TEMPORARY

Serial No. 53906-T

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 SEP 28 1989

Returned to applicant for correction

Corrected application filed Map filed

The applicant Newmont Gold Company

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

Nevada 89822 (State and Zip Code No.) hereby makes application for permission to change the

point of diversion of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit No. 26728 (Cert. 9940) (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 0.5cfs - 32.50 mga (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 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 NW¼ SW¼ Section 2 T36N, R49E, 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.)
6. The existing permitted point of diversion is located within NE¼ SE¼ Section 10 T36N, R49E, MDM at a (If point of diversion is not changed, do not answer) point from which the SE corner of said Section 10 bears S25°03'18"E, a distance of 2,330.86 feet.
7. Proposed place of use Same as Existing (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use S½ Section 2, SE¼ Section 3, E½ Section 10 and all of Section 11, (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 in T36N, R49E MDM
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 place of use
12. Estimated cost of works $25,000
13. Estimated time required to construct works 1 year

14. Estimated time required to complete the application of water to beneficial use 1 year

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

This application is a request for a temporary permit. The duty under this application should not be combined with the total combined duty of 420.28 mga under 50688, 50939, 51074, 51750, 51963, 52354, 52795, 52796, 52797, 53778-T and 53779-T. The duty under this permit should remain separate and distinct.

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

Compared bp/se 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 temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 26728, Certificate 9940 is issued subject to the terms and conditions imposed in said Permit 26728, Certificate 9940 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 temporary 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.

The total combined duty of water under Permits 53905-T and 53906-T shall not exceed 65 million gallons.

This temporary permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this temporary permit is by nature of (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 0.5 cubic feet per second, but not to exceed 32.5 million gallons annually.

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

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Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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IN TESTIMONY WHEREOF, I PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of November, A.D. 19 89

Peter G. Morros
State Engineer

EXPIRED
DATE 22 Nov 90

(Rev. 6-81)

(O)-1108

(PERMIT TERMS CONTINUED)

its activity a temporary use and any application to change the manner of use granted under this temporary 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 temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is issued pursuant to Chapter 149 of the Statutes of Nevada, 1989 and will expire on November 22, 1990 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

Measurements of the water used under this temporary permit shall be submitted on a monthly basis to the State Engineer.