1055 LK41 **TEMPORARY** **71901-T**

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 NOV 16 2004

Returned to applicant for correction

Corrected application filed

Map filed NOV 16 2004 under 71883-T

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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 056836**

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

2. The amount of water to be changed **0.03 cfs**

3. The water to be used for **Mining, milling, dewatering, domestic, irrigation, infiltration, and surface discharge**

4. The water heretofore permitted for **Mining, milling, dewatering, domestic, irrigation, infiltration, and surface discharge**

5. The water is to be diverted at the following point **Gold Quarry Mine – LK 41 within the NE¼ SW¼, Section 2, T33N, R51E, M.D.M., at a point from which the NW corner of section 35, T34N, R51E, M.D.M. bears N 10°56'20" W a distance of 9063 feet.**

6. The existing permitted point of diversion is located within **Gold Quarry Mine – Order 1055 SE35 within the SE¼, Section 35, T34N, R51E, M.D.M., at a point from which the NE corner of section 36, T34N, R51E, M.D.M. bears N 58°40' E a distance of 7660 feet.**

7. Proposed place of use **See Attachment**

8. Existing place of use **See Attachment**

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 **Drilled, cased well with motor and pump, totalizing flow meter, and pipeline to the place of use.**

12. Estimated cost of works **$25,000 (twenty-five thousand dollars)**

13. Estimated time required to construct works **Completed; Drilled, cased well with motor and pump, totalizing flow meter, and pipeline to the place of use.**

14. Estimated time required to complete the application of water to beneficial use **21 years**

15. Remarks: **This application is submitted according to Well-Spacing Order 1055.**

By **Paul M. Pettit, Senior Environmental Manager**
s/ Paul M. Pettit
Environmental Department, PO Box 669
Carlin, Nevada 89822

Compared sc/sc ag/sam

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 56836 is issued subject to the terms and conditions imposed in said Permit 56836 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. Any water obtained under Permits 53384, 53385, 54339, 54340, 54341, 55616, 55617, 55618, 55619,and 56831 through 56839, inclusive, and any subsequent changes of the above mentioned Permits, as a result of the dewatering program by the permittee, will be used first for the beneficial uses of mining, milling, heap leaching, drilling, construction, dust suppression, road watering and other related mining and milling uses within the place of use as described, hereinafter referred to as mining and milling purposes.

Water may be placed in the Maggie Creek Reservoir (approved on July 21, 1992, under Dam Safety Permit J-387) and any discharge of water from the reservoir must be in accordance with the permit issued by the Nevada Division of Environmental Protection. Any water discharged to the Humboldt River or any of its tributaries will be subject to the Humboldt River Decree.

Any adverse impacts on the Humboldt River System caused by this dewatering must be mitigated in a manner approved by the State Engineer. Water not used for mining and milling purposes must be used for mitigating any impacts to existing groundwater or surface water right holders. Before any water can be utilized for mitigation purposes, the permittee must apply for and receive any necessary approval from the State Engineer. The State Engineer may require the excess water be used for other possible mitigation measures, including but not limited to injection or substitution for other permitted groundwater uses.

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 water levels in observation and monitor wells and of flow rates of surface sources. The permittee, on a quarterly schedule, will prepare and present an update on the activities of the mine and dewatering projects, and the Maggie Creek Basin Monitoring Plan (submitted September 10, 1992).

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 the State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

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The total combined duty of water for consumptive purposes under Permits 40900,Certificate 13392; 47962,Certificate 14015; 48328; 48330; 48910; 48911; 48912; 49550; 49916; 49962; 51962; 52330; 52331; 52332, Certificate 14019; 52883,Certificate 13398; 52884; 53384; 53385; 54339; 54340; 54341; 54510; 55616; 55617; 55618; 55619; 56831 through 56839, inclusive; 62532; 68272 and 71883-T through 71907-T, inclusive shall not exceed 10,660.42 ACRE FEET ANNUALLY for mining and milling purposes. The total combined diversion rate under all permits associated with the dewatering program and all related mining and milling purposes will not exceed 110 CUBIC FEET PER SECOND on an instantaneous basis.

A monthly report must be submitted to the State Engineer within 10 days from the end of each month which shall include measurement of the following: the volume of water pumped from each well, the volume of water consumptively used for mining and milling uses projectwide, the volume of water diverted to the reservoir, the evaporative losses and seepage losses from the reservoir, the volume of water discharged to any surface drainage and which drainage, and the volume of water used for any other purpose allowed under the permits.

This temporary permit is issued subject to, and also incorporates the terms and conditions set forth in the State Engineer's Order No. 1055, Order Adopting Rules For Well Spacing and Modification of Regulations For Water Well and Related Drilling (January, 1990) In a Portion Of The Heretofore Designated Maggie Creek Ground Water Basin (4-51), dated April 1, 1992, on file in the office of the State Engineer.

A year-end report must 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.

All groundwater and surface monitoring data must be submitted to the State Engineer on the same basis as specified in Appendix "A" - Mitigation Plan of the Final Environmental Impact Statement, Newmont Gold Company's South Operations Area Project (November 1993).

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 effects caused by dewatering.

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

(CONTINUED ON PAGE 4)

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **December 21, 2005** 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 **0.03** cubic feet per second, **but not to exceed 21.72 acre-feet annually.**

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

Proof of completion of work shall be filed on or before:

Water must be placed to beneficial use on or before:

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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, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **22nd** day of **December**, A.D. **2004**

Hugh Ricci, P.E.
State Engineer

EXPIRED

DATE DEC 21 2005

Section 21, T34 N, R51 E, M.D.M.
Section 22, T34 N, R51 E, M.D.M.
Section 23, T34 N, R51 E, M.D.M.
Section 24, T34 N, R51 E, M.D.M.
Section 25, T34 N, R51 E, M.D.M.
Section 26, T34 N, R51 E, M.D.M.
Section 27, T34 N, R51 E, M.D.M.
Section 28, T34 N, R51 E, M.D.M.
Section 33, T34 N, R51 E, M.D.M.
Section 34, T34 N, R51 E, M.D.M.
Section 35, T34 N, R51 E, M.D.M.
Section 36, T34 N, R51 E, M.D.M.
Section 19, T34 N, R52 E, M.D.M.
Section 20, T34 N, R52 E, M.D.M.
Section 28, T34 N, R52 E, M.D.M.
Section 29, T34 N, R52 E, M.D.M.
Section 30, T34 N, R52 E, M.D.M.
Section 31, T34 N, R52 E, M.D.M.
Section 32, T34 N, R52 E, M.D.M.
Section 33, T34 N, R52 E, M.D.M.
Section 34, T34 N, R52 E, M.D.M.
Section 01, T33 N, R51 E, M.D.M.
Section 02, T33 N, R51 E, M.D.M.
Section 03, T33 N, R51 E, M.D.M.
Section 04, T33 N, R51 E, M.D.M.
Section 10, T33 N, R51 E, M.D.M.
Section 11, T33 N, R51 E, M.D.M.
Section 12, T33 N, R51 E, M.D.M.
Section 13, T33 N, R51 E, M.D.M.
Section 14, T33 N, R51 E, M.D.M.
Section 23, T33 N, R51 E, M.D.M.
Section 24, T33 N, R51 E, M.D.M.
Section 03, T33 N, R52 E, M.D.M.
Section 04, T33 N, R52 E, M.D.M.
Section 05, T33 N, R52 E, M.D.M.
Section 06, T33 N, R52 E, M.D.M.
Section 07, T33 N, R52 E, M.D.M.
Section 08, T33 N, R52 E, M.D.M.
Section 09, T33 N, R52 E, M.D.M.
Section 10, T33 N, R52 E, M.D.M.
Section 15, T33 N, R52 E, M.D.M.
Section 16, T33 N, R52 E, M.D.M.
Section 17, T33 N, R52 E, M.D.M.
Section 18, T33 N, R52 E, M.D.M.
Section 19, T33 N, R52 E, M.D.M.
Section 20, T33 N, R52 E, M.D.M.
Section 21, T33 N, R52 E, M.D.M.
Section 22, T33 N, R52 E, M.D.M.
Section 27, T33 N, R52 E, M.D.M.
Section 28, T33 N, R52 E, M.D.M.
Section 29, T33 N, R52 E, M.D.M.

Section 30, T33 N, R52 E, M.D.M.
Section 31, T33 N, R52 E, M.D.M.
Section 32, T33 N, R52 E, M.D.M.
Section 02, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Maggie Creek
Section 11, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Maggie Creek
Section 14, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Maggie Creek
Section 23, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Maggie Creek
Section 26, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Maggie Creek
Section 34, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Maggie Creek
Section 35, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Maggie Creek
Section 33, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Mary's Creek
Section 34, T33 N, R52 E, M.D.M. portion within the natural drainage basin of Mary's Creek
END