

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 MAR 2 1995

Returned to applicant for correction

Corrected application filed Map filed MAR 2 1995

The applicant Newmont Gold Company by Paul M. Pettit, Agent

PO Box 669 of Carlin Street and No. or P.O. Box No. City or Town

Nevada 89822 State and Zip Code No. hereby make application for permission to change the

point of diversion and manner of use and place of use of a portion Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Proof #00322 (1871); under the Bartlett Decree Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and (pg.157) of the Humboldt River Adjudication (#2804). Identify right in Decree.

1. The source of water is Maggie Creek Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 18.85 acre-feet Second feet, acre feet. One second foot equals 448.83 gallons per minute.

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

4. The water heretofore permitted for Irrigation (harvest) 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 Describe as being within a 40-acre subdivision of public survey and by course and of section 26 of T33N, R52E, M.D.B.&M, at a point from which the NW corner distance to a section corner. If on unsurveyed land, it should be stated.

of said section 26 bears N83°29'60"W a distance of 2937 feet. (See attached map)

6. The existing permitted point of diversion is located within the SW quarter of the NW quarter If point of diversion is not changed, do not answer.

of section 23, T33N, R52E, M.D.B.&M, by the Palmer Ditch as decreed (See map filed under Proof #00322.)

7. Proposed place of use 26.43 acres within the NE quarter of the NE quarter, the NW Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

quarter of the NE quarter, and the SW quarter of the NE quarter of section 26, T33N, R52E, M.D.B.&M. (see attached map)

8. Existing place of use 20.00 acres within the SE quarter of the NW Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or

quarter of section 26, T33N, R52E, M.D.B.&M, as decreed. (See map filed under manner of use of irrigation permit, describe acreage to be removed from irrigation. proof #00322.)

9. Use will be from April 15 Month and Day to August 15 Month and Day of each year.

10. Use was permitted from April 15 Month and Day to August 15 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.) headgate, diversion structure, and channel

to man-made wetlands within the proposed 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 Five hundred thousand dollars (\$500,000)

13. Estimated time required to construct works one year

at least one year.

14. Estimated time required to complete the application of water to beneficial use.....

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

The wetland is mandated by the Army Corp of Engineers under the terms of 404-permit #199300700. To support plant life, the upper meadows of the wetlands require annual inundation over 2-3 weeks within the period of use. Permanent transfer of existing water rights will be pursued after temporary transfer is completed and will not exceed existing rights.

By s/Paul M. Pettit
PO Box 669
Carlin, NV 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 temporary permit to change the point of diversion, manner of use and place of use of a portion of the waters of Maggie Creek as heretofore appropriated under Proof 00322 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931, and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on 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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on June 7, 1996 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.08 cubic feet per second, but not to exceed 18.85 acre-feet seasonally.

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 8th day of June

A.D. 1995

R. Michael Turnipseed
State Engineer

TEMPORARY

TEMPORARY

EXPIRED
DATE JUN 07 1996