

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 JUL 18 1988

Returned to applicant for correction _____ (Prop POD under 40900),

Corrected application filed _____ Map filed MAY 15 1980 (existing POD & POU under 41588), (Prop POU under 47962)

The applicant Newmont Gold Company

Post Office Box 669 of Carlin
Street and No. or P.O. Box No. City or Town

Nevada 89822 hereby make s application for permission to change the
State and Zip Code No.

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

of water heretofore appropriated under Permit No. 41589
(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 5.4 cfs
Second feet, acre feet. One second foot equals 448.3 gallons per minute.
3. The water to be used for Mining, Milling and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Irrigation and Domestic
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 NE 1/4 NE 1/4 Section 35, T34N, R51E, MDM at a point
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.
from which the NE corner of said Section 35 bears N87°42'E 711 feet distance
6. The existing permitted point of diversion is located within Lot 3 (NE 1/4 NW 1/4) Section 4 T33N, R52E,
If point of diversion is not changed, do not answer
MDM at a point from which the SW corner of said Section 4 bears S22°55'W 4,640 feet distance
7. Proposed place of use Sections 34, 35 and 36 T34N, R51E, MDM; Sections 1, 2, 3, 10
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
and 11 T33N, R51E, MDM and Section 6 T33N, R52E, MDM
8. Existing place of use E 1/2 NW 1/4 of Section 4 and NE 1/4, N 1/2 SE 1/4 and E 1/2 NW 1/4 of Section 5 T33N,
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.
R52E, MDM; SE 1/4 NE 1/4 of Section 31; S 1/2 NW 1/4 and S 1/2 of Section 32 and S 1/2 of Section 33 T34N, R52E, MDM - 1,160 acres
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drilled and cased well equipped with motor,
State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes, or drilled well, etc.
pump and pipeline to place of use
12. Estimated cost of works None - existing well
13. Estimated time required to construct works None - existing well drilled under 40900

14. Estimated time required to complete the application of water to beneficial use 10 Years

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

The annual consumptive use under this application will be in addition to the 5,110 acre feet already allocated to Newmont Gold Company. Maps filed under Permit Nos. 41589, 49916 and 40900 are made a part hereof to support this application.

By s/ Michael D. Buschelman Agent
5405 Mae Anne Avenue
Reno, Nevada 89523

Compared pm/ kh pm/se

Protested _____

APPROVAL OF STATE ENGINEER

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

This permit to change the point of diversion, place of use and manner of use of the waters of an underground source as heretofore granted under Permit 41589 is issued subject to the terms and conditions imposed in said Permit 41589 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

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

The total combined duty of water under Permits 40900, 47962, 48257, 48328, 48330, 48910, 48911, 48912, 49550, 49916, 49962, 51962, 52330, 52331 and 52332 shall not exceed 10,390 acre-feet annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be (CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.4 cubic feet per second, but not to exceed 3480 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before February 22, 1990

Proof of completion of work shall be filed before March 22, 1990

Application of water to beneficial use shall be made on or before February 22, 1991

Proof of the application of water to beneficial use shall be filed on or before March 22, 1991

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

Completion of work filed MAR 23 1990

Proof of beneficial use filed APR 26 1991

Cultural map filed _____

Certificate No. 14019 Issued JAN 27 1995

IN TESTIMONY WHEREOF, I PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 18th day of May

A.D. 1989

[Signature]
State Engineer

Abrogated By 57968 T 4.77 exp
57473 T 0.67 9-24-93

(PERMIT TERMS CONTINUED)

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.

