TEMPORARY

Serial No. 60851 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 JAN 25 1995

Returned to applicant for correction

Corrected application filed JAN 25 1995 Map filed NOV 27 1991 under 56831

The applicant Newmont Gold Company by Paul M Pettit, agent

PO 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 56838 (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 LK-5 (Name of stream, lake, underground spring or other source.)

2. The amount of water to be changed 0.0334 cfs (15.00 gpm) (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)

3. The water to be used for same as existing (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)

4. The water heretofore permitted for mining, milling, irrigation, infiltration, surface discharge, domestic 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 NW quarter of the NE quarter of section 02 of T33N, R51E, M.D.B.&M., at a point from which the NE corner of said section 02 bears N84°05'23"E a distance of 2212 feet. (see attached map) (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 within the NE quarter of section 02, T33N, R51E, M.D.B.&M., at a point from which the NE corner of section 36, T34N, R51E, M.D.B.&M. bears N44°51'E a distance of 9304 feet. (If point of diversion is not changed, do not answer.)

7. Proposed place of use same as existing (see map filed under 56838) (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use (see attached) (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.)

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.) A drilled and cased well equipped with a pump, motor, and a pipeline to a totalizing flow meter for several wells, and then to the place of use. (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)

12. Estimated cost of works ten thousand dollars ($10,000)

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 in accordance with well spacing Order 1055.

By s/Paul M Pettit
~~PO Box 669~~
Carlin, Nevada 89822

Compared jr/bk jr/bk

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 56838 is issued subject to the terms and conditions imposed in said Permit 56838 and with the understanding that no other rights on the source will be affected by the change proposed herein. 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. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.
This permit will allow the permittee to dewater the pit area. Any water obtained under Permits 53384, 53385, 54339, 54340, 54341, 55616, 55617, 55618, 55619 and 56831 through 56839, inclusive, and any subsequent changes of the above mentioned permits, as a result of the dewatering program by the permittee, will be used first for the beneficial uses of mining, milling, heap leaching, drilling, construction, dust suppression, road watering and other related mining and milling uses within the place of use as described, hereinafter referred to as mining and milling purposes.
Water may be placed in the Maggie Creek Reservoir (approved on July 21, 1992 under Dam Safety Permit J-387).
(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 0.0334 cubic feet per second

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

EXPIRED

DATE 4-17-96 JR

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 18th day of April, A.D. 19 95

State Engineer

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

(PERMIT TERMS CONTINUED)

Upon receipt of the necessary permits from the Nevada Division of Environmental Protection, water may be discharged to various Humboldt River drainage systems. The use of this water will be subject to the Humboldt River Decree.

Any approval granted by the State Engineer for irrigation purposes using water under these Permits will be within the irrigation season as specified in the Humboldt River Decree. If any water is used on lands not previously under irrigation or having irrigation water rights, 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 will be based on actual water used for the additional acreage, and offset by actual allocations from the Humboldt River. Any schedule of irrigation will 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 adverse impacts on the Humboldt River System caused by this dewatering must be mitigated in a manner approved by the State Engineer. Water not used for mining and milling 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 will apply for and receive any necessary approval from the State Engineer. The State Engineer may require the excess water be used for other possible mitigation measures, including but not limited to injection or substitution for other permitted groundwater uses.

The permittee shall discharge water in a manner to achieve maximum conservation of the water resource. It is understood that this right must allow for a reasonable lowering of the static water level.

The State Engineer will retain the right to require additional monitoring of water levels in observation and monitor wells and of flow rates of surface sources. The permittee, on a quarterly schedule, will prepare and present an update on the activities of the mine and dewatering projects, and the Maggie Creek Basin Monitoring Plan (submitted September 10, 1992).

This permit does not extend the permittee the right of ingress and egress on public, private or corporate land.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from the 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 for consumptive purposes under Permit 40900, Certificate 13392, Permits 47962, 48328, 48330, 48910, 48911, 48912, 49550, 49916, 49962, 51962, 52330, 52331, 52332, 52883, Certificate 13398, Permits 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, 59900-T, 60845-T through 60863-T, inclusive, and 60871-T shall not exceed **10,660.42 ACRE-FEET ANNUALLY for mining and milling purposes**. The total combined diversion rate under all permits associated with the dewatering program and all related mining and milling purposes will not exceed **110 CUBIC FEET PER SECOND** on an instantaneous basis.

A monthly report will be submitted to the State Engineer within 10 days from the end of each month which shall include measurement of: the volume of water pumped from each well, the volume of water consumptively used for mining and milling uses projectwide, the volume of water diverted to the reservoir, the evaporative losses and seepage losses from the reservoir, the volume of water discharged to any surface drainage and which drainage and the volume of water used for any other purpose allowed under permits.

This permit is issued subject to, and also incorporates the terms and conditions set forth in the State Engineer's Order No. 1055, Order Adopting Rules For Well Spacing and Modification of Regulations For Water Well and Related Drilling (January, 1990) In A Portion Of The Heretofore Designated Maggie Creek Ground Water Basin (4-51), dated April 1, 1992, on file in the office of the State Engineer.

A year-end report will be submitted to the State Engineer no later than 45 days after the end of each calendar year. The report will state: (1) the number of wells drilled under the permits, (2) the number of abandoned wells, (3) the exact location of each well drilled or abandoned, and (4) a supporting map illustrating well locations.

All groundwater and surface water monitoring data will 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).

(PERMIT TERMS CONTINUED)

Upon permanent cessation of all mining, milling and dewatering purposes, all water granted under the permits will 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.

The State Engineer retains the right to require at any time the permittee cooperate in the funding of additional monitoring and modeling by an independent third party. The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted reporting on the dewatering program, water use and the monitoring plan. The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on April 17, 1996 at which time all rights herein granted shall revert to the right being changed by this temporary permit.