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:	**08/13/1998**

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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 permit to change the point of diversion, place and manner of use of the waters of an underground source as heretofore granted under Permit 64392 is issued subject to the terms and conditions imposed in said Permit 64392 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 0.15 cubic feet per second or 80.0 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**

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Amended Serial No. 76228

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 SEP 0 6 2007

Returned to applicant for correction SEP 1 2 2007

Corrected application filed SEP 2 0 2007 Map filed JAN 0 4 2002 under 68206

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 Manner of Use and Place of Use

of water heretofore appropriated under *Permit 64392*
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 *0.15 cfs, 80 acre-feet*
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. 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.
4. The water heretofore used for *Underground mining operations, including dewatering, drilling, and dust suppression*
If for stock state number and kind of animals.
5. The water is to be diverted at the following point *Midas Mine - Valley Well*

within the NE¼ NE¼, Section 3, T38 N, R46 E, M.D.M., at a point from which the NE corner of said Section 03 bears N 33°55'28" E a distance of 670 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 *Midas Mine - null-064392*
If point of diversion is not changed, do not answer.

within the NW¼ SE¼, Section 21, T39 N, R46 E, M.D.M., at a point from which the SE corner of said Section 21 bears S 50° E a distance of 3200 feet.

Amended 76228

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.

NE¼, S½, Section 21; W½, Section 28, 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 (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 $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.
If well completed, describe well.

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 68206 for proposed point of diversion; refer to map filed under 75666 for proposed place of use and refer to map filed under 64391 for existing point of diversion and place of use.

RECEIVED 2007 SEP 20 AM 9:01 STATE ENGINEER'S OFFICE

775-778-4318
Phone No.

September 17, 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

$150 FILING FEE MUST ACCOMPANY APPLICATION

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