

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

APR 4 1994

Date of filing in State Engineer's Office. _____

Returned to applicant for correction. _____

Corrected application filed _____ Map filed APR 4 1994

The applicant Newmont Gold Company by Charles Zimmerman, agent

P. O. Box 669 of Carlin Nevada 89822

State and Zip Code No. hereby make application for permission to change the point of diversion, manner of use, and place of use of a portion

Point of diversion, manner of use, and/or place of use permit 52331; well PW-8 of water heretofore appropriated under

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

2. The amount of water to be changed 1.114 cfs (500 gpm); 371.34 AF/Yr. (121 MgA)

3. The water to be used for road construction

4. The water heretofore permitted for mining, milling and domestic

5. The water is to be diverted at the following point Within the NE quarter of the SE quarter of section 5 of T34N, R51E, M.D.B.&M., at a point from which the NE corner of said section 5, bears N 17° E, a distance of 3500 feet. (see attached map - sheet 1)

6. The existing permitted point of diversion is located within within the NE quarter of the SE quarter of section 26 of T34N, R51E, M.D.B.&M., at a point from which the SE corner of section 26 bears S 24°52' E a distance of 2373 feet.

7. Proposed place of use See Attachment A and attached map sheets 2-4

8. Existing place of use sections 34, 35, and 36, T34N, R51E, M.D.B.&M.; sections 1, 2, 3, 10, and 11, T33N, R51E, M.D.B.&M.; and section 6, T33N, R.52E, M.D.B.&M.

9. Use will be from January 01 to December 31 of each year.

10. Use was permitted from January 01 to December 31 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, motor, totalizing flow meter, and a pipeline to the place of use.

12. Estimated cost of works twenty thousand dollars (\$20,000.00)

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:

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.....
.....

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

Compared nsr/pm pm/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 and place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 52331 is issued subject to the terms and conditions imposed in said Permit 52331 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 is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance for the life of the mining operation associated with applications subject hereof. 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.

(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 1.1114 cubic feet per second but not to exceed 370.5 acre-feet 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.....

Completion of work filed.....

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 30th day of June,

A.D. 19 94

[Signature]
State Engineer

TEMPORARY

EXPIRED

DATE JUN 30 1995

(PERMIT TERMS CONTINUED)

This permit does not extend the permittee the right of ingress and egress of 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 and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

This permit is issued subject to the provisions of the State Engineer Order No. 1055 dated April 1, 1992, concerning rules for well spacing and modification of well drilling regulations in Maggie Creek Groundwater Basin.

Any water obtained under Permits 53384, 53385, 54339, 54340, 54341, 55616, 55617, 55618, 55619, and 56831 through 56839, inclusive, as a result of the dewatering program by the permittee and any subsequent changes shall be used first for the beneficial uses of mining, milling, heap leaching, drilling, construction, dust suppression and other related mining and milling uses within the place of use as described, hereinafter referred to as mining and milling purposes.

Water not used for the aforementioned purposes must be used for mitigating any impacts to existing groundwater or surface water right holders. Before any water can be utilized for mitigation purposes, the permittee must apply for and receive from the State Engineer any approval necessary.

The State Engineer may require injection of excess water, or substitution for other permitted groundwater uses as other possible mitigation measures.

Water may be placed in the Maggie Creek Reservoir (approved on July 21, 1992 under Dam Safety Permit J-387) and upon receipt of the necessary permits from the Nevada Division of Environmental Protection, may discharge water to various Humboldt River drainage systems. The use of this water shall be subject to the Humboldt River Decree.

Any approval granted by the State Engineer for irrigation purposes using water under these permits shall be within the irrigation season as specified in the Humboldt River Decree. Any water used on lands not previously under irrigation or having irrigation water rights must be substituted by foregoing irrigation on an equal number of acres and acre-feet under Proof No. 00171 of the Edwards' Decree of the Humboldt River Adjudication. The substitution shall be based on actual water used for the additional acreage and offset by actual allocations from the Humboldt River. Any schedule of irrigation shall be submitted to the Division of Water Resources' Supervising Water Commissioner prior to the actual irrigation of that land. The Supervising Water Commissioner will then set what lands and priorities will not be served under Claim No. 00171 of the Edwards' Decree.

Any other impacts caused on the Humboldt River system by this dewatering must be mitigated in a manner approved by the State Engineer.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from each well; the amount used for mining and milling purposes; the amount diverted to the reservoir; the amount discharged to any surface drainage and which drainages; the amount injected back to the groundwater with the location of the well and the depth to where water is injected; and the amount of water used for any other purpose allowed under these permits. All groundwater and surface water monitoring data shall be submitted to the State Engineer on the same basis as specified in Appendix "A" - Mitigation Plan of the Final Environmental Impact Statement, Newmont Gold Company's South Operations Area Project (November 1993).

The total combined duty of water under Permits 40900, Certificate 13392, 47962, 48328, 48330, 48910, 48911, 48912, 49550, 49916, 49962, 51962, 52330, 52331, 52332, 52883, Certificate 13398, 52884, 53384, 53385, 54339, 54340, 54341, 54510, 55616, 55617, 55618, 55619, 56831, through 56839, inclusive, 59731-T, 59732-T, 59733-T, 59734-T, 59735-T, 59898-T, 59899-T and 59900-T shall not exceed 10,660.42 acre-feet annually for mining and milling purposes.

The total diversion rate allowed under all permits associated with the dewatering program and all related mining and milling purposes shall not exceed 110 cfs.

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 wells have been abandoned. The exact location of each well drilled or abandoned shall also be supplied in this report, and illustrated on a supporting map.

Upon permanent cessation of all mining and milling purposes, and dewatering, all water granted under these permits shall revert back to the source from which it was appropriated except for any water requirements needed for any mine closure plan and/or to mitigate any adverse effects caused by dewatering.



ATTACHMENT A.

TO APPLICATIONS TO CHANGE EXISTING WATER RIGHTS UNDER PERMIT 52331

7. Proposed Place of Use:

SE	1/4 of the	SE	1/4 of section	11	, T35N, R50E, M.D.B.&M.
SW	1/4 of the	SW	1/4 of section	12	, T35N, R50E, M.D.B.&M.
NW	1/4 of the	NW	1/4 of section	13	, T35N, R50E, M.D.B.&M.
NE	1/4 of the	NW	1/4 of section	13	, T35N, R50E, M.D.B.&M.
SE	1/4 of the	NW	1/4 of section	13	, T35N, R50E, M.D.B.&M.
SW	1/4 of the	NE	1/4 of section	13	, T35N, R50E, M.D.B.&M.
		SE	1/4 of section	13	, T35N, R50E, M.D.B.&M.
S	1/2 of the	NW	1/4 of section	14	, T35N, R50E, M.D.B.&M.
N	1/2 of the	NE	1/4 of section	14	, T35N, R50E, M.D.B.&M.
SW	1/4 of the	NE	1/4 of section	14	, T35N, R50E, M.D.B.&M.
		SW	1/4 of section	19	, T35N, R51E, M.D.B.&M.
S	1/2 of the	SE	1/4 of section	19	, T35N, R51E, M.D.B.&M.
SW	1/4 of the	SW	1/4 of section	20	, T35N, R51E, M.D.B.&M.
W	1/2 of the	NW	1/4 of section	29	, T35N, R51E, M.D.B.&M.
N	1/2 of the	SW	1/4 of section	29	, T35N, R51E, M.D.B.&M.
SE	1/4 of the	SW	1/4 of section	29	, T35N, R51E, M.D.B.&M.
NE	1/4 of the	NE	1/4 of section	30	, T35N, R51E, M.D.B.&M.
E	1/2 of the	NW	1/4 of section	32	, T35N, R51E, M.D.B.&M.
SW	1/4 of the	NE	1/4 of section	32	, T35N, R51E, M.D.B.&M.
W	1/2 of the	SE	1/4 of section	32	, T35N, R51E, M.D.B.&M.
SW	1/4 of the	SW	1/4 of section	4	, T34N, R51E, M.D.B.&M.
		NE	1/4 of section	5	, T34N, R51E, M.D.B.&M.
E	1/2 of the	SE	1/4 of section	5	, T34N, R51E, M.D.B.&M.
NE	1/4 of the	NE	1/4 of section	8	, T34N, R51E, M.D.B.&M.
W	1/2 of the	NW	1/4 of section	9	, T34N, R51E, M.D.B.&M.
W	1/2 of the	SW	1/4 of section	9	, T34N, R51E, M.D.B.&M.
SE	1/4 of the	SW	1/4 of section	9	, T34N, R51E, M.D.B.&M.
E	1/2 of the	NW	1/4 of section	16	, T34N, R51E, M.D.B.&M.
SW	1/4 of the	NE	1/4 of section	16	, T34N, R51E, M.D.B.&M.
NE	1/4 of the	SW	1/4 of section	16	, T34N, R51E, M.D.B.&M.
W	1/2 of the	SE	1/4 of section	16	, T34N, R51E, M.D.B.&M.
SE	1/4 of the	SE	1/4 of section	16	, T34N, R51E, M.D.B.&M.
N	1/2 of the	NE	1/4 of section	21	, T34N, R51E, M.D.B.&M.
SE	1/4 of the	NE	1/4 of section	21	, T34N, R51E, M.D.B.&M.
SW	1/4 of the	NW	1/4 of section	22	, T34N, R51E, M.D.B.&M.
W	1/2 of the	SW	1/4 of section	22	, T34N, R51E, M.D.B.&M.
W	1/2 of the	NW	1/4 of section	27	, T34N, R51E, M.D.B.&M.
SW	1/4 of the	SW	1/4 of section	27	, T34N, R51E, M.D.B.&M.
E	1/2 of the	NE	1/4 of section	28	, T34N, R51E, M.D.B.&M.
E	1/2 of the	SE	1/4 of section	28	, T34N, R51E, M.D.B.&M.
W	1/2 of the	NW	1/4 of section	34	, T34N, R51E, M.D.B.&M.
W	1/2 of the	SW	1/4 of section	34	, T34N, R51E, M.D.B.&M.
SE	1/4 of the	SW	1/4 of section	34	, T34N, R51E, M.D.B.&M.
NE	1/4 of the	NW	1/4 of section	3	, T33N, R51E, M.D.B.&M.
NW	1/4 of the	NE	1/4 of section	3	, T33N, R51E, M.D.B.&M.

