TEMPORARY

No. 67274-T

1085-2

TEMPORARY

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 **MAR 01 2001**

Returned to applicant for correction

Corrected application filed

Map filed **MAR 26 2001**

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The applicant **Santa Fe Pacific Gold Corporation by Paul M. Pettit, Agent**, hereby makes application for permission to change the **point of diversion, manner of use & place of use of a portion** of water heretofore appropriated under **Permit 59629**

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1. The source of water is **Underground; Lone Tree Mine; Well WW-21**

2. The amount of water to be changed **11.573 cfs; 8378.22 acre feet**

3. The water to be used for **Mining. Milling, and Dewatering**

4. The water heretofore permitted for **Dewatering**

5. The water is to be diverted at the following point **SW¼ SW¼ of Section 12, T.34N., R.42E., M.D.M.,, or at a point from which the southwest corner of said section 12 bears S. 72° 34' 02" W. a distance of 652.0 feet. (see attached map)**

6. The existing permitted point of diversion is located within **the NE quarter of the NW quarter of section 13 of T34N. R42E, or at a point from which the West quarter corner of said section 13 bears S 44° 16' 11" W. a distance of 2,802.92 feet.**

7. Proposed place of use **Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, and 27, T34N, R42E, M.D.M., and south half of the NE quarter and north half of the SE quarter of Section 29, T35N, R43E, M.D.M.**

8. Existing place of use **Sections 1, 2, 11, 12, 13, 14, 15, 23, 24, T34N, R42E, 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, pump, motor, distribution system**

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 **N/A**

15. Remarks: **This application is submitted according to Well Spacing Order 1085.**

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

Compared **my/** CMF cmf/ds

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 59629 is issued subject to the terms and conditions imposed in said Permit 59629 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 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 does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This temporary 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 ground water 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; 59243; 59244; 59245; 59246; 59247; 59248; 59249; 59250; 59251; 59627; 59629; 60288; 60289; 60290; 60291; 60292; 60293; 60294, Certificate 15285; 60295, Certificate 15286; 60296, Certificate 15287; 60297; 60298, Certificate 15288; 60300; 60301; 60302; 60303, Certificate 15289; 60606; 60685, Certificate 15290; 62608; 62609; 62610; 62611; 62612; 62778; Temporary Permits 66016-T through 66029-T, inclusive, 66723-T, Temporary Permits 67273-T through 67286-T, inclusive, and Secondary Permits 62320S-1, 62320S-2, 62320S-3, 62320S-4, 62320S-5 and 62320S-6 will not exceed 49,400 gallons per minute or 110.06 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 acre-feet annually (AFA).

The total combined consumptive duty for mining and milling purposes under the above-mentioned permits and any changes of these permits, with the exception of 62320S-3, 62320S-4 and 62320S-6, must not exceed 6,047 AFA. 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 of 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", dated March 27, 1993.

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.

(CONTINUED ON PAGE 3)

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 Orders 1085 and 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 **June 17, 2002** 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 **11.573** cubic feet per second, **but not to exceed 8,378.22 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, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **18th** day of **June** A.D. **2001**

State Engineer

EXPIRED

DATE JUN 17 2002