AMENDED Serial No. 52947

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 FEB 21 1989

Returned to applicant for correction MAR 6 1989

Corrected application filed MAR 21 1989 Map filed MAR 21 1989 under 35997

The applicant Elko Land and Livestock, Inc.

Post Office Box 220 (Street and No. or P.O. Box No.) of Battle Mountain (City or Town)

Nevada 89820 (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 Permit No. 36005 (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 Irrigation -- 7600 acres (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Irrigation - 7600 acres (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 NE¼ NE¼ Section 30, T35N, R49E, MDB&M, at a (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.) point from which the NE corner of Section 1, T35N, R49E, MDB&M bears N 51°15' E 34,242 feet.
6. The existing permitted point of diversion is located within SW¼ NW¼ of Section 26, T34N, R49E, MDB&M, (If point of diversion is not changed, do not answer) at a point from which the E¼ of Section 25, T34N, R49E, MDB&M, bears S 85°13'38" E 10,576.67 feet.
7. Proposed place of use Section 25; Section 36, T35N, R48E, MDB&M; SE¼ Section 19; SW¼ (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.) Section 20; W½ Section 28; Section 29; E½ Section 30; NE¼ Section 31; NW¼ Section 32; T35N, R49E, MDB&M
8. Existing place of use E½, SW¼ Section 12; Section 13; E½, SW¼ Section 14; SE¼ Section 22; Section 23; Section 24; Section 25; Section 26; E½ Section 27; T34N, (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.) R49E, MDB&M; S½ SW¼ Section 5; S½ S½ Section 6; Section 7; W½ Section 8; W½ Section 17; Section 18; W½, NE¼ Section 19; W½ Section 30, T34N, R50E, MDB&M
9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 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.) 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 irrigation system.
12. Estimated cost of works $60,000
13. Estimated time required to construct works Two (2) years

14. Estimated time required to complete the application of water to beneficial use Five (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.

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

Compared jjs/bk bp/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 and place of use of the waters of an underground source as heretofore granted under Permit 36005 is issued subject to the terms and conditions imposed in said Permit 36005 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 ad egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued subject to the water management plan and water management plan addendum among Barrick Goldstrike Mines, Inc.; Newmont Gold Company, and T S Ranch Joint Venture dated May 1, 1989.

Any water not used for mining and milling purposes by Barrick Goldstrike Mines, Inc. and Newmont Gold Company shall be utilized by the T S Ranch for irrigation (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, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before September 15, 1990

Proof of completion of work shall be filed before October 15, 1990

Application of water to beneficial use shall be made on or before September 15, 1992

Proof of the application of water to beneficial use shall be filed on or before October 15, 1992

Map in support of proof of beneficial use shall be filed on or before October 15, 1992

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 15th day of September, A.D. 19 89

State Engineer

(Rev. 6-81)

(O)-1108

(PERMIT TERMS CONTINUED)

purposes on land presently described under the place of use under Permits 16951, Certificate 5605; 16952, Certificate 5606; 28966, Certificate 10226; 28967, Certificate 10227; 29952, Certificate 10043; 29953, Certificate 10044; 30240, Certificate 10046; 30241, Certificate 10047; 30242, Certificate 10048; 30253, Certificate 10229; 30849, Certificate 10057; 31288, 31289, 34766, 34767, 34768, 34769, 34770, 34771, 34772, 34773, 36020, 36021, 36022, 36023, 36024, 52941, 52942, 52943, 52944, 52945, 52946, 52947, 52948, 52949 and 52950 or any subsequent changes of the place of use of these rights. The intent in the interests of the best and most efficient management of the resource is to substitute water from dewatering of the pit area for water presently authorized to be withdrawn from the Boulder Flat Groundwater Basin under the above described permits. The total duty of water for the irrigation use authorized under the above described permits cannot exceed the duty allowed for the irrigation rights.

This water will be stored in a storage reservoir for the use on the lands of the T S Ranch. The construction of this storage reservoir will require that the parties to the management plan obtain all of the necessary permits for such construction.

The parties to the management plan shall submit a monitoring plan to the State Engineer within three months after the issuance of this permit. This plan must address all aspects of potential impacts resulting from any pumping of water including the dewatering of the pit area. The State Engineer retains the right to require the parties of the management plan to cooperate in the funding of a hydrology study to be conducted by an independent third party.

A monthly report shall be submitted to the State Engineer within 10 days from the end of the month which shall include the amount pumped from each well.

The place of use under Permits 52941 through 52950, inclusive, is limited to 2513.6 acres within all of Section 25 and Section 36, T.35N., R.48E., M.D.B.&M.; and the SE¼ Section 19, SW¼ Section 20, W½ Section 28, all of Section 29, E½ Section 30, NE¼ Section 31 and NW¼ Section 32 all in T.35N., R.49E., M.D.B.&M.