

**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 JAN 25 1989

Returned to applicant for correction FEB 14 1989

Corrected application filed \_\_\_\_\_ Map filed MAY 5, 1980 under 40900

The applicant Newmont Gold Co.

P.O. Box 669 \_\_\_\_\_ of Carlin  
Street and No. or P.O. Box No. City or Town

Nevada 89822 \_\_\_\_\_ hereby make <sup>S</sup> application for permission to change the  
State and Zip Code No.

point of diversion and place of use  
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit No. 41635  
(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 1.5 cfs (62.6 mga)  
Second feet, acre feet. One second foot equals 448.83 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 Mining, Milling 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  
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.  
42'E a distance of 711.00 feet.

6. The existing permitted point of diversion is located within Lot 2 (NW 1/4 NE 1/4) Section 2 T34N, R51E, MDM at a point from which the NE corner of said Section 2 bears N86°30'E a distance of 1,874.00 feet.  
If point of diversion is not changed, do not answer.

7. Proposed place of use Sections 34, 35, and 36 T34N, R51E MDM; Sections 1, 2, 3, 10 and 11 T33N, R51E, MDM; Section 6 T33N, R52E, MDM  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use Patsy Ann 1 through 11 mill site claims located in portions of NW 1/4 NE 1/4 (Lot 2) and NE 1/4 NW 1/4 (Lot 3) Section 2 T34N, R51E, MDM  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

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

10. Use 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.) existing drilled and cased well equipped with motor, pump and pipeline to place of use  
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 none - existing works

13. Estimated time required to construct works none - existing works

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.

The total combined duty under 41635 and 41680 of 62.6 ac.ft./a. is proposed to be transferred by this application. Refer to supporting maps filed under Permit No.s 41635, 41680, 40900 and 48329 to support this application.

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

Compared kh/se . bp/se

Protested.....

APPROVAL OF STATE ENGINEER

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

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 41635 is issued subject to the terms and conditions imposed in said Permit 41635 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.

No perforations shall be put in the production casing from ground level to 100 feet.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent (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 1.5 cubic feet per second, but not to exceed 192.1 acre feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before January 4, 1991

Proof of completion of work shall be filed before February 4, 1991

Application of water to beneficial use shall be made on or before January 4, 1992

Proof of the application of water to beneficial use shall be filed on or before February 4, 1992

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

Completion of work filed MAR 6 1991

IN TESTIMONY WHEREOF, I PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed.....

my office, this 7th day of February

Cultural map filed.....

A.D. 19...90

Certificate No. Issued.....

[Signature of Peter G. Morros]

State Engineer

## (PERMIT TERMS CONTINUED)

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.

The total combined duty of water under Permits 40900, 47962, 48257, 48328, 48330, 48910, 48911, 48912, 49550, 49916, 49962, 51962, 52330, 52331, 52332, 52883, 52884, 53384, 53385, 54308-T, 54309-T and 54310-T shall not exceed 10,582 acre feet annually.

Any water obtained under Permits 52883, 52884, 53384, 53385, 54308-T, 54309-T and 54310-T as a result of the dewatering program by the permittee shall be used first for mining, milling, heap leaching, drilling, road water and other related mining and milling uses within the places of use as described.

