



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, MILLING AND DEWATERING
Period of Use: January 1st to December 31st
Priority Date: 03/27/1998

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 63989 is issued subject to the terms and conditions imposed in said Permit 63989 and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water 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.

The total combined consumptive duty of water for the Genesis and Leeville operations under Permits 49960, 50688, Certificate 13878; Permit 50939, Certificate 13880; Permits 51074, 51963, 52354, 54335, 54337, 55127, 56607, 56608, 56609, 56610, 56611, 56612, 63984, 63985, 63986, 63987, 63988, 63989, 68934, 69152, 73401, 73402, 73403, 73404, 73405, 73406, 73407, 73408, 73554, 73555, 73556, 76924, 76925, Temporary Permits 79215T, 79216T, 79217T, 79218T, 79219T, 79220T, 79221T, 79222T, 79223T and 79541T shall not exceed 6,138 acre feet annually. The total combined pumping rate under these permits shall not exceed 40,325 acre feet annually or 25,000 gallons per minute or 55.70 cubic feet per second.

(Continued on Page 2)

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 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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and accounts for pumpage in calendar year 2009 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 2.906 cubic feet per second or 2104.0 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:

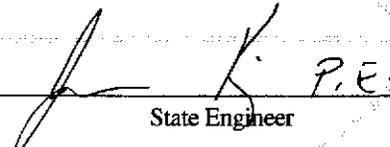
N/A

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of April, A.D. 2010



State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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 JAN 15 2010

Returned to applicant for correction _____

Corrected application filed _____ Map filed JAN 15 2010 under 79221T

The applicant Newmont Gold Company
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 change the
State and ZIP Code

- Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 63989

1. The source of water is Underground Leeville Mine - HDDW 8
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed 2.906 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 (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
within the SW¹/₄ SW¹/₄, Section 2, T35 N, R50 E, M.D.M., at a point from which the SW corner of said Section 02 bears S 33°23'17" W a distance of 1479 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
Leeville Mine - Order 1038 SW02
within the NW¹/₄, Section 11, T35 N, R50 E, M.D.M., at a point from which the SW corner of Section 02, T35 N, R50 E, bears N 45°03'10" W a distance of 1869.16 feet.

ca-ew

T

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

See Attachment

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

See Attachment

T S S E T

9. Proposed use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 of each year.
Month and Day Month and Day

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

Drilled, cased well with motor and pump, totalizing flowmeter, and pipeline to the place of use.

12. Estimated cost of works \$25,000 (twenty-five thousand dollars)

13. Estimated time required to construct works Completed as described above

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 6 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This application is submitted according to Well-Spacing Order 1038, to cover 2104 acre-feet of water produced during 2009.

16. Miscellaneous remarks:

Bryce.Vorwaller@Newmont.com

E-mail Address

775-778-4318

Phone No.

Bryce Vorwaller

Type or print name clearly

Bryce Vorwaller

Signature, applicant or agent

Newmont Mining Corporation

Company Name

Environmental Department, 1655 Mountain City Hwy.

Street Address or PO Box

Elko, Nevada, 89801

City, State, ZIP Code

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

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.
 Section 11, T34 N, R48 E, M.D.M.
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 Section 15, T34 N, R48 E, M.D.M.
 E½, Section 16, T34 N, R48 E, M.D.M.
 N½, Section 22, T34 N, R48 E, M.D.M.
 N½, Section 23, T34 N, R48 E, M.D.M.
 Section 03, T34 N, R49 E, M.D.M.
 Section 04, T34 N, R49 E, M.D.M.
 Section 05, T34 N, R49 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.
 W½, Section 09, T34 N, R51 E, M.D.M.
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 Section 13, T35 N, R48 E, M.D.M.
 Section 23, T35 N, R48 E, M.D.M.
 Section 24, T35 N, R48 E, M.D.M.
 Section 25, T35 N, R48 E, M.D.M.
 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.
 Section 03, T35 N, R49 E, M.D.M.

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END

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Existing Place of Use under
63984-63989

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