AMENDED

Serial No. 46343

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office NOV 1 5 1982

Returned to applicant for correction JAN 1 2 1983

Corrected application filed JAN 1 8 1983 Map filed JAN 1 8 1983 under 46341

The applicant Newmont Exploration Ltd.

P.O. Box 368 (Street and No. or P.O. Box No.) of Elko (City or Town)

Nevada 89801 (State and Zip Code No.) hereby make application for permission to change the

Point of Diversion and Place of Use (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Application 44053 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

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

2. The amount of water to be changed 6.0 cfs (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)

3. The water to be used for Mining and Milling (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)

4. The water heretofore permitted for Mining and Milling (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)

5. The water is to be diverted at the following point NW¼ NE¼ of Section 14, T 31 N, R 53 E, MDB & M., (Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.) at a point from whicht the W¼ corner of Section 14 bears S 68° 38' 38" W 3905.82 feet.

6. The existing permitted point of diversion is located within NE¼ SE¼ of Section 34, T 32 N, R 53 E, (If point of diversion is not changed, do not answer.) MDB & M., at a point from which the SW corner of said Section 34 bears S 64° 55' 00" W 5150.00 feet.

7. Proposed place of use E½ Section 8; All of Sections 1,3,10,12 & 14, T 31 N, R 53 E, MDB & M; (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.) All of Sections 34, 35 T 32 N, R 53 E, MDB & M; All of Sections 4,5,6 & 18, T 31 N, R 54 E, MDB & M., All of Section 31, T 32 N, R 54 E, MDB & M.

8. Existing place of use E½ Section 8; All of Section 1,3,10,12 & 14, T 31 N, R 53 E, MDB & M; (Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.) All of Sections 34,35, T 32 N, R 53 E, MDB & M., All of Section 31, T 32 N, R 54 E, MDB & M; All of Sections 5,6 & 18, T 31 N, R 54 E, MDB & M.

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

10. Use was permitted from Jnauary 1 (Month and Day) to December 31 (Month and Day) of each year.

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) This water is to be used for exploration drilling of mineral deposit. (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)

12. Estimated cost of works $20,000

13. Estimated time required to construct works 3 years

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

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

Annual consumptive use is 1,415,000,000 gallons per year. If the exploration drilling proves out an ore body, then this water would be used for mining and milling of the ore body.

By s/ Alan S. Boyack
Alan S. Boyack, Agent
515 South Fifth Street
Elko, Nevada 89801

Compared sb/ bl

Protested

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

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

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this day of, A.D. 19

State Engineer

2407 (Rev. 6-81)

WITHDRAWN BY APPLICANT FEB 1 1 1985

Peter G. Morros STATE ENGINEER