

AMENDED

TEMPORARY Application No.

79178 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

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| THIS SPACE FOR OFFICE USE ONLY | |
| Date of filing in State Engineer's Office | <u>JAN 07 2010</u> |
| Returned to applicant for correction | <u>JAN 21 2010</u> |
| Corrected application filed | <u>FEB 17 2010</u> Map filed <u>FEB 17 2010</u> under <u>79178 T</u> |

The applicant Newmont Gold Company

Environmental Department, 1655 Mountain City Hwy. of Elko

Street Address or PO Box

City or Town

Nevada 89801

State and ZIP Code

hereby make(s) application for permission to change the

Point of diversion

Place of use

Manner of use

of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 56837

1. The source of water is Underground Gold Quarry Mine - GQDW 21

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.210 cfs

Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

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

Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use

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

If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, T33 N, R51 E, M.D.M., at a point from which the NW corner of section 35, T34N, R51E, M.D.M. bears N 07°42'59" W a distance of 10397 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

Gold Quarry Mine - Order 1055 SW35

within the SW $\frac{1}{4}$, Section 35, T34 N, R51 E, M.D.M., at a point from which the NE corner of section 36, T34N, R51E, M.D.M. bears N 66°52' E a distance of 10008 feet.

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Same as existing

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

See Attachment

9. Proposed use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Drilled, cased well with motor and pump, totalizing flowmeter, 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 Completed as described in item #11

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 6 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This application is submitted according to Well-Spacing Order 1055, to cover 152 acre-feet of water produced during 2009.

16. Miscellaneous remarks:

Bryce.Vorwaller@Newmont.com

E-mail Address

775-778-4318

Phone No.

Bryce Vorwaller

Type or print name clearly

Bryce Vorwaller

Signature, applicant or agent

Newmont Mining Corporation

Company Name

Environmental Department, 1655 Mountain City Hwy.

Street Address or PO Box

Elko, Nevada, 89801

City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

Attachment, item 8.
Existing Place of Use

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.

Attachment, item 8.
Existing Place of Use

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