

TP-94-71

## ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that the department has examined this application for temporary approval to use water under the provisions of Section 42-202a, Idaho Code, and has determined that:

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- ☐ a) The application for temporary approval should be denied.
- ☒ b) The application for temporary approval should be approved, since
1. The temporary approval can be properly administered.
  2. Other water sources are not readily available.
  3. The approval is in the public interest.
  4. The approval will not injure known public values associated with the water source or any known water rights.

This application is therefore hereby:

- ☐ a) DENIED
- ☒ b) APPROVED, subject to the following conditions:
1. Diversion and use of water under this approval is subject to all valid existing water rights.
  2. The applicant assumes all risk the use of the water under this approval may injure other water rights.
  3. This approval authorizes a maximum diversion of 1 AF and a maximum rate of diversion of 0.01 cfs.
  4. This approval does not grant a right-of-way across the land of another, does not create a continuing right to use the water and may not be used in connection with a use which requires a continuing water supply.
  5. The department may cancel this approval at any time if the department identifies injury to other water rights.
  6. This approval expires on 12/31/09.
  7. This approval does not create a continuing right to use water.
  8. The holder of this temporary permit shall not divert at a rate or in a manner that will significantly reduce the flow in the water source or otherwise adversely affect fish, wildlife or other public vaules.
  9. Other: Water intakes should be screened to prevent entrainment or impingement of fish or other aquatic life. The maximum screen mesh size should be 0.25 inches; approach velocities should not exceed 0.5 ft/second.
  10. Contact the DEPARTMENT OF WATER RESOURCES prior to diversion of water from streams.

DATED this 26 day of May, 2009.

Robert B. Haynes  
For the Director

MAY 08 2009

Indent. No. TP-94-71

IDWR / NORTH

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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## APPLICATION FOR TEMPORARY APPROVAL OF WATER APPROPRIATION

(5 AF or less)

- Name of Applicant Newmont Mining Corporation (attn: Bruce Harlan) Phone 720-937-8726
- Address 6363 South Fiddlers Green Circle, Greenwood Village, CO 80111 Email bruce.harlan@newmont.com
1. Source of water Cabin Creek, Goat Creek, Toboggan Creek, headwater tributary to Butte Gulch Tributary to Pritchard Creek / East Fork of Eagle Creek + Butte Gulch
2. Location of point of diversion NE 1/4 1/4 SW 1/4 1/4 Sec. 30 Township 50N Range 6E B.M.,  
(2 locations in headwaters of Butte Gulch)
- County Shoshone
3. Location of place of use 1/4 1/4 Sec. Township Range B.M.,  
County Shoshone → Water to be used at drill locations within a few hundred meters of points of diversion
4. Proposed use of water Exploration core drilling
- Goat Creek: SW 1/4, SW 1/4, Sec. 11, T50N, R5E
- Cabin Creek: SE 1/4, NE 1/4, Sec. 16, T50N, R5E
- Toboggan Creek: SW 1/4, SE 1/4, Sec. 15, T50N, R5E
5. Amount of water:
- Maximum rate of diversion \_\_\_\_\_ cfs or 7 gpm.
- Maximum daily volume 0.01 AF; Total volume 1.0 AF.
6. Duration of diversion: From 15 May 2009 to 15 May 2010 31 Dec 2009  
Day-month Day-month
7. Proposed diverting works Portable pump with screened intake
8. Who owns the property at the requested point of diversion? National Forest
9. Describe the arrangement allowing access to the water USFS Plan of Operations
10. Remarks \_\_\_\_\_

I hereby acknowledge that I assume all risk if the diversion and use of the water under this approval injures other water rights. I certify this is a temporary use and that I am not seeking a continuing right to use water.

6 May 2009  
Date

[Signature]  
Applicant

Received by [Signature]  
\$50.00 fee received by [Signature]  
Watermaster Comments received? \_\_\_\_\_

Date 5/8/09  
# N020524

Time \_\_\_\_\_  
Date 5/8/09  
Date \_\_\_\_\_

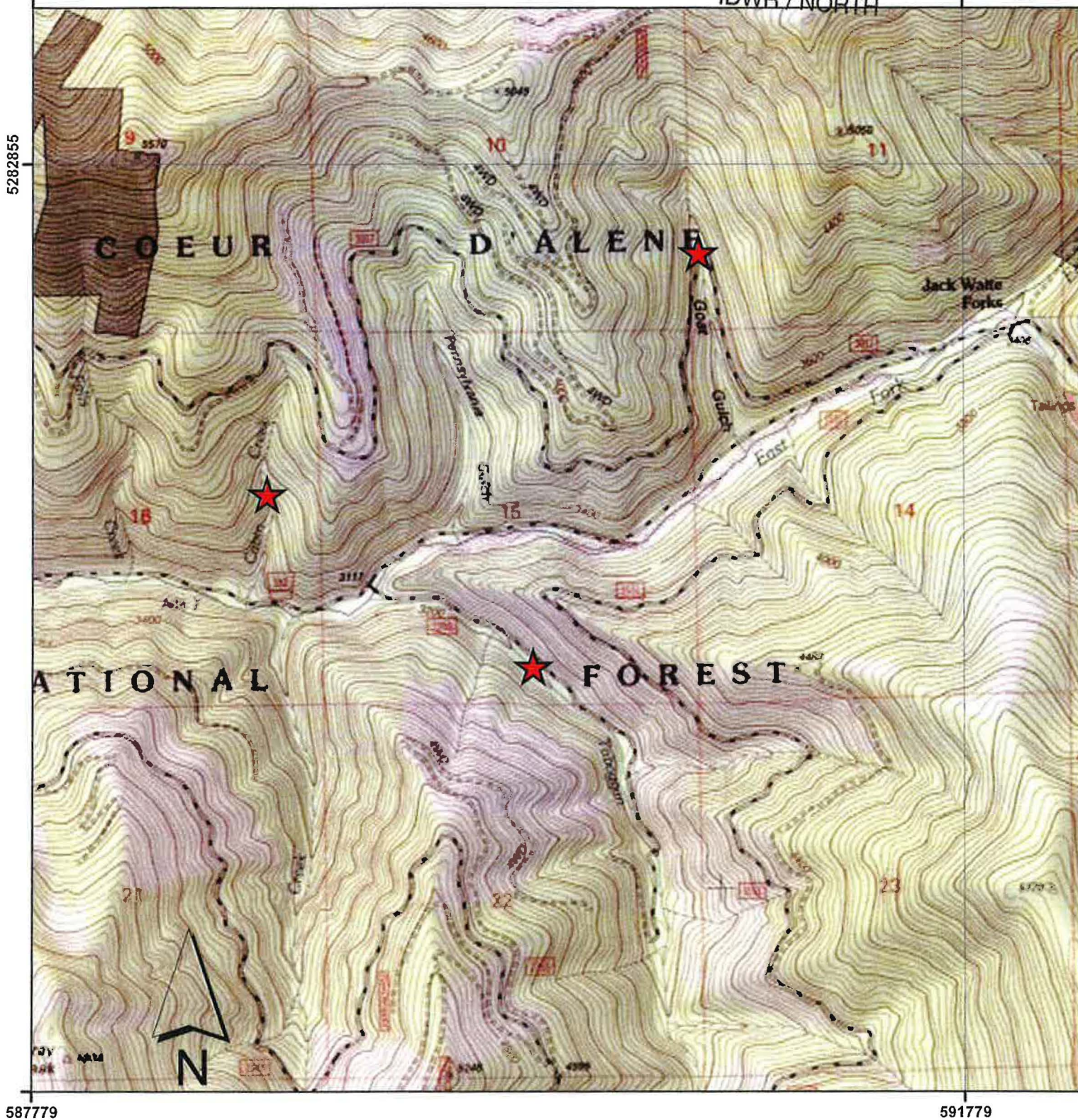


MAY 08 2009

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~~IDWB / NORTH~~



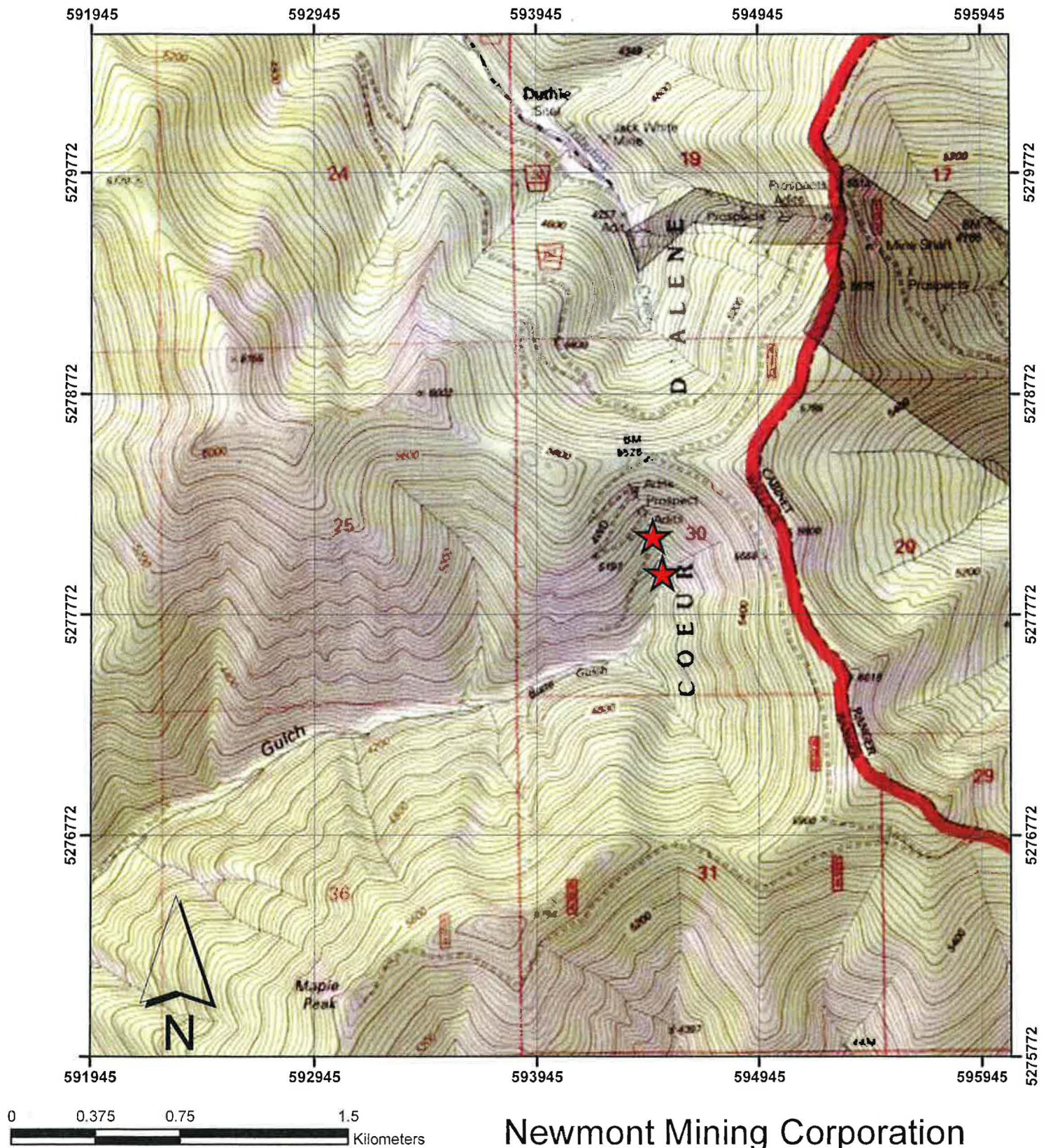
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Newmont Mining Corporation  
Toboggan JV Project  
Proposed Drill Water Diversion Locations  
Map 1 of 2





Newmont Mining Corporation  
Toboggan JV Project  
Proposed Drill Water Diversion Locations  
Map 2 of 2





State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

05/27/2009

COPY

NEWMONT MINING CORPORATION  
ATTN BRUCE HARLOW  
6363 S FIDDLERS GREEN CIRCLE  
GREENWOOD VILLAGE CO 80111

RE: Temporary Permit No. TP-94-71

Dear Applicant(s):

Your application for Temporary approval of Water Appropriation has been granted and assigned number TP-94-71 .

Please be advised that THE PERMIT IS SUBJECT TO THE EFFECTIVE DATES AND CONDITIONS STATED ON PAGE TWO OF THE APPLICATION.

If you have any questions or if this office can be of further assistance, please contact us.

Sincerely,

Robert G. Haynes, P.E.  
Regional Manager

Enclosure



State of Idaho

## DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

### FAX TRANSMITTAL COVER SHEET

DATE: 5/11/09

TO: Mary Terra Berns

FROM: \_\_\_\_\_

FAX #: 208-769-1418

**NOTE: BLANK FORMS ARE AVAILABLE ON THE INTERNET AT:**  
**[www.idwr.state.id.us/info/forms.htm](http://www.idwr.state.id.us/info/forms.htm)**

**DOCUMENT DESCRIPTION:**

Application For Temp. Water Appropriation  
Newmont Mining Corp.

TOTAL PAGES SENT: 5 PLUS (+) COVER SHEET

CONTACT: \_\_\_\_\_

Keith Franklin  
(NAME OF SENDER)

CHARGES: One (1) free copy per request, cover sheet not included. Two (2) or more copies per request are \$0.25 per page with a \$0.50 minimum

**PLEASE CONSIDER THIS DOCUMENT AS A BILLING STATEMENT.**

THE CHARGE FOR YOUR FAX COPIES IS \$ \_\_\_\_\_

**PLEASE REMIT BY RETURN MAIL TO THE ABOVE ADDRESS.**

PHONE NO: (208) 762-2800

FAX NO: (208) 762-2819

**FAXED**



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815  
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

May 11, 2009

MARY TERRA BERNES  
IDAHO DEPARTMENT OF FISH & GAME  
2885 KATHLEEN AVE.  
COEUR D' ALENE, ID 83815

Re: Application For a Temporary Approval of a Water Appropriation

Dear MARY:

The Department of Water Resources is seeking comment and/or recommendation from your agency, regarding an application to temporarily appropriate 1 acre-feet of water from Goat Creek, Cabin Creek and Toboggan Creek located in the upper end of the Silver Valley, by the Newmont Mining Corporation for exploratory drilling purposes. A copy of the application is attached for your reference.

Would you please submit your comments no later than May 19, 2009? If we do not hear from you by that date, we will assume that no comment from you, means you have no objection to, concerns about, or conditions pertaining to the issuance of this permit.

You may send comments by regular mail to the address above, by FAX to 762-2819 or by e-mail to [keith.franklin@idwr.idaho.gov](mailto:keith.franklin@idwr.idaho.gov).

If you have any questions, don't hesitate to contact me at this office.

Thank you.

Sincerely,

Keith E. Franklin  
Water Resources Agent

**FAXED**

*No comments  
received as of  
5/26/09 KJ*

Encl/kf



Newmont Mining Corporation  
6363 South Fiddlers Green Circle  
Greenwood Village, CO 80111  
T 303.863.7414  
F 303.837.5837  
www.newmont.com

May 7, 2009

Mr. Keith Franklin  
Senior Water Resources Agent  
State of Idaho  
Department of Water Resources, Northern Region  
7600 N. Mineral Drive, Suite 100  
Coeur d'Alene, ID 83815

RECEIVED  
MAY 08 2009  
IDWR / NORTH

Re: Application for Temporary Water Appropriation

Dear Mr. Franklin:

Enclosed is a permit Application for Temporary Approval of Water Appropriation on behalf of Newmont Mining Corporation. The water is to be used for an exploration core drilling project which is a joint venture Newmont has with New Jersey Mining Company on the Toboggan Project. Newmont is the operator of the project. The project is expected to last from May 2009 until December 2009 with drilling during the warmer months. I have also enclosed a check for \$50 to cover the application fee.

I would greatly appreciate it if you could process this application as soon as possible. If you have any questions or concerns please contact me via email ([bruce.harlan@newmont.com](mailto:bruce.harlan@newmont.com)) or phone (720-937-8726) at your earliest convenience.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bruce Harlan", written over a horizontal line.

J. Bruce Harlan  
Regional Geologist