

STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Doug Barto, Agent, has presented to the State Engineer of the State of Nevada, Proof of Application of Water to Beneficial Use, from an underground source, through a drilled well (Rex Well), pump and distribution system for mining, exploration and drilling purposes. The point of diversion of water from the source is as follows:

NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, T.39N., R.46E., M.D.B.&M., or at a point from which the NW corner of said Section 22 bears N. 66°16'52" W., a distance of 1,371.71 feet situated in Elko County, State of Nevada.

Under the provisions of NRS 533.425, the State Engineer has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator:	Newmont Midas Operations Inc.
Source:	Underground (Rex Well)
Manner of use:	Mining, exploration and drilling
Amount of appropriation:	*0.067 c.f.s., but not to exceed 4.5 acre-feet annually
Period of use:	January 1st to December 31st of each year
Date of priority of appropriation:	February 5, 1996

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well, 300 feet deep, 6-inch diameter casing, equipped with a Grundfos submersible pump, 5 H.P. Franklin motor and totalizing meter, thence through 1,620 feet of 2-inch diameter pipe to water tanks and distribution system for mining, exploration, drilling and test mining purposes at the Midas Mine located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15; SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 16; NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22; NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28; all within T.39N., R.46E., M.D.B.&M.

*The total combined duty of water under Permit 60669, Certificate 16675; Permit 61888, Certificate 18308; Permit 62114, Certificate 15681; Permit 65219, Certificate 18309; Permit 65220, Certificate 18310; Permit 65221, Certificate 18311; Permit 68206, Certificate 18312; and any certificates issued under Permits 62582, 75666, 76113, 76226, 76227 and 76228 shall not exceed 462.5 acre-feet annually.

This certificate is issued subject to the terms of the permit and is specifically subject to NRS 534 as a preferred use with the understanding that the manner of use of water under this certificate is by nature of its activity a temporary use and any application to change this manner of use will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I, JASON KING, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 20th day of October, 2011.

for TK / P.E.
State Engineer

RHZ/gkl