

**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 MIDAS OPERATIONS INC.
Source: UNDERGROUND
Basin: WILLOW CREEK VALLEY
Manner of Use: MINING AND MILLING
Period of Use: January 1st to December 31st
Priority Date: 07/29/1977

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, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 63022 is issued subject to the terms and conditions imposed in said Permit 63022 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. 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 total combined duty of water under Permit 60669, Certificate 16675; Permits 61888, 62114, Certificate 15681; Permits 62582, 65219, 65220, 65221, 68206, 75666, 76113, 76226, 76227 and 76228 shall not exceed 462.5 acre-feet annually.

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 groundwater basin.

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

Monthly records shall be kept of the following and reported within 15 days after the end of each quarter:

- 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 amount of water diverted to the 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.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.028 cubic feet per second or 20.24 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

October 30, 2009

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

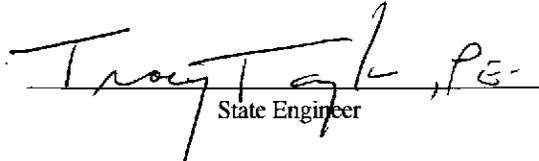
October 30, 2011

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 30th day of October, A.D. 2008


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Amended

Serial No. 76227

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	<u>SEP 06 2007</u>
Returned to applicant for correction	<u>SEP 12 2007</u>
Corrected application filed	<u>SEP 20 2007</u> Map filed <u>MAY 03 2007</u> under 75666

The applicant Newmont Midas Operations Inc.
Environmental Department, PO Box 669 of Carlin
Street and No. or P.O. Box No. City or Town
Nevada, 89822, hereby make.s. 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 63022
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree
and identify right in Decree.

- The source of water is Underground
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 0.028 cfs, 20.24 acre-feet
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Mining, milling, and domestic
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.
- The water heretofore used for Mining, milling, and domestic
If for stock state number and kind of animals.
- The water is to be diverted at the following point Midas Mine - PW 1 A

within the SW¼ NE¼, Section 27, T39 N, R46 E, M.D.M., at a point from which the SW corner of said section 27 bears S 48°21'21" W a distance of 4570.57 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.

- The existing point of diversion is located within Midas Mine - null-063022
If point of diversion is not changed, do not answer.

within the NW¼ NE¼, Section 27, T39 N, R46 E, M.D.M., at a point from which the NE corner of said Section 27 bears N 73°53'56" E a distance of 2409.56 feet.

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

Sections 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 33, 34, T39N, R46E, M.D.M.

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

SW1/4 SE1/4, Section 22, NE1/4 NW1/4, NW1/4 NE1/4, Section 27, T39N, R46E, M.D.M.

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 to December 31 of each year.

10. Use permitted from January 1 to December 31 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.

12. Estimated cost of works \$1,000 (one 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.

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

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

Refer to map filed under 75666 for proposed point of diversion and place of use; and refer to map filed under 302 for existing point of diversion and place of use.

RECEIVED 2007 SEP 20 AM 9:01 STATE ENGINEERS OFFICE

775-778-4318 Phone No. September 17, 2007

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

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

\$150 FILING FEE MUST ACCOMPANY APPLICATION