus	1 , 20 14 ,	PO Box 98.	Silver Peak, Nevada	89047
Land	y . Xewell	Phone(775) 937-2	City, State, Zip Co 222 ext. 229	de No.
Notary Public in and for the Co	$\Gamma = (J^*/J) \setminus J_2$		CANDY J. J	
State of Jevad	-		NOTARY P STATE OF N APPT. No. 92-	NEVADA
My commission expires	ctober 6 2016		MY APPT, EXPIRES	

Notary Stamp or Seal Required

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT. THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

My commission expires

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMIT APPLICATIONS 52918, 52919, 52920 & 52921

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2013-2014 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Demostic and intermetional contempers have been having our product since the mention of the product of
 - Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period.
 12,644 acre-feet was used in 2013, during the period from August 2013-July 2014 the use was 12,137 acre-feet.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2013-2014, several wells were re-drilled and some wells were rehabilitated. Two new ponds resulted in some discharge line extensions and overall re-routing of flow paths. The project goal is to bring new wells online and into the same pond to reduce dilution further downstream. Further, similar development activities will take place in late 2014 and into 2015.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are still improving, resulting in favorable spending and support conditions for expansion. Drill rig repairs were completed in early 2013 and crews are seasoned so that the operation is more efficient than when we started. New and rehabilitation well drilling funds are approved for the remainder of this year and next year, thus production volumes will continue to fluctuate until enough wells can provide flexibility to manage pumping rates at sustainable levels.





LEO DROZDOFF

Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 25, 2014

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit 52918, through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2015</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2803.

Sincerely,

Chris Thorson

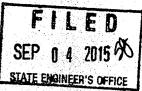
Water Resource Specialist I

CMT/sg

cc:

Parsons, Behle & Latimer, e-mail Southern Nevada Branch Office

APPLICATION FOR EXTENSION OF TIME



Owner of Record Rockwood Lithium Inc. (prev				
Owner of Record Rockwood Elunain inc. (prev	iously known as Chemeta	ii roote Corporation)		
IN THE MATTER OF PERMIT NO	52021	EII EN TO ADDDODDI	ATE/CHANGE THE WATER	S OF
The MATTER OF FERMIT N). <u>32921</u>	_ FILED TO AFFRORM	AIL/CHAINGE THE WATER	5 OF
이는 아들께 없는 것 같은 원리 아이가 나왔다.				
	Underground Sou (Name of stream, lake, spring	rce underground or other source)		#1 52 T
THIS APPLICATION IS RESPECTFULLY SUI				
Comes now Scott The	ibodeaux ng Application	, the	Agent Permittee or Agent	
under Permit No. 52921 in compliance with the requirements as set forth	, who after being duly s in the permit terms:	worn and answering to the	e best of their knowledge the fo	ollowing questions
Does this permit have multiple owners?	YES NO (Che	ck the Appropriate Box)		
2. If "YES" on question No. 1 is checked, is the		n of time submitted on beh ck the Appropriate Box)	alf of all the owners?	
3. If "NO" on question No. 2 is checked, on who	ose behalf is this extension	being filed? Rockwoo	d Lithium Inc.	Maria de la Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Partir de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de Carlo de C
				4 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
4. How much time is needed to finish this project	et? Two Years			
5. To date, what is the total expenditure on this p	project? <u>\$70,104,791.</u>			· · · · · · · · · · · · · · · · · · ·
6. In order to complete this project as set forth in	the permit terms, what a	dditional funds will be spe	nt? <u>\$2,00,000</u>	
7. The permittee requests an extension of time for	One Year (Not to exceed 1 year)		within which to comply wit	h the provisions
for filing the	Proof of Beneficial Use	ovork and/or proof of beneficial use)		· · · · · · · · · · · · · · · · · · ·
Explain in detail why this request for an ext In 2014 several replacement production well	ls were brought online and	d several previously pump	ing wells were rehabilitated for	
monitoring or production wells. The in-house well availability, resulting in operations more				
maintaining pumping systems difficult; how				
demand for lithium.			W 17.1 /.	
		Signed	1 Moores	<u> </u>
3/	· L		Permittee or Agent	
Subscribed and sworn to before me this	day of	Address <u>Rockwoo</u>	d Lithium Inc. Street No. or P.O. Box No.	<u></u> _
Mugust	20/5	PO Box 9	8, Silver Peak, Nevada 89047	: : : : : : : : : : : : : : : : : : :
/audy	Jewell	Phone (775) 937	City, State, Zip Code No. -2222 ext. 226	
Strature of Notary Public Required Notary Public fin and for the County of	ge .			
State of Wadan	<u>U</u>		CANDY J. JEWETT	
My commission expires <u>Activities</u>	ENGINEERS OF STORES	SIVIE	STATE OF NEVADA APPT. No. 92-0422-14 MY APPT. EXPIRES OCT. 6, 20	016

3012 2Eb -t by 3:02

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME.

A SEPARATE APPLICATION WUST BE FILED FOR EACH PERMIT.

THIS APPLICATION MUST BE SUBMITTED ON A PINK SHEET OF PAPER.

9/4/15

LEO DROZDOFF

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov September 10, 2015

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permits 52918 through 52921

This is to inform you that the Application for Extension of Time <u>has been granted to</u> <u>September 30, 2016</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/sg

cc: Parsons, Behle & Latimer

Southern Nevada Branch Office

APPLICATION FOR EX	XTENSION OF TIME					
Owner of Record Rockwood Lithium Inc. (previously known as Chemetal	ll Foote Corporation) SEP 9 9 2005					
IN THE MATTER OF PERMIT NO. 52921 FILED T Underground Source	TO APPROPRIATE/CHANGE THE WATERS OF STATE INCIDENCE OF ICE					
(Name of stream, lake, spring, u	underground or other source)					
THIS APPLICATION IS RESPECTFULLY SUBMITTED.						
Comes now Scott Thibodeuax	, the Agent					
who after being duly sworn and answering to the best of their knowledge the the permit terms:						
1. Does this permit have multiple owners? Yes V No						
2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners? Yes No (Check the appropriate box)						
3. If "No" on question 2 is checked, on whose behalf is this extension being	filed?					
Rockwood Lithium Inc.	7 N					
4. How much time is needed to construct the works of diversion or place the	e water to beneficial use? Two years					
	51,000,000 Total to date? \$71,104,791					
6. The permittee requests an extension of time for One Year (Not to exceed 1 year)	within which to comply with the provisions for filing the					
Proof of Beneficial Use						
(Proof of completion of work an	d/or Proof of beneficial use)					
7. Describe progress made during the last year and explain in detail why this back. Use additional pages if necessary):						
In 2016 a high volume well was targeted to increase production needs for fluctuating recharge have made maintaining other pumping systems diff Hydrostratigraphical Model of the basin. This model, and continued resear well is, and also the depth at which we should drill. Our goal is to continuous increase our brine capacity to optimize production needs and meet the growing the start of the sta	ficult. The facility has also been working with experts to develop a rch, will allow the facility to determine where the optimal location for a nue increasing our knowledge of the Clayton Valley Basin in order to					
	- 11					
State of Nevadar	Signed Permittee or Agent					
County of // 42	Address Rockwood Lithium Inc					
) / ,	Street Address or PO Box					
Subscribed and sworn to before me on $\frac{09/20/201}{}$	PO Box 98, Silver Peak, NV 89047					
by Scott J. The bodeaux	City, State, ZIP Code Phone (775) 937-2222 Ext 226					
	E-mail scott.thit odeaux@rockwoodlithiwp.com. JEWETT NOTARY PUBLIC STATE OF NEVADA APPT. No. 92-0422-14					
1 / 11 du + T malx	MY APPT, EXPIRES OCT, 6, 2016					

A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT

\$120 FILING FEE MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME

Notary Stamp or Seal Required

Signature of Notary Public Required

KAY SCHERER Interim Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 12, 2016

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit(s) 52918, 52919, 52920, and 52921

This is to inform you that the Application for Extension of Time <u>has been granted to September 30, 2017</u>, with the provision that no further extensions will be granted for filing <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr

cc: Parsons, Behle & Latimer (email)

Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

_						1	
	1	State of Nevada REPORT OF CONVEYANCE				Rev 10/16	
	T E	of a water right to					
	М	Department of Conservation and Natural Resources, Division of Water Resources, Office of the State Engineer					
	1	APPLICATION / PERMIT No.: 52921 or PROOF/CLAI	IM No.:	STATUS: I	PER USE:	M&D	
	,	CURRENT HOLDER(S) SHOWN BY THE STATE ENGINEE	ER.:				
	2	Rockwood Lithium Inc.					
-		If any item requires additional space, please use Item 13 Remarks:			riate item number.		
	3	NEW OWNER(S): Albemarle U.S., Inc.	NEW BENEFI	CIART(3).			
ļ		ADDRESS: P.O. Box 98, State Route 265	ADDRESS:				
		CITY:Silver Peak STATE:NV ZIP:89047	CITY:	STATE	E: ZIP:		
			Email confirmat	ion OK? See below	YES [
		INVENTORY DOCUMENTS BY CATEGORY AND NUMBE	ED OF EACH IN	CHAIN OF TITLE	San Gu	idalinas Paga 2	
	4	(man-1)		OTHER:	See Gu	idelines Page 2	
		DEED(S) CORRECTION DEED(S) DEED(S) OF TRUST RECONVEYANCE at		TOTAL ## OF \$\$	Documents =>		
		NOTICE(S) OF PLEDGE MAP(S) at no charge		TOTAL # x \$20 ea	, , , , , , , , , , , , , , , , , , ,	20 .00	
		DEATH CERTIFICATES AFF OF ID at no charge		Report filing fee =	د اسبسببا د اسبسببا	0 .00	
		DECREE(S) OF DISTR OTHER: Cert. of Amer		TOTAL FEES SU	• • • • • • • • • • • • • • • • • • •	20 .00	
\vdash		ONE ONE-TIME \$120 FILING FEE MUST ACCOMPANY THESE R	REPORTS + \$20 P.	ER CONVEYANCE DO	OCUMENT LISTI	ED ABOVE.	
	5	*WHEN INCLUDING ENCUMBERING DOCUMENTS IN ADDITION FEE OF \$120 IS REQUIRED. SEE GUIDELINES FOR MORE INFOR	ON TO CONVEYA	ANCE DOCUMENTS, A	'N ADDITIONAL	FILING	
r	6	This REPORT may require an ABSTRACT OF TITLE listing the	e above documer	nts in chronological or	der. A copy of the	he map	
-		referred to in said deed(s) may be required. Copies of maps should be letter or legal size. Refer to Guidelines sheet for details.				uctans.	
	7	LIST SUPPLEMENTAL RIGHTS: See attached.					
	8	COUNTY: POINT OF DIVERSION: Esmeralda	COUNTY: PL	LACE(S) OF USE: Es	meralda		
	9	AMOUNT (DUTIES) TO BE ASSIGNED: 5.0 CFS	3619.85 A	ACRE-FEET	ACRES	S or UNITS	
T	10	IS AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR	M.O.U. OF TH	IS RIGHT TO BE FIL	.ED? YES	NO 🔯	
	11	IF AN APPLICATION TO CHANGE THE P.O.D., P.O.U., OR M.O.U. IS ALREADY FILED, INDICATE THE NUMBER:					
		List any other water rights relating to this Report of Conveyance that ha 10036, 15847, 24382, 44248, 44250, 44251, 44252, 44253, 4425	as been filed using <u>55, 44256, 44257</u>	the same abstract and cl 7, 44258, 44260, 4426	18in of title. 1, 44267, 44268,		
	12	44269, 44270, 49805, 49988, 52917, 52918, 52919, 52920, 8574					
L							
		Additional Space/Remarks: This Report of Conveyance memorializes only a corporate name change and not an					
	assignment of conveyance of water rights.					<u> </u>	
-		"I swear under penalty of perjury, that this represents a complete and thorough search of the records of the county recorder of each county in which the					
	14	placed to beneficial use or diverted from its natural source and the records on file in the office of the state engineer.					
	STATE OF Nevada				12 me y	24 STALL	
COUNTY OF Washoe PRINT NAME: Ross				PRINT NAME: Ross E. c	le Lipkau		
SUBSCRIBED AND SWORN TO BEFORE ME ON 07.28 17			FIRM NAME: Parsons	Behle & Latimer			
BY: Ross E. de Lipkau MAILING ADDRESS: 50 W							
					STATE: NV ZIP:	89501	
		RONI L. SH	IAFFER	PHONE: 775.32	23.1601	OWNER:	
	Par	A Notary Public - St	tate of Nevada	E-MAIL: rdelipkau@pa	rsonsbehle.com	X AGENT?	
	I K	Appointment Recorded No: 99-36517-2 - Exp	in Washoe Courry	Is a consent to receive	Y	ES 🔀	
orrespondence already on file? If not, please download from our we				ly on file:	-		
		Notary Stamp or Seal Required		ir not, piease download	a irom our website	e and include	

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PERMIT PAGE

Please retain this sheet underneath the Summary of Ownership form

DEED NO.	GRANTOR	GRANTEE	CFS	AF	Units	FILE UNDER —— DATE	DOC # DATE	DOCUMENT DESCRIPTION REMARKS
info only	Foote Mineral Company	Original Applicants filed 2/9/1989 for mining and domestic purposes Permit Approved 8/30/1993	9	3619.85	ı	52921 2/9/1989 8/30/1993	Original Application	Application to Appropriate an underground source POD SW/ANE% Sec. 10, T. 2S., R. 39E., M.D.M.
*	Foote Mineral Company	Cyprus Foote Mineral Company	•	ı	1	10/9/1989	1/19/1989	Cert. of Amend - Corp. Name Chg. State of PA.
7	Foote Mineral Company	Cyprus Foote Mineral Company	S	3619.85	-	10/9/1989	10/5/1989	Cert. of Amend - Corp. Name Chg. State of NV.
ო	Cyprus Foote Mineral Company	Chemetall Foote Corporation	5	3619.85	1	3/12/1999	2/5/1999	G, B & S Deed Water Rights (Corp. Name Chg)
4	Chemetall Foote Corporation	Rockwood Lithium Inc.	5	3619.85	ı	7/8/2014	3/22/2012	Cert. of Amended Corporation Name Change State of DE
r	Rockwood Lithium Inc.	Albemarle U.S., Inc.	5	3619.85	!	10036	202732140	Certificate of Amended Corporation Name Change, State of Delaware

LE RECORDS Receipt Ne.(a) 33376
THE PARTY OF THE P
Date of Receipt 8/2/17
Sa This Permit 20.00
Original Receipt Leceted
In File No 10036
Doeds / Docs Filed in
File No. 10036

2011 AUS - 2 AM 10: 36 --

FILED APPLICATION FOR EXTENSION OF TIME (See instructions on back) SEP 28 2017 A. NDWR's Owner(s) of Record Albemarle U.S., Inc. (formerly known as Rockwood Lithium Inc.) ENGINEER'S OFFICE B. IN THE MATTER OF PERMIT NO. 52921 FILED TO APPROPRIATE/CHANGE THE W **Underground Source** (Name of stream, lake, spring, underground or other source) C. THIS APPLICATION IS RESPECTFULLY SUBMITTED. John Mayes Permittee Comes now , the ✓ Agent who after being duly sworn and answering to the best of their knowledge the following questions in compliance with the requirements as set forth in the permit terms: ☐ Yes V No ENGINEERS OFF 1. Does this permit have multiple owners? (Check the appropriate box) 2. If "Yes" on question 1 is checked, is this request for an extension of time submitted on behalf of all the owners? ✓ No (Check the appropriate box) 3. If "No" on question 2 is checked, on whose behalf is this extension being filed? Albemarle U.S., Inc. 4. How much time is needed to construct the works of diversion or place the water to beneficial use? Five Years 5. What is the expenditure on the project under this permit? (a) Last year \$1,000,000 \$72,104,791 (b) Total to date 6. The permittee requests an extension of time for Five Years within which to comply with the provisions for filing the (Not to exceed 5 years) Proof of Completion of Work Proof of Beneficial Use Cultural Map (Check all that apply) 7. Describe progress made during the last year and explain in detail why this request for an extension of time is needed. (See instructions on back. Use additional pages if necessary): Please see Exhibit A - Applications For Extension of Time Permits 52918, 52919, 52920 & 52921 State of Nevada County of ESMERACDA Address PO Box 98 Street Address or PO Box Subscribed and sworn to before me on SEPTIO 2017 Silver Peak, NV 89047 City, State, ZIP Code John Mayes Phone (775) 937-2222 Ext. 222 Print name of Permittee or Agent signing form

Signature of Notary Public Required

Appointment No. 14-14062-7
My Appointment Expires June 2, 2018 of the Control of

john.mayes@albemarle.com

\$120 FILING FEE PER YEAR FOR EACH YEAR REQUESTED MUST ACCOMPANY THIS APPLICATION FOR EXTENSION OF TIME. A SEPARATE APPLICATION MUST BE FILED FOR EACH PERMIT.

E-mail

Revised 06/17 - ext_app

10/12/19 AB)4

SE ROA 824

ARTHUR R. MERRILL, III Notary Public-State of Nevada

PAUL G. TAGGART SONIA E. TAGGART

TAGGART & TAGGART, LTD.

A PROFESSIONAL CORPORATION 108 NORTH MINNESOTA STREET CARSON CITY, NEVADA 89703 www.nvwaterlaw.com

DAVID H. RIGDON TIMOTHY D. O'CONNOR EVAN J. CHAMPA DAVID A. BAII FY

October 5, 2017

Jason King, P.E. State Engineer Nevada Division of Water Resources 901 S. Stewart St., Ste. 2002 Carson City, NV 89701

RECEIVED

STATE ENGINEER'S OFFICE

Re: Albemarle Extensions of Time

Dear Mr. King:

We are writing on behalf of Pure Energy Minerals, Ltd., and its subsidiary, Esmeralda Minerals, LLC (hereinafter together as "Pure Energy") to formally request that your office deny Albemarle Corporation ("Albemarle")'s recently filed Extension of Time for water rights 52918, 52919, 52920, and 52921. Albemarle filed the extensions of time requests on September 28, 2017. As your office has stated in the past, "[b]ecause of Nevada's arid geography, vital public policy considerations dictate that the State Engineer monitor the beneficial use of water."

This is the 19th extension of time request for these specific water rights.² To date, these water rights have never been fully put to beneficial use. Companies such as Pure Energy have filed for, and have been denied, access to this water while Albemarle has been permitted to hold the excess water hostage, never placing it to beneficial use. Pure Energy requests that your office take action regarding these unused rights, and deny Albemarle's extension of time.

The law is well settled in Nevada that beneficial use shall be the basis, the measure and the limit of the right to the use of water.³ When the necessity for the use of water does not exist, the right to divert it ceases.⁴ The quantity of water from an underground source . . . shall be limited to such water as shall reasonably be required for the beneficial use to be served.⁵ While extensions of time to put the water to beneficial use are permitted to be granted by the State Engineer's office, the applicant must provide proof that they are pursuing application of the water to beneficial use with good faith and diligence.⁶ "Because the state has a right to designate

Ruling 6343 at 2.

These rights are chained to rights that were originally filed in the 1980s. Albemarle has not been able to prove up these water rights since the 1980s.

³ NRS 533.035.

⁴ NRS 533.070.

⁵ NRS 533.070.

⁶ NRS 533.380(3)(b).

the method of appropriation it can also designate how long water may be permitted to run idly and not be beneficially used."7

Albemarle has never been able to, nor are they likely ever going to be able to, put the water permitted to it to beneficial use. In its progress reports, Albemarle consistently cites to economic and structural impedances to its ability to put the water to full use. However, the impediment to the full use of water is a lack of ability to use 20,000 acre feet for its project, not economic or structural issues. Albemarle's operation simply cannot use 20,000 acre feet of water.

The anti-speculation doctrine reiterates a long-standing premise of western water law: an appropriator must show intent to put the appropriated water to beneficial use in a reasonable amount of time.8 In Ruling 6343, the State Engineer reviewed Nevada's anti-speculation doctrine. In doing so, the State Engineer found that a third extension violated the antispeculation doctrine. Here, the State Engineer is considering Albemarle's 19th extension. The Nevada Supreme Court has stated,

> [the anti-speculation] doctrine precludes speculative water right acquisitions without a showing of beneficial use. Precluding applications by persons who would only speculate on need ensures satisfaction of the beneficial use requirement that is so fundamental to our State's water law jurisprudence.9

The Nevada Supreme Court has further stated,

the preeminent public policy concern in Nevada regarding water rights is beneficial use . . . the legislature has recognized that water is a limited resource in Nevada and it belongs to the public; therefore one who does not put it to a beneficial use should not be allowed to hold it hostage. 10

Lastly, the Nevada Supreme Court has held that,

a mere statement of intent to put water to beneficial use, uncorroborated with any actual evidence, after nearly twenty years of nonuse is insufficient to justify a sixteenth extension to file proof of beneficial use resulting in cancellation of the right. 11

The State Engineer's office has explained that the legislative history of Nevada Revised Statutes ("NRS") 533.370(1)(c)(2) demonstrates that the anti-speculation doctrine applies to permits such as Albemarle's. 12 "While beneficial use is the cornerstone of Nevada water law,

¹² Ruling 6343.

TELEPHONE (775) 882-9900 ~ FACSIMILE (775) 883-9900

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⁷ In re Manse Springs, 60 Nev. 280, 287, 108 P.2de 311, 315 (1940).

⁸ Bacher v. State Engineer, 122 Nev. 1110, 146 P.3d 793 (2006).

⁹ Id. at 1121, 146 P.3d at 799 (2006).

¹⁰ Preferred Equities Corporation v. State Engineer, 119 Nev. 384, 389, 75 P.3d 380, 383 (2003); see also Bacher, 122 Nev. at 1118, 146 P.3d at 797; see also Ruling 6343.

¹¹ Desert Irr. Ltd. v. State, 113 Nev. 1049, 944 P.2d 835 (1997).

Re: Albemarle Extensions of Time October 5, 2017 Page 3

the concept of diligence also runs deep through the water law."¹³ Allowing Albemarle to "maintain a[n] . . . appropriation without progress frustrates the fundamental policy of promoting the maximum use of the State's limited water supply."¹⁴ Albemarle has, for nearly two decades, been granted extensions of time to put their water rights to beneficial use. Yet, Albemarle has never shown an ability to use the full amount of its water rights.

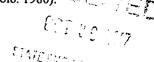
A review of Albemarle's file shows that decades ago, Albemarle filed permits to ensure that it maintained water rights equal to the perennial yield of the basin. For decades, this water has sat unused by Albemarle. According to the file, Albemarle has never been able to use more than roughly 11,000 acre feet in any given year. On average, Albemarle is able to put less than 10,000 acre feet to beneficial use. Yet, Albemarle has been permitted to hold 20,000 acre feet of water rights without showing an ability to use half of that water. In every recent year, Albemarle has filed progress reports with your office that show it cannot use all of the water it is permitted. Additionally, these reports show that Albemarle continues to drill new wells and rehabilitate existing wells without proper reporting to your office. These progress reports are almost identical year after year, showing no reasonable progress towards using the full extent of their permits. Thus, nearly 10,000 acre feet of water goes unused in Clayton Valley year after year.

That extra water can – and should – be put to beneficial use. Companies such as Pure Energy are forced to sit by and watch this water go unused because the water is being held hostage by Albemarle. Albemarle has manipulated the permitting system to keep competition out of Clayton Valley. Pure Energy holds valid federal mining rights to lithium in Clayton Valley, but seemingly cannot access that lithium without access to water under the current interpretations of Nevada water law. Pure Energy strives to mine Nevada lithium for Nevada companies, using Nevada workers, but cannot because Albemarle has strategically claimed water they will never use. If Albemarle is allowed to continue to hold all of the available water in Clayton Valley in unused permits, Nevada will miss a golden opportunity to become a leader in renewable energy lithium production.

Albemarle's extension of time to put its water to beneficial use should be denied, in part or in full, because the right to use water in Nevada is limited to what can reasonably be used. Water speculation or hoarding is prohibited in Nevada. A water holder simply cannot hold onto water rights they cannot themselves use within a reasonable amount of time. However, that is exactly what Albemarle has been doing for decades. Albemarle is speculating on their water because Albemarle knows that it cannot use this water. But by tying the water up in a permit stage, Pure Energy will be hampered in accessing its own federal claims to lithium. The water belongs to the public, and should be free to be placed to beneficial use by a willing user.

Pure Energy respectfully requests that your office deny, in whole or in part, Albemarle's application to extend time to place its water rights to beneficial use. 19 years is beyond a reasonable amount of time to prove up a set of permits. As such, your office should require

'' See Exhibit 1.



¹³ Ruling 6343.

Trans-County Water Inc. v. Central Colo. Water Conservancy Dist., 727 P.2d 60, 65 (Colo. 1986).

Re: Albemarle Extensions of Time October 5, 2017 Page 4

Albemarle to prove up the used water, allowing the unused water to be beneficially used by those who can use it.

If you have any questions, please contact us at our office.

Sincerely,

Timothy D. O'Connor, Esq. TAGGART & TAGGART, LTD.



EXHIBIT 1



EXHIBIT 1

 Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Rockwood filed for a Super Permit under application #85746. This application was protested by Esmeralda Minerals LLC. The purpose of this Super Permit is to consolidate all of the existing groundwater permits and certificates for the continued pumping of the multiple groundwater sources owned by Rockwood Lithium and used for the withdrawal of the groundwater Lithium resource. The application was filed on 12/18/2015 and became Ready For Action on 03/05/2016. The Protest was filed by Esmeralda Lithium/Pure Energy on March 7, 2016. Rockwood Lithium continues to pump its existing water rights from wells that are interspersed on the Rockwood claims. The groundwater/brine that is pumped is placed into evaporative ponds that are used to concentrate the groundwater into a lithium concentrate for processing at the adjoining mill.

Well rehabilitation/drilling/development during 2015-2016 has resulted in greater capacity on a year on year basis. Rockwood Lithium has focused on its well efficiency across the playa resulting in an overall increase in well production. This focus has allowed the site to maintain a more consistent pumping rate throughout the year. However, critical well failures have also played a role by creating well downtime and thus negatively impacting pumping rates. Rockwood Lithium has detailed plans to minimize the downtime of each well and is beginning to see long term results. These plans start with maintaining a critical inventory of parts and equipment on site along with a team of qualified personnel immediately available for well repair/rehabilitation activities. Additional development of our water distribution facilities include; continuing to optimize our existing wells, rehabilitate older wells and drill new wells where appropriate.

An overall expansion plan has been implemented to increase our total pumping to a withdrawal of the permitted 20,000 acre feet per annum. One such action was the drilling of a replacement well under permit 86029 which was issued on 04/12/2016. Another action includes the preparation of the required permitting documents for the installation of two new wells during 2016. In addition, Rockwood Lithium is in the process of completing further scientific analysis of the groundwater system (via seismic and hydro stratigraphic modeling) in order to improve on its existing reservoir of knowledge in the Basin aquifer system. In the future, these will allow for more accurate targeting of production zones within the underground source. These items will continue throughout 2017 in order to make progress towards our goal of using the full permitted volumes.

Finally it should be noted that our efforts to expand our use of the permitted resource has been hindered by the proliferation of exploratory drilling in Clayton Valley. These exploration activities are being undertaken in wells immediately contiguous to wells used by Rockwood and thus we have been working to understand the negative impact resulting from these activities.

considerable amount of time has been expended on administratively rejecting intrusion into the mining resource held by Rockwood Lithium and in analyzing what contributing effects that the additional withdrawal of the groundwater might have on the environment and the integrity of the groundwater basin. Concerns have been raised as to the potential impact of planned reinjection from contiguous claims and its dilution/pollution impact on the groundwater/lithium resource. Rockwood Lithium has also brought forward concerns as to inappropriate drilling techniques and perhaps unknown construction issues that may result in further impacts to this resource. All of these issues have substantiated growing concerns as to the physical ability of the groundwater resource to handle the potential over drafting of the groundwater as well as the potential impact to the pumping wells held by Rockwood Lithium.







- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Well rehabilitation/drilling/development in 2014-2015 ultimately resulted in greater capacity. However, some critical well failures resulted in downtime. Plans to minimize the downtime of each well are continuing to improve. These plans include having qualified personnel readily available and an inventory that meets the needs of our wells. Addition development for our water distribution facilities include, continuing to optimize our current wells, rehabilitate older wells and drill new wells. These items will continue throughout each year in order to make progress towards our goal of using the full permitted volumes. Currently the completion date is underdetermined.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- 3. What type of mineral is being mined?

 Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.

 Who is buying your mineral product and for how long?

 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period.
 11,720 acre-feet was used in 2014, during the period from August 2014-July 2015 the use was 11,533 acre-feet.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Several wells were drilled towards the end of 2014. Maintenance and development of all wells continued thereafter with scheduled plans to drill new wells in the remaining months of the year 2015. Similar development activities will take place in late 2015 and into 2016.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable lates SN33N13N3 31V1?

 No reports or engineering drawings are submitted for review.

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7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are continuing to improve. Our new owner, Albemarle Corp., has shown favorable spending and support for expansion. In late 2014 and early 2015 there were some critical well failures that resulted in a reduction in volume from the previous year. However, with great effort we were able to repair these wells and continue working towards our goal. Funding has been approved to continue well rehabilitation and drilling for the remainder of the year, thus production volumes will continue to fluctuate until enough wells can provide flexibility to manage pumping rates at sustainable levels.

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- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2012-2013 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Rockwood Lithium Inc., who holds patented mining claims in the valley where these permits are located. Rockwood Lithium Inc. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and RLI authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period.
 7,670 acre-feet was used in 2012.
- Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2012-2013, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2013 and throughout 2014, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 No reports or engineering drawings are submitted for review.
- 7. Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Drill rig repairs started at the end of 2012 and continued through the 1st and half of the 2nd quarter of 2013. The drill rig has been rebuilt and will continue to drill new production wells during 2013 and 2014.

STATE ENGINEERS OFFICE

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STATE PROPERTY SOFFICE

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2011-2012 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 7,606 acre-feet was used in 2011.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.
 In 2011-2012, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2012 and throughout 2013, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 No reports or engineering drawings are submitted for review.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Turn over of upper management at the end of 2011 resulted in slower than expected results.

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- Explain anticipated development of water distribution facilities to serve the 1. place of use under the permit and specify completion dates. Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2010-2011 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has 2. the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- 3. What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period. 7 Total 3 6.565 acre-feet was used in 2010. 4.
- Describe any work in progress and any facility or feature completed to 5. establish use in compliance with permit requirements. In 2010-2011, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2011 and throughout 2012, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been 6. submitted for review or recorded pursuant to applicable laws.

 No reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use. submitted for review or recorded pursuant to applicable laws.
- 7.

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Market conditions are on an upswing. Necessary material and equipment acquisitions have been slower than desired. Replacement of key staff positions have added to a slower than expected rebound to the pumping and rehabilitation activities.

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- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2009-2010 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined? Lithium chloride is the mineral in solution being mined through water pumping. The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride. Who is buying your mineral product and for how long? Domestic and international customers have been buying our product since the mid 1960's.
- Submit the record of water measurements for the last one-year period.
 1.524 acre-feet was used in 2009.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 In 2009-2010, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2010 and throughout 2011, consisting of rehabilitation well development, production well-drilling, and water (brine) distribution enhancement.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 No reports or engineering drawings are submitted for review.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products from 2009 through early 2010. Activities resumed in February of 2010 in the well pumping operations. Wells operated normally since this time and pumping is typical for this time of year.

EDITOR HARRIST

- 1. Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

 Anticipated development for water distribution facilities includes piping changes and installation of new pumping systems into older, rehabilitated wells. Well rehabilitation drilling/development in 2008-2009 resulted in greater capacity, while older well failures are a continual source of work. Full use of permitted volumes is a goal, and a completion date is undeterminable at this time.
- 2. Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? The landowner is Chemetall Foote Corp., who holds patented mining claims in the valley where these permits are located. Chemetall Foote Corp. also holds unpatented mining claims on Bureau of Land Management managed public lands for mining activity. BLM and CFC authorize the use of the land.
- What type of mineral is being mined?
 Lithium chloride is the mineral in solution being mined through water pumping.
 The basin is not a source of potable water. Lithium carbonate and lithium hydroxide are final products of lithium chloride.
 Who is buying your mineral product and for how long?
 Domestic and international customers have been buying our product since the mid 1960's.
- 4. Submit the record of water measurements for the last one-year period. 10,089 acre-feet was used in 2008.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.
 In 2008-2009, well rehabilitation drilling served to further develop water distribution facilities at our site. The project goal was to reinstate several wells with structural damage to processing capacity and to determine if the method was feasible. Further development activities will take place in late 2009 and throughout 2010, consisting of rehabilitation well development, production well drilling, and water (brine) distribution enhancement.
- 6. Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.

 One engineering design change for Chemetall Foote Corp.'s Water Pollution Control Permit was submitted and approved by NDEP in 2009. No other reports or engineering drawings are submitted for review.

 Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.

Market conditions and slow economy resulted in sales slowdown for lithium products beginning in late-2008, continuing into mid-2009. The result of this was the temporary idling of wells and transfer pumps, employee reduction in force, and budget cuts. Wells normally operated during this time are in recovery from pumping, with occasional pumping needed to exercise the pumping system. 2009 stimulus money, approved in August, is intended to aid this situation, allowing for restarting production wells and new well drilling and/or rehabilitation of older wells.

WORK IN PROGRESS INFORMATION SHEET WATER RIGHT PERMITS 52918

 Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.

Anticipated development will involve a drilling program and the addition of 1.5 million gallons of brine per day to the production facility. Rehabilitation is ongoing to existing production wells in order to improve flow characteristics. Well drilling will involve the use of old drill sites and the scope of work will include installation of new pumping systems and electrical.

- Please provide the name of the landowner where the permit is located. Has the landowner authorized your use of the lands within the place of use? Chemetall Foote Corp. is the landowner through land patent number 27-89-0018.
- What type of mineral is being mined?
 Lithium chloride brine is pumped for production of lithium carbonate, lithium hydroxide monohydrate, and lithium hydroxide anhydrous.

Who is buying your mineral product and for how long?

Domestic and international customers have been buying our product since the mid 1960's.

- 4. Submit the record of water measurements for the last one-year period.

 607 acre-feet was used in 2007.
- 5. Describe any work in progress and any facility or feature completed to establish use in compliance with permit requirements.

 Increasing the number of Lower Gravel Aquifer wells has aided meeting the pumping volume in the plan to perfect water rights; however, the quantity of wells may also be increased to improve the permit requirements. Production drilling will aid in accomplishing this.
- Specify any project reports and engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
 None have been submitted or recorded.
- Explain any adverse conditions and affect upon permittee's ability to establish full beneficial use.
 No known adverse conditions.

BRADLEY CROWELL
Director

JASON KING, P.E. State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

RE: Permit(s) 52918, 52919, 52920, and 52921

This is to inform you that upon review of the Applications for Extension of Time for Permits 52918, 52919, 52920, and 52921, including attached exhibits, and, considering the grounds raised in the objection by Pure Energy Minerals, Ltd. to the Applications for Extension of Time, the Applications for Extension of Time for filing Proof of Beneficial Use have been granted for ONE YEAR, until September 30, 2018, not the requested 5 years, with the provision that no further extensions will be granted for filing of the <u>Proof of Beneficial Use</u> except for good cause shown as provided under NRS 533.380, 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Should you have any questions regarding this notification please contact me at (775) 684-2828.

Sincerely,

Amanda Brownlee

Water Resource Specialist I

AB/lr

cc: Thiel Engineering Associates, Inc. (email)

Southern Nevada Branch Office

Albemarle U.S., Inc.

Parsons, Behle & Latimer (email) (Permits 52919, 52920, and 52921 Only)

STATE OF NEVADA

BRADLEY CROWI Director

JASON KING, P.E State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov

October 20, 2017

Rockwood Lithium, Inc. P.O. Box 98 Silver Peak, NV 89047

Permits 52918, 52919, 52920 and 52921

Dear Ladies and Gentlemen:

Applications for Extension of Time submitted by you and received in this office on September 28, 2017, are being approved; however, an extension of time is only being granted for ONE YEAR and not the five years that were requested on the application.

The \$1920.00, receipt 34544 in filing fees in excess of a one year extension will be returned to you under separate cover.

Should you have any questions regarding this matter, please contact me at (775) 684-2828.

Amanda Brownlee P.E.

Water Resource Specialist I

Enclosure

AB/sg

State of Nevada Division of Water Resources Request for Correspondence and Change of Address

In re	gard to permit	t number(s) 52918, 52919, 52920, 52921, 85746	_ (Check applicable item)
V	Please add r (Fill in NEV	my name to the mailing list and send copies of all correspondence to the address below: W ADDRESS information only.)	
	Please chan	ge the address for copies to be sent as indicated below: W ADDRESS and OLD ADDRESS information.)	
	I am the per	mit holder. Please change my address as indicated below: W ADDRESS and OLD ADDRESS information.)	
NEV	V ADDRESS		
Nam	e:	Tim O'Connor	
Add	ress:	108 North Minnesota Street	
City,	State, ZIP:	Carson City, NV 89703	
) Tele	phone:	775-882-9900	
Ema	il:	paul@legaltnt.com; tim@legaltnt.com	
V	I prefer to re Documents.	eceive correspondence by email. By checking this box, I agree to the terms under Consent to E	lectronic Delivery of
OLD	ADDRESS		
Nam	e:		
Addr	ess:		
City,	State, ZIP:		•
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I am	the:		
Ø	Individual na	amed above. (Complete signature below only.)	
	Agent (Comp	plete signature, name and address below.)	22
	Representativ	ve (Complete signature, name and address below.)	TATE EN
This :		y reflects the mailing address for the permit holder or other individual identified above.	ENTROV 15 JH
Name	: :	Tim O'Connor	S = 1
Addr	ess:	108 North Minnesota Street	<u> </u>
City,	State, ZIP:	Carson City, NV 89703	
Telep	hone:	775-882-9900	
Email		paul@legaltnt.com; tim@legaltnt.com	
V	I prefer to rec Documents.	ceive correspondence by email. By checking this box, I agree to the terms under Consent to Ele SE	ectronic Delivery of E ROA 847

3619.85

	SUMMA		STATE OF NEVADA DIVISION OF WATER RESOURCES RY OF OWNERSHIP Please retain this sheet on top of file	SOURCES WNEF	SHIP	Page 1 of 1
PERMIT: 52921 CERTIFICATE:	USE: ISSUED:	MM	CFS:		DUTY: 3619.85 DUTY:	AF AF
REVIEW 7/18/2014	BY: SLC	,	UPPLEMENTAL	. TO: 44251 thru	44261, 44267 thru 44	SUPPLEMENTAL TO: 44251 thru 44261, 44267 thru 44270, 49988, 52918 thru 52921 TCD = 20,000 AFA
UPDATE: 11/30/2017 Owner	BY: DZ CFS	- DUTY AF	UNITS	CHANGED BY STATUS	REFERENCED DOCUMENTS	DESCRIPTION
Albemarle U.S., Inc.	ស	3619.85	l			
GRAND TOTALS	ALS 5	3619.85				



JASON KING, P.E. State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250 (775) 684-2800 • Fax (775) 684-2811 http://water.nv.gov December 4, 2017

VIA EMAIL



Parsons, Behle & Latimer Mr. Ross De Lipkau 50 W Liberty, Suite 750 Reno, NV 89501

RE: Water Rights Title

Mr. De Lipkau:

Please be advised that your *Reports of Conveyance* received on August 2, 2017, are hereby confirmed to update ownership of water rights and applications as listed in the table below. These water rights are now in the name of **ALBEMARLE U.S.**, **INC.** Details of the permits, including the current ownership, can be viewed online. First, click on "Water Rights Database"; then "Permit Search".

Permit/Certificate	cfs	Duty (afa)	Acres/Units
10036/2627	0.334		
15847/4838	0.530		
24382/7234	1.000	723.95	
44248	1.000	20.16	
44250/11268	0.003		100 head of cattle
44251/12770	1.000	723.97	
44252/12771	0.430	311.30	
44253/12772	0.840	608.13	
44255/12773	0.390	282.35	
44256/12774	0.220	159.27	
44257/12775	0.350	253.39	
44258/12776	0.270	195.47	
44260/12777	0.200	144.79	
44261/12778	0.220	159.27	
44267/12779	0.440	318.50	
44268/12780	0.462	334.47	
44269/12781	0.260	188.23	
44270/12782	1.000	723.97	
49805/14655	0.130	20.16	
49988/14295	2.000	1448.00	

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52917	1.000	21.63	
52918	5.000	3619.85	
52919	3.000	2171.91	87053T por. change
52920	5.000	3619.85	
52921	5.000	3619.85	
85746		•••	
86951T			
86952T			
87053T	2.000	1447.94	



Also be advised that the confirmation of your Report of Conveyance does not guarantee that the water right is in good standing with the office of the State Engineer; the amount of water referenced in the notice or in the report of conveyance is the actual amount of water that a person is entitled to use; and, this is not a determination of ownership and that only a court of competent jurisdiction may adjudicate conflicting claims to ownership of a water right. See NRS 533.386(2)(a)-(b).

This confirmation reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation. The owner is responsible for notifying the State Engineer's office of any change of address in writing. If you have any questions, call (775) 684-2829.

Sincerely,

Dan Zampirro

Engineering Technician III

Dan Zampirno



DZ/arp

cc: Albemarle U.S., Inc.