

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 DEC 04 1996

Returned to applicant for correction \_\_\_\_\_

Corrected application filed \_\_\_\_\_

Map filed FEB 08 1988 UNDER 51464

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The applicant Newmont Exploration Ltd. and Paul M. Pettit, Agent hereby makes application for permission to change the point of diversion and place of use of a portion of water heretofore appropriated under Permit No. 46346

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1. The source of water is underground, RPW-2
2. The amount of water to be changed 1.0 cfs
3. The water to be used for mining, milling and domestic
4. The water heretofore permitted for mining and milling
5. The water is to be diverted at the following point within the SW1/4 SW1/4, Section 03, T31N, R54E, M.D.B.& M., at a point from which the SW corner of said Section 03 bears S85°58'30"W at a distance of 1238.49 feet. See water rights survey map filed under permit 51809.
6. The existing permitted point of diversion is located within within the SE1/4 SE1/4, Section 04, T31N, R54E, M.D.B.& M., at a point from which the SE corner of said Section 04 bears S27°08'53"E a distance of 556.05 feet.
7. Proposed place of use E1/2 of Section 08, all of Sections 1,2,3,10,11,12 & 14, T31N, R53E, M.D.B.& M.; all of Sections 34 & 35, T32N, R53E, M.D.B.& M.; all of Section 31, T32N, R54E, M.D.B.& M.; all of Sections 4-6, & 18, T31N, R54E, M.D.B.& M. (See map filed under permit 51809.)
8. Existing place of use E1/2 of Section 08, all of Sections 1,3,10,12 & 14, T31N, R53E, M.D.B.& M.; all of Sections 34 & 35, T32N, R53E, M.D.B.& M.; all of Section 31, T32N, R54E, M.D.B.& M.; all of Sections 4-6, & 18, T31N, R54E, M.D.B.& M.
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 drilled and cased well equipped with motor, pump and pipeline to place of use (see Proof of Completion filed under permit 51809).
12. Estimated cost of works Completed
13. Estimated time required to construct works Completed
14. Estimated time required to complete the application of water to beneficial use 1 year

15. Remarks: Newmont hereby requests permanent water rights to replace those expired under permit 51809 for continued use of Well RPW-2. Application is herewith made separately for temporary water rights, which will be withdrawn upon issuance of permanent water rights under this application.

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

Compared lew/ cms cl/cms

Protested \_\_\_\_\_

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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 of a portion of the waters of an underground source as heretofore granted under Permit 46346 is issued subject to the terms and conditions imposed in said Permit 46346 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.

The total combined duty of water under Permits 44052, 44056, 46346, 47341, 50078, 50079, 50080, 50243, 52253, 62633, and 62635 shall not exceed 587.8 million gallons annually.

The total combined diversion rates of Permits 44052, 44056, 46346, 47341, 50078, 50079, 50080, 50243, 52253, 62633, and 62635 shall not exceed 6.0 cubic feet per second.

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 groundwater basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

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 the well and the amount of water used.

(CONTINUED ON PAGE 2)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 98.0 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before:  
October 23, 1998

Proof of completion of work shall be filed before:  
November 23, 1998

Application of water to beneficial use shall be filed on or before:  
October 23, 2000

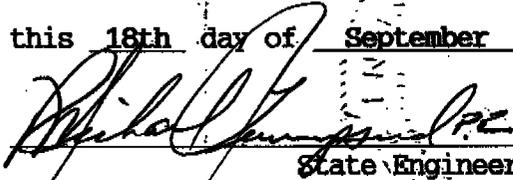
Proof of the application of water to beneficial use shall be filed on or before:  
November 23, 2000

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

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 September, A.D. 1997

  
\_\_\_\_\_  
State Engineer

Completion of work filed DEC 09 1998

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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