Permit No. 75544T

# TEMPORARY
# THE STATE OF NEVADA
## PERMIT 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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|---|---|
| **Name of applicant:** | **NEWMONT GOLD COMPANY** |
| **Source:** | **UNDERGROUND** |
| **Basin:** | **MAGGIE CREEK AREA** |
| **Manner of Use:** | **MINING AND MILLING** |
| **Period of Use:** | **January 1st to December 31st** |
| **Priority Date:** | **10/15/1991** |

**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 56838 is issued subject to the terms and conditions imposed in said Permit 56838 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.

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.

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, 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.

(Continued on Page 2)

The total combined duty of water for consumptive purposes under Permit 40900, Certificate 13392; Permit 47962, Certificate 14015; Permits 48328, 48330, 48910, 48911, 48912, 49550, 49916, 51962, 52330, 52331, 52332, Certificate 14019; Permit 52883, Certificate 13398; Permits 52884, 53384, 53385, 54339, 54340, 54341, 54510, 55616, 55617, 55618, 55619, 56831 through 56839, inclusive, Permits 62532, 68272, 72764 and 75532T through 75548T, 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 110.0 cubic feet per second on an instantaneous basis.

Monthly records shall be kept of the following and reported within 10 days after the end of each month:

A. The total volume of water pumped from each diversion in acre-feet,
B. The maximum flow rate from each diversion in cubic feet per second,
C. The pumping water level from each well in feet above mean sea level,
D. The volume of water consumptively used for mining and milling in acre-feet,
E. The volume of water diverted to the reservoir and/or infiltration sites in acre-feet,
F. The amount of water diverted to other consumptive uses, if any, in acre-feet,
G. The amount of water lost through evaporation or other system losses project wide, including evaporative losses and seepage losses from the reservoir and
H. The surface drainage name and volume of water discharged to surface drainage.

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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and accounts for pumpage in calendar year 2006 and therefore expires one day after the date of approval, at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The point of diversion and place of use are as described on the submitted application to support this 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 0.012 cubic feet per second or 8.69 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **N/A**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **N/A**
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 31st day of **January**, A.D. **2008**

Tracy Taylor, P.E.
State Engineer

llb

1055 LK32

# Temporary

Serial No. 75544 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

**THIS SPACE FOR OFFICE USE ONLY**

Date of filing in State Engineer's Office APR 1 0 2007

Returned to applicant for correction

Corrected application filed Map filed APR 2 6 2007 under 75532-T

The applicant Newmont Gold Company

Environmental Department, PO Box 669 of Carlin
Street and No. or P.O. Box No. City or Town

Nevada, 89822, hereby makes application for permission to change the
State and Zip Code No.

Point of Diversion of a portion

of water heretofore appropriated under Permit 56838
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

APERPAL
S. PAINE
4-26-07

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 0.012 cfs, ~~8~~ acre-feet 8.69
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 Gold Quarry Mine - LK 32

within the NW¼ NE¼, 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 33°35'05" W a distance of 6702 feet.

Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing point of diversion is located within Gold Quarry Mine - Order 1055 NE02
If point of diversion is not changed, do not answer.

within the NE¼, Section 2, T33 N, R51 E, M.D.M., at a point from which the NE corner of section 36, T34N, R51E, M.D.M. bears N 44°51' E a distance of 9304 feet.

SI-EW

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1055 LK32 T

7. Proposed place of use: Same as Existing
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use: See Attachment
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated.

If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.

10. Use permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.

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

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.
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use: 9 years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is submitted according to Well-Spacing Order 1055.

775-778-4318
Phone No.

March 23, 2007

By Scott Paine, Water Rights Administrator
Print or type name clearly

Signature, applicant or agent

Environmental Department, PO Box 669
Street and No., or P.O. Box No.

Carlin, Nevada 89822
City, State, Zip Code No.

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

STATE ENGINEER'S OFFICE
2007 APR 10 AM 9:20
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$100 FILING FEE MUST ACCOMPANY APPLICATION

(O)-1583A (Rev. 11-99)

**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

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