AMENDED

Serial No. 59754 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 FEB 4 1994

Returned to applicant for correction

Corrected application filed Map filed MAR 23 1994

The applicant Newmont Gold Company by Charles Zimmerman, agent

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 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 56611 (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; well GNTW-17 (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed .25 cfs (112.21 gpm) (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for mining, milling, and dewatering (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for mining, milling, and dewatering (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 Within the NE quarter of the SE quarter of (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.) Section 31 of T36N, R50E, M.D.B.&M., at a point from which the SE corner of said section 31 bears S 29°37'48", a distance of 2177 feet. (see attached Amended map)
6. The existing permitted point of diversion is located within within the SE quarter of section 31 of (If point of diversion is not changed, do not answer.) T36N, R50E, M.D.B.&M., at a point from which the SW corner of said section 31 bears S71°35'28"W a distance of 4284.71 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 17, 18, 19, 20, 21, 31 and 32, T36N, R50E, M.D.B.&M., 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.) section 3, 10, T35N, R50E, M.D.B.&M.
9. Use will be from January 01 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 01 (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.) A drilled and cased well equipped with a pump, (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.) motor, totalizing flow meter, and a pipeline to the place of use.
12. Estimated cost of works fifty thousand dollars ($50,000.00)
13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use one 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 hereby submitted for a temporary (one year) permit for the purpose of dewatering the Genesis pit, in accordance with State Engineer's Order 1038.

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

Compared jr/vjw jr/vjw

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 56611 is issued subject to the terms and conditions imposed in said Permit 56611 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.

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.
(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 0.25 cubic feet per second, but not to exceed 17.52 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

TEMPORARY

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

WITHDRAWN BY APPLICANT APR 19 1995

STATE ENGINEER

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 13th day of October, A.D. 19 94.

State Engineer

by: Hugh Ricci, Deputy State Engineer

EXPIRED

DATE 10-12-95

(O)-1108 (Rev. 6-81)

(PERMIT TERMS CONTINUED)

Any water obtained as a result of the dewatering operation of Barrick Goldstrike Mines, Inc. or Newmont Gold Company shall be used first by the permittee for mining, milling heap leaching, drilling, road watering and other related mining and milling uses hereinafter referred to as mining and milling uses within the described place of use and prior to any use of the water authorized under Permits 49960, 50688, 50939, 51074, 51750, 51963, 52354, 52795 (Certificate 13396), 52797 (Certificate 13397), 52999, 53000, 54335, 54337, 55127, 56607, 56608, 56609, 56610, 56611, 56612, 59058, 59750-T, 59751-T, 59752-T, 59753-T, 59754-T and 59755-T.

The total amount of water under the above mentioned permits shall not exceed 2,000 million gallons annually.

The State Engineer retains the right to regulate the pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights.

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 and the amount used for each mining and milling purpose.

This permit is subject to the "Boulder Valley Monitoring Plan" previously approved by the State Engineer on April 10, 1991.

This permit also incorporates the provisions of "Order on Rulemaking Concerning Spacing Requirements in the Northern Portion of the Boulder Flat Groundwater Basin" issued by the State Engineer on March 29, 1991 under Order No. 1038.

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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on October 12, 1995 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(PERMIT TERMS CONTINUED)

Any water obtained as a result of the dewatering operation of Barrick Goldstrike Mines, Inc. or Newmont Gold Company shall be used first by the permittee for mining, milling heap leaching, drilling, road watering and other related mining and milling uses hereinafter referred to as mining and milling uses within the described place of use and prior to any use of the water authorized under Permits 49960, 50688, 50939, 51074, 51750, 51963, 52354, 52795 (Certificate 13396), 52797 (Certificate 13397), 52999, 53000, 54335, 54337, 55127, 56607, 56608, 56609, 56610, 56611, 56612, 59058, 59750-T, 59751-T, 59752-T, 59753-T, 59754-T and 59755-T.

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