AMENDED

Serial No. 55619

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 10 1991

Returned to applicant for correction FEB 25 1991

Corrected application filed APR 9 1991 Map filed APR 9 1991 under 55616

The applicant Nemont Gold Company Atten: Hydrology Department

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.... 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. 48910 (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 (James Creek Remediation Project) (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed .0557 cfs - 13.14 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 NW¼ SW¼ Section 36 T34N, R51E, MDM from points (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.) as shown on the supporting map. at multiple P.O.D. located in the NW¼ SW¼ Sec 36 T34N R51E. MDM.
6. The existing permitted point of diversion is located within SE¼ NW¼ Section 15 T34N, R51E, MDM, at (If point of diversion is not changed, do not answer.) a point from which the NE corner of Section 36 T34N, R51E, MDM, bears S44°55'E, a distance of 18,768 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 Sections 34, 35, 36 T34N, R51E, MDM; Sections 1, 2, 3, 10, and (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.) 11 T33N, R51E, MDM; Sections 6 T33N, R52E, 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.) Two cased 4" diameter wells about 120' in (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.) total depth equipped with motor, pumps and pipeline to place of use.
12. Estimated cost of works $50,000
13. Estimated time required to construct works 5 years

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:

Estimated consumptive use is based on 25 gpm x 24 hrs/day x 365 days = 13.14 mga. This application is requesting a permanent permit replacing temporary permit 55094-T. Subject of NDEP order.

By s/Charles Zimmerman
P.O. Box 669
Carlin, Nevada 89822

Compared pm/jm am/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 of a portion of the waters of an underground source as heretofore granted under Permit 48910 is issued subject to the terms and conditions imposed in said Permit 48910 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 well must be sealed with cement grout, concrete grout or neat cement 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

(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 0.0557 cubic feet per second, but not to exceed 40.3 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before January 4, 1992

Proof of completion of work shall be filed before February 4, 1992

Application of water to beneficial use shall be made on or before January 4, 1993

Proof of the application of water to beneficial use shall be filed on or before February 4, 1993

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 24th day of October, A.D. 19 91

State Engineer

(PERMIT TERMS CONTINUED)

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, 48328, 48330, 48910, 48911, 48912, 49550, 49916, 49962, 51962, 52330, 52331, 52332, 52883, 52884, 53384, 53385, 54339, 54340, 54341, 55614-T, 55615-T, 55616, 55617, 55618, 55619, 56411-T and 56751-T shall not exceed 10,582 acre feet annually.

Any water obtained under Permits 52883, 52884, 53384, 53385, 54339, 54340, 54341, 55614-T, 55615-T, 55616, 55617, 55618, 55619, 56411-T and 56751-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 place 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.

A year end report shall be submitted to the State Engineer no later than 45 days after the end of the calendar year as to how many wells have been drilled under this permit as well as how many have been abandoned. The exact location of each well drilled or abandoned shall also be supplied in this report.