TEMPORARY NO. 63823-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 FEB 09 1998

Returned to applicant for correction

Corrected application filed

Map filed MAR 02 1998

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The applicant Santa Fe Pacific Gold Corporation, hereby makes application for permission to change the point of diversion and manner of use and place of use of a portion of water heretofore appropriated under permit 59627

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1. The source of water is underground; Well SS-10

2. The amount of water to be changed 0.0557 cfs

3. The water to be used for mining, milling, dewatering and domestic

4. The water heretofore permitted for dewatering

5. The water is to be diverted at the following point SW¼ NE¼, Section 11, T.34N., R.42E., M.D.M., at a point from which the NE corner of section 11 bears N 48° 12' 46" E, a distance of 3,023 feet. (See attached map).

6. The existing permitted point of diversion is located within NE¼ NE¼ of section 11, T.34N., R.42E., M.D.M., or at a point from which the NE corner of said section 11 bears N 44° 40' 13" E a distance of 946.95 feet.

7. Proposed place of use Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 27 T.34N., R.42E., M.D.M., and the South half of the NE¼ and the North half of the SE¼, Section 29, T.35N., R.43E., M.D.M.

8. Existing place of use Sections 1, 2, 11, 12, 13, 14, 15, 23, 24 T.34N., R.42E., M.D.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 Well casing, pump, and distribution system.

12. Estimated cost of works Twenty-five thousand dollars ($25,000.00)

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: This application is hereby submitted to replace temporary permit 62981-T, which expires April 9, 1998.

By s/Paul M. Pettit
P O Box 669
Carlin, NV 89822

Compared my/cms dl/bk

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 temporary permit to change the point of diversion, manner of use and place of use of a portion of the waters of an underground source as heretofore granted under Permit 59627 is issued subject to the terms and conditions imposed in said Permit 59627 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 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 temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The manner of use of water under this temporary 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 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 of the dewatering project.

The total combined diversion rate of Permits 54761, Certificate 14565; 54763, Certificate 14566; 56406, Certificate 14567; 56407; 56578; 56951; 57103; 57104; 59243; 59244; 59245; 59246; 59247; 59248; 59249; 59250; 59251; 59627; 59629; 60288; 60289; 60290; 60291; 60292; 60293; 60294; 60295; 60296; 60297; 60298; 60300; 60301; 60302; 60303; 60606; 60685; 62608; 62609; 62610; 62611; 62612; 62778; 63422-T, 63819-T through 63824-T, inclusive and 62320 S-1; 62320 S-2; 62320 S-3; 62320 S-4; 62320 S-5; and 62320 S-6 will not exceed 49,400 gallons per minute or 110.06 CFS (cubic feet per second) for mining, milling and dewatering purposes.

The total volume of water allowed to be diverted under the above-mentioned permits and for the same purposes will not exceed 79,682 AFA (acre-feet annually).

The total combined consumptive duty for mining and milling purposes under the above permits and any changes of these permits, with the exception of 62320 S-3, 62320 S-4 and 62320 S-6, must not exceed 6,047 AFA (acre-feet annually). An additional 10,646 AFA is authorized for substitutive uses.

All water diverted but not used for mining or milling purposes will be discharged to the Iron Point Relief Canal via the aqueduct completed in June, 1993.

All water diverted will be measured and reported to the State Engineer on a monthly basis. The report will include the amount of water diverted from each well, the amount of water used for mining and milling purposes, and the amount discharged to the Iron Point Relief Canal. This report shall include the amount of water delivered to any other projects. This report must be submitted to the State Engineer within 15 days of the last day of the preceding month.

This temporary permit is issued subject to the "Lone Tree Mining, Inc. Unified Monitoring Plan", March 27, 1993.

(CONTINUED ON PAGE 2)

The State Engineer will retain the right to require additional monitoring over and above the monitoring required in the monitoring plan mentioned and also will retain the right to seek other disposal options of water discharged to the Iron Point Relief Canal. The State Engineer retains the right to regulate discharge based on flood considerations.

The permittee, on a schedule acceptable to the State Engineer, will prepare and present an update on the activities of the mine and the monitoring plan on a periodic basis, but not less than two times a year.

A "Stipulation to Withdraw Protest" was made and entered into by and between Santa Fe Pacific Gold Corporation, Lone Tree Mine and its successors, and Lander County on August 12, 1994. A second "Stipulation to Withdraw Protest" was made and entered into by and between Santa Fe Pacific Gold Corporation, Lone Tree Mine and its successors, and the Humboldt River Basin Water Authority in August, 1994. The State Engineer may not concur with and is not bound by the terms and conditions of these stipulations to withdraw protest, pursuant to NAC 533.150.

This temporary permit also incorporates the provisions of Amended Order No. 1086, issued by the State Engineer on January 21, 1994.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on August 24, 1999 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 **0.0557** cubic feet per second, **but not to exceed 40.325 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

TEMPORARY

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:

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 **25th** day of **August**, A.D. **1998**

R. Michael Turnipseed, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

WITHDRAWN BY APPLICANT agent JUN 30 1999

R. Michael Turnipseed, P.E. STATE ENGINEER