SECONDARY

No. 64229–S02

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office **JUN 04 2002**

Returned to applicant for correction

Corrected application filed

Map filed **JUN 04 2002**

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The applicant **Newmont Mining Corporation** hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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1. The source of the proposed appropriation is **TS Ranch Reservoir (see permit 64229)***

2. The amount of water applied for is **1.11 cfs** second-feet

   (a) If stored in reservoir give number of acre-feet **20000 acre-feet capacity; 72000 acre-feet fill & refill***

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

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kinds of animals to be watered

   (c) Other use (describe fully under No. 12. "Remarks")

   (d) Power:
      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point **NE¼ NW¼ (Lot 3), Section 03, T35N, R49E, MDM, at a point from which the W¼ corner of Section 33, T36N, R49E, MDM bears N 50°52'21" W a distance of 5103.89 feet.***

6. Place of Use **within sections 32, 33, 34, 35, 36, T36N, R49E; sections 31, 32, 33, T36N, R50E; sections 01, 02, 03, 04, 05, 09, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, T35N, R49E; sections 02, 03, 04, 05, 08, 09, 10, 11, 14, 15, 16, 17, 20, 21, 22, T35N, R50E, MDM**

7. Use will begin about **January 01** and end about **December 31** of each year.

8. Description of proposed works **Pipelines from the TS Ranch Reservoir, with pumps and motors installed with totalizing flow meters, and/or water trucks to convey water to mining facilities.**

9. Estimated cost of works **at least one million dollars**

10. Estimated time required to construct works **three years**

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

12. Remarks: ***Leeville dewatering under permits 63984-63989 will transport non-consumptive water to the same TS Ranch Reservoir under primary storage permits 55272 and 64229 (and dam permit J-320). Water will then be drawn from the reservoir as needed to supplement mining use under the proposed secondary permit and several permits secondary to primary storage permit 55272.**

Paul M. Pettit, Agent and Environmental Manager
By s/Paul M. Pettit
Hydrology Department, PO Box 669
Carlin, NV 89822

Compared **cmf**/ sam lb/cmf

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 secondary permit is issued subject to the terms and conditions under Permit 64229. The granting of this permit is not intended in any way to waive or affect the authority of, or the requirements of, appropriate water quality control agencies or regulators. This permit is further issued subject to the provisions of NRS 533.395 and the State retains the right to regulate the use of water herein granted at any and all times.

It is understood that the amount of water herein granted is only a temporary allowance and that the final right obtained under this permit will be dependent upon the amount of water actually put to beneficial use, for mining, milling, and domestic purposes.

This secondary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this secondary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The issuance of this secondary permit authorizes the rotational and concurrent use of the water stored under Permit 64229 between Secondary Permits 64229 S-1 and 64229 S-2 granted for Newmont Mining Corporation.

The total combined duty of secondary Permits 64229 S-1 and 64229 S-2 shall not exceed 40,325 acre-feet annually and the diversion rate of the two shall not exceed 55.7 cubic feet per second.

This permit is issued for mining, milling and domestic use and is a non-substitutive, consumptive use and shall be inclusive in the 2,000 million gallons annual consumptive use allowed for as stated in State Engineer's Ruling No. 5011.

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, milling and domestic purposes from this secondary permit.

The State Engineer retains the right to regulate the diversion and storage of the water herein granted at any and all times to protect the public interest and existing rights.

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.

(CONTINUED ON PAGE 3)

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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **1.11** cubic feet per second.

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

August 28, 2004

Proof of completion of work shall be filed before:

September 28, 2004

Water must be placed to beneficial use on or before:

August 28, 2007

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

September 28, 2007

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

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **28th** day of, **August** A.D. **2002**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed **N/A**

Certificate No. _____ Issued _____