No. 73399

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 **OCT 27 2005**

Returned to applicant for correction_____

Corrected application filed_____

Map filed **NOV 14 2005 under 73398**

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The applicant **Newmont Exploration Ltd.** hereby makes application for permission to change the **Place of Use and Point of Diversion** of water heretofore appropriated under **Permit 062633**

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

2. The amount of water to be changed **1 cfs**

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

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

5. The water is to be diverted at the following point **Rain Mine – RPW 2 within the SW¼ SW¼, Section 3, T31 N, R54 E, M.D.M., at a point from which the SW corner of said Section 03 bears S 89°20'54"W a distance of 1304 feet.**

6. The existing permitted point of diversion is located within **Rain Mine – RPW 2 within the SW¼ SW¼, Section 3, T31 N, R54 E, M.D.M., at a point from which the SW corner of said Section 03 bears S 85°58'30" W a distance of 1238.49 feet.**

7. Proposed place of use **all Sections 01, 02, 03, 04, E½, Section 11, and all Section 12, T31N, R53E; all Sections 25, 26, 33, 34 35, and 36, T32N, R53E; N½, Section 07, T31N, R54E, M.D.M.**

8. Existing place of use **E½, Section 08, all Sections 01, 02, 03, 10, 11, 12, and 14, T31N, R53E; all Sections 34 and 35, T32N, R53E; all Sections 04, 05, 06 and 18, T31N, R54E; all Section 31, T32N, R54E, 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 **Drilled, cased well with motor and pump, totalizing flow meter, and pipeline to the place of use.**

12. Estimated cost of works **$500,000 (five hundred thousand dollars)**

13. Estimated time required to construct works **two years**

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

15. Remarks:

By **Scott Paine, Water Rights Administrator**
s/ **Scott Paine**
Environmental Department, PO Box 669
Carlin, Nevada 89822

Compared **mt/bk** **lt/ gkl**

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 permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 62633 is issued subject to the terms and conditions imposed in said Permit 62633 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 permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The State Engineer requires that the current Dixie Flats monitoring program, dated March 1999, be continued during the operating mining project. The program records both the water levels in observation and monitor wells and surface water flow measurements.

The total combined duty of water for consumptive purposes under Permits 73398, 73399 and 73400 shall not exceed 587.8 million gallons annually, and the total combined diversion rate of Permits 73398, 73399 and 73400 shall not exceed 6.0 cubic feet per second.

Monthly records will be kept of the following: the volume of water pumped from each well and the volume of water consumptively used for mining and milling uses projectwide. These records must be submitted to the State Engineer on a quarterly basis, within 15 days after the end of each calendar quarter.

The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted relative to this project. The State Engineer retains the right to regulate any and all 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.

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This 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 permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **1.0** cubic feet per second, **but not to exceed 98.0 million gallons annually.**

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

October 23, 2007

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

November 23, 2007

Water must be placed to beneficial use on or before:

October 23, 2008

Proof of the application of water to beneficial use shall be filed on or before:

November 23, 2008

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this **8th** day of **September**, A.D. **2006**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____