

AMENDED
TEMPORARY

ASSIGNED
NO. 62105 **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 MAY 07 1996

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 20 1996 under 61205-T

The applicant FMG, INC, hereby makes application for permission to change the Point of Diversion of all of water heretofore appropriated under Permit 61689 (DW-1)

1. The source of water is underground
2. The amount of water to be changed 3 CFS; 706 MGA
3. The water to be used for mining, milling and dewatering
4. The water heretofore permitted for mining, milling and dewatering
5. The water is to be diverted at the following point within SE $\frac{1}{4}$ NR $\frac{1}{4}$ section 33, T39N, R42E, MDM at a point from which the SW corner of said section 33 bears S 51° 00' 59" W, 6047.92 feet; from a well known as DW-4.
6. The existing permitted point of diversion is located within within NW $\frac{1}{4}$ NE $\frac{1}{4}$ section 33, T39N, R42E, MDM at a point from which the NE corner of said section 33 bears N 63°14'41"E, 2148.44 feet; at a well known as DW-1 (see map filed under 61201-T.)
7. Proposed place of use within sections 21, 22, 23, 26, 27, 28, 29, 32, 33, and 34 in T39N, R42E, MDM; and sections 3, 4, 9, and 10 in T38N, R42E, MDM. (see map on file under Application 61201T)
8. Existing place of use within sections 21, 22, 23, 26, 27, 28, 29, 32, 33, and 34 in T39N, R42E, MDM; and sections 3, 4, 9, and 10 in T38N, R42E, MDM. (see map on file under Application 61201T)
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works 2500 foot deep, 24 inch diameter gravel packed well
12. Estimated cost of works \$150,000
13. Estimated time required to construct works 3 months
14. Estimated time required to complete the application of water to beneficial use 1 year
15. Remarks: This application is made to change the place of use of all of the water under permit 61689 (DW-1) to a new location to be known as DW-4. The new well will be used as a shaft and underground works dewatering well for the Turquoise Ridge Underground mining project at the Getchell Mine. The water will be either used for dust control and miscellaneous mining and milling purposes, or treated and infiltrated back to the groundwater basin.

By s/ Michael S. Smith 5/17/96
MICHAEL S. SMITH, AGENT
SAGE ENGINEERING
305 W. Moana Ln., Ste. B-2, Reno, NV 89509

Compared cl/jk cl/cms

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 of the waters of an underground source as heretofore granted under Permit 61689 is issued subject to the terms and conditions imposed in said Permit 61689 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 temporary permit will allow the permittee to dewater the pit area and underground mining operations. It is understood that any water pumped as a result of this dewatering operation will be used first by the permittee for surface and underground mining, milling, leaching, drilling, road watering and other related mining uses hereinafter referred to as mining and milling uses within the described place of use of this temporary permit.

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. Any water produced from this dewatering operation and not used for mining and milling purposes must be injected or infiltrated back to the Kelley Creek Groundwater Basin. Any injection or infiltration of water must have the necessary permits issued by the Nevada Division of Environmental Protection.

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

The issuance of this temporary 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 relating to the dewatering project.

The total combined duty of water under Permits 28758, Certificate 13803; 45730, Certificate 13805; 45731, Certificate 13806; 45732, Certificate 13807; 49815, Certificate 13809; 51990; 52476, Certificate 13817; 53015; 53030; 58406; 58408; 61546; 61557-T; 61558-T; 61559-T; 61601; 61602; 61603; 61604; 61605; 61667-T; 61686; 61688; 61689; 61690; 61862-T; 62105-T and 62106-T shall not exceed 1,034.0 million gallons annually.

The total combined diversion rate under the above referenced permits and any subsequent changes to these permits shall not exceed 15.6 cubic feet per second (7,000.0 gallons per minute).

Monthly records will be kept of the following: the volume of water pumped from each well, the volume of water consumptively used for mining and milling uses projectwide, the amount of water discharged to infiltration or injection, and the water level (static or pumping) of each permitted well and monitoring wells HL-1, DM-3, MW-16, MW-17 and MW-18. These records will be submitted within 15 days after the end of each month. A method the estimates the amount of evaporative losses from the discharge system will be submitted with the monthly report. The evaporative losses will be considered as a part of the combined duty for consumptive purposes.

All flow measurements taken at those locations described in Covenant 2.3 (Flow Measurement) of the Water Resources Agreement between FirstMiss Gold, Inc., and LaVar Murdock, d.b.a. Adams Peak Properties dated February 27, 1996, shall be reported in the above monthly report.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on June 27, 1997 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.0 cubic feet per second, but not to exceed 706.0 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 filed on or before:

Proof of the application of water to beneficial use shall be filed on or before:

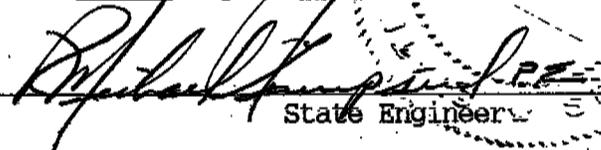
Map in support of proof of beneficial use shall be filed on or before:

TEMPORARY

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 28th day of June, A.D. 1996


State Engineer

EXPIRED
DATE JUN 27 1997

