



# ENVIRONMENTAL

## THE STATE OF NEVADA

### PERMIT TO APPROPRIATE WATER

**Name of applicant:** NEWMONT USA LIMITED  
**Source:** UNDERGROUND  
**Basin:** WILLOW CREEK VALLEY  
**Manner of Use:** ENVIRONMENTAL  
**Period of Use:** January 1st to December 31st  
**Priority Date:** 03/25/2010

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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 environmental permit is issued subject to existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance for pollution control as mandated by orders issued by the Nevada Division of Environmental Protection and subsequent correspondence with said agency. The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection. A totalizing meter must be installed and maintained in the discharge pipeline and monthly records of this measurement shall be submitted on an annual basis not later than February 15th of each year. Multiple wells within this quarter-quarter may be constructed and pumped. The State retains the right to regulate the use of water granted herein at any and all times.

This environmental permit is issued pursuant to the provisions of NRS 533.4375, and provides for the completion of multiple extraction wells. 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.

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.

This environmental permit is issued as required under NDEP, Bureau of Mining Regulation and Reclamation Order, dated December 8, 2009, pertaining to NDEP Water Pollution Control Permit NEV0096107.

(Continued on Page 2)

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 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:

May 7 2011

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

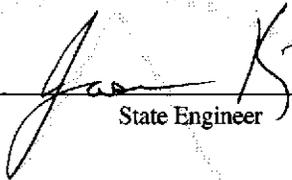
N/A

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 7th day of May, A.D. 2010

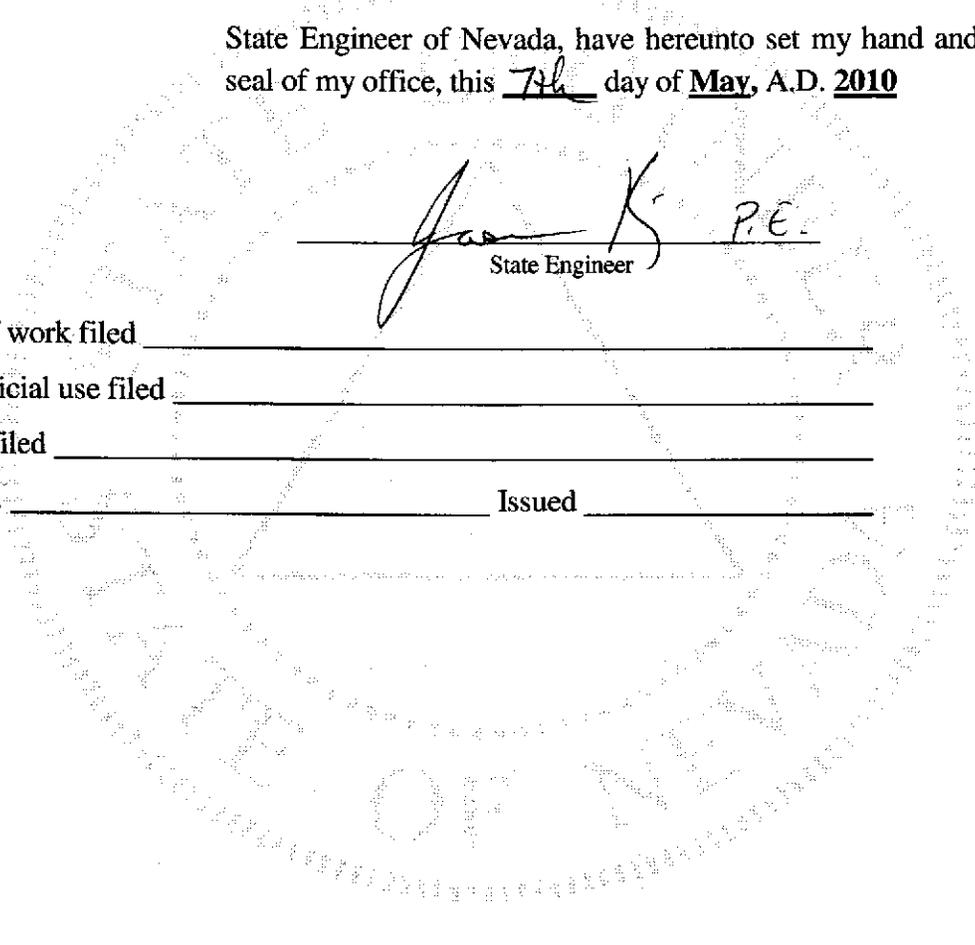
  
\_\_\_\_\_  
State Engineer P.E.

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_





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 MAR 25 2010
Returned to applicant for correction
Corrected application filed Map filed MAR 25 2010

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 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 - MW 20
2. The amount of water applied for is 0.25 second feet.
(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 NEV0096107
(c) Date issued Dec 8, 2009
4. The water is to be diverted from its source at the following point:
within the NE 1/4 NE 1/4 of Section 27, T39 N., R46 E., M.D.M., or at a point from which the E 1/4 corner of said Section 27 bears S 16° 13' 34" E, 1563 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.

63-EL

5. Place of use:

Section 22, T39 N., R46 E., M.D.M. & Section 27, T39 N., R46 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 to the 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 nitrogen contaminated ground water from an approved pump-back system. One pump-back well will be installed (MW 20) to collect nitrogen contaminated ground water. As noted in 3.e. of the order the pump-back well is to be commissioned no later than April 28, 2010.

RECEIVED  
2010 MAR 25 AM 11:30  
STATE ENGINEERS OFFICE

(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

**\$150 FILING FEE MUST ACCOMPANY APPLICATION**

IN THE MATTER OF  
Newmont Mining Corporation  
Ken Snyder Mine / WPC Permit NEV0096107  
December 8, 2009  
Page 1 of 3

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**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 (NMC) 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 **July 28, 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.
2. By **April 28, 2010**, increase evaporation of solution from the supernatant pool in the Phase 4 Tailings Storage Facility (TSF) by operating at least 8 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 **February 1, 2010**, submit to NDEP for review and approval a Corrective Action Plan (CAP) that includes, but may not be restricted to, proposed actions and a proposed implementation schedule to address the following requirements.
  - a. Propose a detailed plan and schedule for preventing further degradation of groundwater from an unidentified source in the vicinity of the Phase 4 TSF. The plan must include, but not necessarily be limited to, maximized evaporation of solution from the TSF supernatant pool and any other methods as approved by NDEP.

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SECRET

- b. Submit to NDEP a plan and schedule for installation of new monitoring wells adjacent to and down-gradient of well MW-19. Ensure that at least one of the new wells is the MW-19 parallel well previously committed to by NMC.
- c. Establish and submit to NDEP, a stage curve from which the volume of the supernatant pool in the Phase 4 and Phase 5 TSFs may be determined based on pool surface elevation measurements. Elevation measurements for the stage curve and pool surfaces shall have an uncertainty less than 0.5 foot
- d. Install additional approved monitoring wells as needed by **April 28, 2010**, to provide monitoring of non-impacted groundwater down-gradient of each area where drinking water standards and background concentrations are exceeded.
- e. Commission an approved pump-back system as soon as possible, but no later than **April 28, 2010**, to collect the groundwater contamination in all areas where groundwater concentrations exceed drinking water standards and natural background concentrations.
- f. 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 approved pump-back system and install additional down-gradient monitoring wells as appropriate. The approved plan shall be implemented in accordance with an approved schedule.
- g. Until NDEP approves otherwise, continue the monthly monitoring that NMC initiated for nitrate + nitrite, chloride, and groundwater elevation in monitoring wells MW-1, MW-3, and MW-19. This monitoring shall be in addition to the quarterly monitoring required in WPC Permit NEV0096107 for these wells; the results shall be reported in CAP progress reports. When new monitoring wells are installed, they shall be monitored monthly for nitrate + nitrite, chloride, selenium and groundwater elevation. They should be monitored quarterly for Profile I constituents, unless otherwise approved by NDEP.
- h. Perform additional monitoring, if necessary to document and quantify the status and performance of all major components of the CAP.
- i. Beginning **July 28, 2010**, submit quarterly CAP progress reports by the 28<sup>th</sup> 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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IN THE MATTER OF  
Newmont Mining Corporation  
Ken Snyder Mine / WPC Permit NEV0096107  
December 8, 2009  
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CAP report, including analytical data, maps, photographs, and a brief description of all actions taken.

- 4. By February 28, 2011, submit a report providing quantitative data demonstrating that the contamination source has been identified and successfully remediated and is no longer degrading waters of the State.

12/2/09  
Dated

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

GEORGE