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

Name of applicant:	**NEWMONT GOLD COMPANY**
Source:	**UNDERGROUND**
Basin:	**BOULDER FLAT**
Manner of Use:	**MINING AND MILLING**
Period of Use:	**January 1st to December 31st**
Priority Date:	**03/27/1998**

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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 and place of use of a portion of the waters of an underground source as heretofore granted under Permit 63987 is issued subject to the terms and conditions imposed in said Permit 63987 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.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

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

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 and underground mine workings. In the interests of the best and most efficient management of the resource, any water obtained as a result of the dewatering operation of Newmont Gold Company will be used by the permittee for mining, milling, heap leaching, drilling, road watering and other related mining and milling uses (hereafter referred to as mining and milling uses).

All water pumped from this temporary permit shall be utilized for mining and milling or infiltrated back into the Boulder Flat Groundwater Basin.

The total combined consumptive duty of water under Permits 49960, 50688, Certificate 13878; Permit 50939, Certificate 13880; Permits 51074, 51963, 52354, 54335, 54337, 55127, 56607 through 56612, 63984 through 63989, 68934, 69152, 73401 through 73408 and Temporary Permits 75625T through 75633T shall not exceed 6,138.0 acre feet annually. The pumping rate under these permits and any subsequent changes shall not exceed 25,000 gallons per minute or 55.70 cubic feet per second.

Excess water may be diverted to storage under Primary Permit 64229 into the TS Ranch Reservoir (J-320). Any use of the stored water must be authorized through subsequent secondary permits issued thereunder.

The State Engineer may require additional monitoring and 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.

The permittee shall submit a report to the State Engineer by February 15th of each year detailing a water management plan. The management plan must include: (1) the expected pumping for the next year, (2) the expected or proposed methods of disposal, (3) a summary of the pumping and water level measurements for the previous year, and (4) an exact location of each well drilled or abandoned for the previous year, and (5) a supporting map illustrating well and diversion locations.

(Continued on Page 2)

The permittee, on a schedule acceptable to the State Engineer, will prepare and present an update on the activities of the mine, the monitoring program and the water management plan on a periodic basis, but not less than two times a year.

This temporary permit is issued subject to, and also incorporates the terms and conditions set forth in the State Engineer's Order No. 1038, Order Adopting Rules For Well Spacing and Modifications of Regulations For Water Well and Related Drilling (January, 1990) in the Northern Area of the Heretofore Designated Boulder Flat Ground Water Basin (4-61), dated March 29, 1991, on file in the Office of the State Engineer.

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

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 1.331 cubic feet per second or 963.60 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

1038 HDDW10

Temporary

Serial No. 75632 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 2 3 2007

Returned to applicant for correction

Corrected application filed Map filed MAY 0 8 2007 under 75625-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 and Place of Use of a portion

of water heretofore appropriated under Permit 63987
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

1. The source of water is Underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 1.331 cfs
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Mining, milling, and dewatering
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, and dewatering
If for stock state number and kind of animals.
5. The water is to be diverted at the following point Leeville Mine - HDDW 10

within the SE¼ SW¼, Section 2, T35 N, R50 E, M.D.M., at a point from which the SW corner of said Section 02 bears S 81°12'24" W a distance of 1439 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 Leeville Mine - Order 1038 SW02
If point of diversion is not changed, do not answer.

within the SW¼, Section 2, T35 N, R50 E, M.D.M., at a point from which the SW corner of said section 02 bears S 45°05'49" W a distance of 1871.89 feet.

GLEU

7. Proposed place of use *See Attachment*
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 *8 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 1038, to cover 963 acre-feet of water produced during 2006.

775-778-4318
Phone No.

April 20, 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 ENGINEERS OFFICE
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$100 FILING FEE MUST ACCOMPANY APPLICATION

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

Attachment, item 7.
Proposed Place of Use

Section 01, T34 N, R48 E, M.D.M.
Section 02, T34 N, R48 E, M.D.M.
Section 03, T34 N, R48 E, M.D.M.
Section 10, T34 N, R48 E, M.D.M.
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Section 27, T34 N, R49 E, M.D.M.
N½, Section 34, T34 N, R49 E, M.D.M.
N½, Section 35, T34 N, R49 E, M.D.M.
W½, Section 04, T34 N, R51 E, M.D.M.
E½, Section 05, T34 N, R51 E, M.D.M.
E½, Section 08, T34 N, R51 E, M.D.M.
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Section 26, T35 N, R48 E, M.D.M.
Section 35, T35 N, R48 E, M.D.M.
Section 36, T35 N, R48 E, M.D.M.
S½, Section 01, T35 N, R49 E, M.D.M.
Section 02, T35 N, R49 E, M.D.M.
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Section 02, T36 N, R49 E, M.D.M.
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Section 33, T36 N, R49 E, M.D.M.
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Attachment, item 7.
Proposed Place of Use

	Section 36, T36 N, R49 E, M.D.M.
S½,	Section 07, T36 N, R50 E, M.D.M.
S½ S½,	Section 08, T36 N, R50 E, M.D.M.
	Section 17, T36 N, R50 E, M.D.M.
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	Section 33, T36 N, R50 E, M.D.M.

END

Attachment, item 8.
Existing Place of Use

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	Section 02,	T34 N,	R48 E,	M.D.M.
	Section 03,	T34 N,	R48 E,	M.D.M.
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