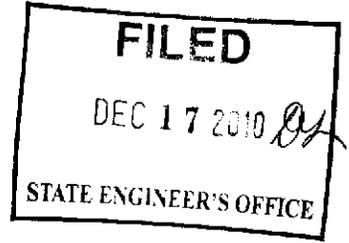


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 80309
FILED BY Nevada Land and Resource Company LLC
ON November 22, 20 10, TO APPROPRIATE THE
WATERS OF an underground source.



PROTEST



Comes now Bryce Vorwaller

Printed or typed name of protestant

whose post office address is Newmont USA Limited, 1655 Mountain City Highway, Elko, Nevada 89801

Street No. or PO Box, City, State and ZIP Code

whose occupation is Water Rights Administrator

and protests the granting

of Application Number 80309, filed on November 22, 20 10

by Nevada Land and Resource Company LLC to appropriate the

waters of an underground source situated in Lander

Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

The proposed POD will interfere with Newmont's production wells that are necessary for operations at the Phoenix Mine.
Pumping at the proposed POD will interfere with an existing groundwater remediation project.
The application is speculative because the soils in the area are not suitable for agriculture.

RECEIVED BY TELEPHONE
NOV 23 2010
STATE ENGINEER'S OFFICE

THEREFORE the Protestant requests that the application be Denied

Denied, issued subject to prior rights, etc. as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

Bryce Vorwaller

Agent or protestant

Bryce Vorwaller

Printed or typed name, if agent

Address

Environmental Department, 1655 Mountain City Highway

Street No. or PO Box

Elko, Nevada, 89801

City, State and ZIP Code

775-778-4318

Phone Number

Subscribed and sworn to before me this 15 day of December, 20 10



Maxine Miers
Notary Public

State of Nevada

County of Elko

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.