



ENVIRONMENTAL

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant: NEWMONT USA LIMITED
Source: UNDERGROUND
Basin: BOULDER FLAT
Manner of Use: ENVIRONMENTAL
Period of Use: January 1st to December 31st
Priority Date: 10/14/2009

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 environmental permit is issued pursuant to the provisions of NRS 533.4375, and provides for the completion of multiple extraction wells within this quarter-quarter. Well logs for any wells drilled under this permit shall be filed within 30 days from the completion of the well. The permittee shall notify the State Engineer within 30 days after the completion of the remediation project and all wells shall be plugged and abandoned in accordance with Chapter 534 of the Nevada Administrative Code. A totalizing meter must be installed and maintained in the discharge pipeline and accurate measurements must be kept of water pumped.

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

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

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

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 0.25 cubic feet per second or 181 acre-feet annually.**

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

December 3, 2010

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 3rd day of December, A.D. 2009

Tracy Taylor, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA
FOR ENVIRONMENTAL PURPOSES**

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>OCT 14 2009</u>
Returned to applicant for correction
Corrected application filed	Map filed <u>OCT 14 2009</u>

The applicant Newmont USA Limited

Environmental Department, 1655 Mountain City Hwy. of Elko

Street Address or PO Box City or Town

Nevada, 89801 hereby make(s) application for permission to appropriate the public

State and ZIP Code

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.)

Incorporated on April 19, 1965 in Delaware

1. The source of the proposed appropriation is Underground - M42-PB-2

Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.25 second feet.

One second foot equals 448.83 gallons per minute

(a) If stored in reservoir, give number of acre-feet _____

3. Remediation Order or Letter (attach copy)

(a) Issued by NDEP-BMRR

(b) Order, Permit or Plan number WPC Permit NEV0087065

(c) Date issued Aug 31, 2009

4. The water is to be diverted from its source at the following point:

within the SE¹/₄ SW¹/₄, Section 32, T36 N., R50 E., M.D.M., at a point from which the S¹/₄ Corner of Section 3, T35 N., R50 E., M.D.M., bears S 14° 05' 17" E a distance of 5896 feet.

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

GI-EW

5. Place of use:

Section 32, T36 N., R50 E., M.D.M. & Section 3, T35 N., R50 E., M.D.M.

Describe by legal subdivision. If on unsurveyed land, it should be so stated.

6. Use will begin about January 1 and end about December 31 of each year.
Month and Day Month and Day

7. Description of proposed works.

Drilled, cased with motor and pump, totalizing flow meter, and pipeline tot he place of use.

State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

8. Estimated cost of works \$25,000

9. Estimated time required to construct works

30 days

If well completed, describe works.

10. Remarks: Describe project

The attached order was issued by NDEP-BMRR to collect a localized area of nitrate and nitrite contaminated ground water adjacent to the Mill 4 Tailings Storage Facility No. 2. A plan was submitted to NDEP-BMRR. (and accepted), addressing item #1 of the order which includes the addition of 2 pump-back wells. As noted in 4.c. of the order the proposed pump-back wells are to be installed and pumping no later than November 25, 2009.

(775) 778-4318

Phone Number

Bryce.Vorwaller@newmont.com

E-mail

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

By

Bryce Vorwaller

Signature, applicant or agent

Bryce Vorwaller

Name

1655 Mountain City Hwy.

Street Address or PO Box

Elko, NV, 89801

City, State, ZIP Code

STATE ENGINEERS OFFICE
2009 OCT 14 PM 2:54
RECEIVED

\$150 FILING FEE MUST ACCOMPANY APPLICATION

ORDER

The following Administrative Order is issued on this date pursuant to the powers and duties vested in the Director of the Department of Conservation and Natural Resources by Nevada Revised Statutes (NRS), Chapters 445A.445, subsection 1, and 445A.450, subsection 8; and as delegated to the Nevada Division of Environmental Protection (NDEP) pursuant to NRS Chapter 445A.450, subsection 9; and in accordance with NRS Chapter 445A.660, 445A.675, subsection 1(a) and 445A.690.

On the basis of the attached Finding of Alleged Violation, the Administrator of NDEP, pursuant to authority delegated to him by the Director of the Department of Conservation and Natural Resources, has determined that Newmont Mining Corporation is allegedly in violation of NRS 445A.465, subsection 1(a); Nevada Administrative Code (NAC) 445A.424, subsection 1(b)(1); NAC 445A.433, subsection 1(a); and Water Pollution Control (WPC) permit NEV0087065, part I.A.3.

IT IS HEREBY ORDERED:

That Newmont Mining Corporation shall complete the following acts by the specified dates:

1. By **September 21, 2009**, submit to NDEP a plan and schedule for installation of pump-back systems to collect contamination detected at monitoring wells M42W-5C and M42W-14S, and for installation of a new monitoring well downgradient of well M42W-14S.
 2. By **September 30, 2009**, increase evaporation of solution from the supernatant pool in the Mill 4 Tailings Storage Facility No. 2 (TSF) by operating at least eleven snow-maker-type high capacity mister units, except during required maintenance, when weather conditions require temporary shut down, or when the supernatant pool has insufficient solution to pump. Performance shall be optimized by providing appropriate pumping capability and conducting periodic maintenance.
 3. By **October 30, 2009** establish, and submit to NDEP, a stage curve from which the volume of the supernatant pool in the TSF may be determined based on pool surface elevation measurements. Elevation measurements for the stage curve and pool surface shall have an uncertainty less than 0.5 foot.
 4. By **October 30, 2009**, submit to the NDEP for review and approval a revised Corrective Action Plan (CAP) that includes, but may not be restricted to, proposed actions, and a proposed schedule, to address the following requirements.
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IN THE MATTER OF }
 Newmont Mining Corporation }
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The approved plan shall be implemented in accordance with an approved schedule.

- a. Propose a detailed plan and schedule for preventing further degradation of groundwater by the TSF. The plan must include, but not necessarily be limited to, maximized evaporation of solution from the TSF supernatant pool, use of the TSF solution as make-up water in the leach circuit, and diversion of TSF inflows to other approved components.
- b. Install additional approved monitoring wells as needed by **November 13, 2009**, to provide monitoring of undegraded groundwater downgradient of each area where drinking water standards and background concentrations are exceeded. At a minimum, this shall include a new monitoring well downgradient of monitoring well M42W-14S.
- c. Commission approved pump-back systems as soon as possible, but no later than **November 25, 2009**, to collect the groundwater contamination in all areas where groundwater concentrations exceed drinking water standards and natural background concentrations. At a minimum, the pump-back systems shall collect the contamination detected in the following wells: M42W-4, M42W-5C, M42W-13D, and M42W-14S.
- d. If future monitoring results indicate that the contaminant plume is migrating and causing an exceedance of drinking water standards and background concentrations at a different location, resample and obtain an additional analysis in a timely manner to confirm the exceedance. Within 60 days after confirmation of the exceedance, submit a proposed plan and schedule to expand the pump-back system and install additional downgradient monitoring wells as appropriate. The approved plan shall be implemented in accordance with an approved schedule.
- e. Until NDEP approves otherwise, continue the monthly monitoring that NMC recently initiated voluntarily for total nitrate and nitrite as N, chloride, and groundwater elevation in monitoring wells M42W-5A, M42W-5C, and M42W-11. This monitoring shall be in addition to the quarterly monitoring required in WPC permit NEV0087065 for these wells, and the results shall be reported in CAP progress reports. When new monitoring wells are installed, they shall be monitored monthly for total nitrate and nitrite as N, chloride, and groundwater elevation, and quarterly for Profile I constituents, unless otherwise approved by NDEP.
- f. Perform additional monitoring, if necessary to document and quantify the status and performance of all major components of the CAP.
- g. Beginning **October 28, 2009**, submit quarterly CAP progress reports by the 28th day of the month following each quarter, until NDEP approves otherwise. When no further corrective action is required, submit a final

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CAP report, including analytical data, maps, photographs, and a brief description of all actions taken.

5. By **February 1, 2010**, contact NDEP to establish a meeting date and time to show cause why NDEP should not refer these matters to the Office of the Attorney General of the State of Nevada for consideration as provided by NRS 445A.700 and 445A.705.
6. By **September 1, 2011**, submit a report providing quantitative data demonstrating that the TSF is no longer degrading groundwater, or submit a proposed final permanent closure plan (FPCP) for the TSF. The approved FPCP shall be implemented in accordance with an aggressive schedule approved by NDEP.

8/31/09
 Dated

David Gaskin
 David Gaskin, P.E.
 Chief
 Bureau of Mining Regulation and Reclamation