TEMPORARY

NO. 65871-T

DW-13

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 **JAN 14 2000**

Returned to applicant for correction

Corrected application filed

Map filed **JUN 17 1996 under 64396-T**

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The applicant **Round Mountain Gold Corp, Homestake Nevada Corp, BaRGold Corp dba Smoky Valley Common Operation**, hereby makes application for permission to change the **point of diversion of a portion, place and manner of use of a portion** of water heretofore appropriated under **Permit #44300 Certificate #13174**

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1. The source of water is **underground**

2. The amount of water to be changed **0.35 cfs**

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

4. The water heretofore permitted for **domestic, mining, and milling**

5. The water is to be diverted at the following point **SE¼ NW¼, S29, T10N, R44E, M.D.B.&M. DW-13**

6. The existing permitted point of diversion is located within **NE¼ NW¼, S30, T10N, R44E, M.D.B.&M., or at a point from which the SW corner of Section 19, T10N, R44E, M.D.B.&M., bears N 79 degrees, 31' W., a distance of 2331.0 feet.**

7. Proposed place of use **within Sections 17, 18, 19, 20, 29, 30 & 31, T10N, R44E, M.D.B&M. (portions unsurveyed); Sections 13, 23, 24, 25, 26, 34, 35 & 36, T10N, R43E, M.D.B&M.; Sections 1, 2, 3, T9N, R43E, M.D.B.&M.; and Section 6, T9N, R44E, M.D.B&M.**

8. Existing place of use **within Sections 17, 18, 19, 20, 29 & 30, T10N, R44E, M.D.B&M. (portions unsurveyed). Sections 13, 23, 24, 25 & 26, T10N, R43E, 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 **Well with electric motor and submersible pump.**

12. Estimated cost of works **Existing well.**

13. Estimated time required to construct works **Existing well.**

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

15. Remarks:

By **s/Mark N. Ioli**
P. O. BOX 480
ROUND MOUNTAIN, NV 89045

Compared **my/cmf** hs/cmf

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, place of use, and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 44300, Certificate 13174 is issued subject to the terms and conditions imposed in said Permit 44300, Certificate 13174 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 temporary permit will allow the permittee to dewater the pit area.

It is understood that any water pumped as a result of the production and dewatering operation shall be used first by the permittee for mining, milling, heap leaching, drilling, road watering and other related mining uses within the described place of use on this temporary permit.

Any water pumped and not used for mining and milling purposes shall be infiltrated back to the Smoky Valley Groundwater Basin. The permittee shall discharge water in a manner to achieve maximum conservation of the water resource. It is understood that this right must allow for a reasonable lowering of the static water level.

The State Engineer will retain the right to require additional monitoring of the water levels in observation and monitor wells and of the flow rates of surface sources. The permittee, on a schedule acceptable to the State Engineer, shall prepare and present an update on the activities of the mine and the monitoring on a periodic basis, but not less than two times per year.

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.

The total combined duty of water for consumptive purposes under Permit 536; Permit 1077, Certificate 267; Permit 2908, Certificate 353; Permit 3898, Certificate 2347; Permit 12442, Certificate 3831; Permit 12445, Certificate 3832; Permit 12768, Certificate 3751; Permit 14119, Certificate 4889; Permit 26650, Certificate 13904; Permit 26652, Certificate 13905; Permit 44297; Permit 44299; Permit 44300, Certificate 13174; Permit 50971; Permit 51577, Certificate 13185; Permit 51578, Certificate 13186; Permit 53365; Permit 55498; Permit 55500; Permit 55501; Permit 55502; Permit 55503; Permit 59217; Permit 59218; Permit 60874; Permit 60875; Permit 60876; Permit 65175-T; Permit 65176-T; Permit 65177-T; Permit 65178-T; Permit 65660-T; Permit 65661-T; Permit 65662-T; Permit 65663-T; Permit 65871-T; Permit 65872-T; Permit 65873-T and Permit 65874-T will not exceed 13,910.0 acre-feet annually.

A monthly report shall be submitted to the State Engineer within 15 days after the end of each calendar quarter which shall include: (a) the volume of water pumped from each well, (b) the measurement of pumping water level (drawdown) from each production, dewatering, and monitoring well, (c) the volume of water consumptively used for mining and milling uses projectwide, (d) the volume of water used for dust control purposes projectwide, and (e) the amount of water discharged for infiltration.

(CONTINUED ON PAGE 3)

A method that estimates the amount of evaporative losses from the discharge system shall be submitted with the monthly report. The evaporative losses will be considered as part of the combined duty for consumptive purposes.

The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted reporting on the dewatering program, water use, and the monitoring 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.

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 **April 24, 2001** 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 **0.35** cubic feet per second, **but not to exceed 253.4 acre-feet annually.**

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

Proof of completion of work shall be filed before:

Water must be placed to beneficial use 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 **25th** day of **April** A.D. **2000**

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE APR 24 2001