TEMPORARY

NO. 64165-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 26 1998

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 26 1998

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The applicant **Newmont Gold Company**, hereby makes application for permission to change the **point of diversion of a portion** of water heretofore appropriated under **permit 56610**

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1. The source of water is **underground; well GNTW-12**

2. The amount of water to be changed **0.056 cfs (25 gpm)**

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 the NE quarter of the SE quarter of section 31 of T36N, R50E, M.D.B.&M., at a point from which the SE corner of said section 31 bears S26°43'28"E a distance of 2227 feet. (See attached map).**

6. The existing permitted point of diversion is located within **the SE quarter of section 31, T36N, R50E, M.D.B.&M., at a point from which the SW corner of section 31 bears S71°35'28"W, a distance of 4284.71 feet.**

7. Proposed place of use **same as existing (see map filed under 56611)**

8. Existing place of use **Sections 17-20, 31 and 32, T36N, R50E, M.D.B.&M., and sections 3, 10, T35N, R50E, M.D.B.&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 **A drilled and cased well equipped with a pump, motor, totalizing flowmeter, and a pipeline to the place of use.**

12. Estimated cost of works **fifty thousand dollars ($50,000.00)**

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 in accordance with well spacing Order 1038. It is intended to replace permit 62744T, which expires June 10, 1998. Upon, and not before, issuance of a permit under this application, Newmont Gold Company withdraws said permit 62744T.**

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

Compared **dl/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 of a portion of the waters of an underground source as heretofore granted under Permit 56610 is issued subject to the terms and conditions imposed in said Permit 56610 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. In the interests of the best and most efficient management of the resource, any water obtained as a result of the dewatering operation of Barrick Goldstrike Mines, Inc. or Newmont Gold Company will be used first by the permittee for mining, milling, heap leaching, drilling, road watering and other related mining and milling uses (hereafter referred to as mining and milling uses within the described place of use of the water authorized under permits) before usage from the water supply wells.

The total combined consumptive duty of water under Permits 49960; 50688, Certificate 13878; 50939, Certificate 13880; 51074; 51750; 51963; 52354; 52795, Certificate 13396; 52797, Certificate 13397; 52999; 53000; 54335; 54337; 55127; 56607; 56608; 56609; 56610; 56611; 56612; and 64164-T through 64168-T, inclusive, will not exceed 2,000 MGA (million gallons annually).

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

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.

This temporary permit is issued subject to the Water Management Plan and Water Management Plan Addendum among Barrick Goldstrike Mines, Inc.; Newmont Gold Company; and TS Ranch Joint Venture dated May 1, 1989, on file in the Office of the State Engineer.

This temporary permit is issued subject to, and also incorporates the terms and conditions set forth in the State Engineer's Order No. 1038, Order Adopting Rules For Well Spacing and Modifications of Regulations For Water Well and Related Drilling (January, 1990) in the Northern Area of The Heretofore Designated Boulder Flat Ground Water Basin (4-61), dated March 29, 1991, on file in the office of the State Engineer.

A monthly report will be submitted to the State Engineer within 10 days after the end of each month which will include measurement of the volume of water pumped, and the volume of water consumptively used for mining and milling purposes projectwide.

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.

(CONTINUED ON PAGE 2)

The State Engineer retains the right at any time to require 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 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.

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 impacts caused by dewatering.

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 September 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 **0.056** 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 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 **September**, A.D. **1998**

State Engineer
by Hugh Ricci, Deputy State Engineer

EXPIRED
DATE MAY 26 1999