TEMPORARY

NO. 65978-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 03 2000**

Returned to applicant for correction

Corrected application filed

Map filed **FEB 03 2000 under 65976-T**

****

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

****

1. The source of water is **Underground; Deepstar Mine; DS Portal**

2. The amount of water to be changed **0.2464 cfs; 178.46 acre feet**

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 SW quarter of the NE quarter of section 31 of T36N, R50E, M.D.M. at a point from which the NE corner of said section 31 bears N 39° 28' 26" E a distance of 3,367 feet. (See attached map).**

6. The existing permitted point of diversion is located within **the SE quarter of section 31, T36N, R50E, M.D.M., at a point from which the SW corner of said section 31 bears S 71° 35' 28" W, a distance of 4,284.71 feet.**

7. Proposed place of use **same as existing**

8. Existing place of use **Sections 17-20, 31 and 32, T36N, R50E, M.D.M., and sections 3 and 10, T35N, R50E, M.D.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 **Trenches collecting underground seepage to sumps equipped with portable pumps and pipelines to a totalizing flowmeter, and then to the place of use.**

12. Estimated cost of works **fifty thousand dollars ($50,000)**

13. Estimated time required to construct works **N/A**

14. Estimated time required to complete the application of water to beneficial use **N/A**

15. Remarks: **This application is submitted according with well spacing Order 1038.**

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

Compared **my/cmf** dl/bk

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 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; 64889-T through 64893-T, inclusive, and 65976-T through 65979-T, inclusive, will not exceed 2000 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 project wide.

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.

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

(CONTINUED ON PAGE 3)

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 **April 12, 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 **0.2464** cubic feet per second, **but not to exceed 178.39 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 **13th** day of **April**, A.D. **2000**

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE APR 1 2 2001