№ 54341

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office JAN 17 1990

Returned to applicant for correction

Corrected application filed

Map filed JAN 18 1990 under 54339

The applicant Newmont Gold Company (Attn: Engineering Dept)

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

Nevada 89822 (State and Zip Code No.), hereby make.s application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) March 26, 1965 - Delaware

1. The source of the proposed appropriation is Underground (Gold Quarry Project) (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 4.0 cfs (One second-foot equals 448.83 gals. per min.) second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for Mining, Milling and Domestic (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kinds of animals to be watered

   (c) Other use (describe fully under "No. 12. Remarks")

   (d) Power:

      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point NW¼ SW¼ 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 so stated.) at a point from which the NE corner of said Section 35 bears N54°25'01"E, a distance of 5,733 feet.

6. Place of use Sections 34,35 and 36 T34N, R51E, MDM; Sections 1,2,3,10 and 11 (Describe by legal subdivision. If on unsurveyed land, it should be so stated.) T33N, R51E, MDM; and Section 6 T33N R52E, MDM.

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), of each year.

8. 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 and flumes, drilled well with pump and motor, etc.) pump and pipeline to place of use.

9. Estimated cost of works $30,000.00

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10. Estimated time required to construct works 1 year
If well completed, describe works.

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

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

See attached remarks.

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

Compared pm/ se bp/vw

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 followng limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.0 cubic feet per second, but not to exceed 2896 acre feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before January 14, 1991

Proof of completion of work shall be filed on or before February 14, 1991

Application of water to beneficial use shall be made on or before January 14, 1992

Proof of the application of water to beneficial use shall be filed on or before February 14, 1992

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

Completion of work filed FEB 13 1992

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 2nd day of July, A.D. 19 90.

R. Michael Turnipseed P.E.
State Engineer

(O)-5314 (Rev.)

Abrogated by 58039 T EXP 10-1-93

Abrogated By 55614T
Temp. Exp. 3-19-92

(PERMIT TERMS CONTINUED)

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 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 and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

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, 54310-T, 54339, 54340 and 54341 shall not exceed 10,582 acre feet annually.

Any water obtained under Permits 52883, 52884, 53384, 53385, 54308-T, 54309-T,54310-T, 54339, 54340 and 54341, 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.

A monthly report shall be submitted to the State Engineer within 10 days from the end of the month which shall include the amount of water pumped from each well and the amount of water used for mining and milling purposes.

ITEM 12 - REMARKS
GOLD QUARRY PIT PROJECT

Proposed pumping under this application will contribute to the dewatering of the Gold Quarry Pit. The water generated from this 40 acre subdivision will be delivered to mining and milling operations through out the place of use. The total combined duty of water under this application and the permits issued for the Gold Quarry Project area will not exceed 10,390 acre feet annually.

Even though a tie and bearing description has been provided under item number 5 to a particular well site, it is the intention of the applicant to drill at a location(s) within the identified 40 acre subdivision that is most effective for the dewatering of the pit area. It may also be necessary to drill more than one well within this same 40 acre subdivision.

Refer to map filed under Permit No. 48329 which illustrates the proposed place of us under this application.