

State of Alaska



Water Rights

**PERMIT AND CERTIFICATE OF APPROPRIATION
LAS 32033**

The State of Alaska, acting by and through the Department of Natural Resources, Division of Mining, Land and Water, 3700 Airport Way, Fairbanks, AK 99709-4699, hereinafter referred to as the grantor, under AS 46.15, the Alaska Water Use Act, and the regulations adopted under it, grants to:

Sumitomo Metal Mining Pogo LLC
PO Box 145
Delta Junction, Alaska 99737

The right to the following use of water:

SOURCE: Shaw Creek

QUANTITY: 50,000 Gallons per Day (subject to maximum pump rate of 200 gpm)
PERIOD: April 1st through October 31st
USE: Dust Control and Soil Compaction for Pogo Mine Access Road

With a PRIORITY DATE of October 19, 2017.

The location of this water source:

Shaw Creek, at approximately Pogo Mine Access Road Mile Marker 32, within the Northeast one-quarter of Section 3, Township 6 South, Range 12 East, Fairbanks Meridian.

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The location to which water right LAS 32033 is appurtenant:

Alaska Department of Natural Resources Private Exclusive Easement ADL 416809 filed in the Fairbanks Recording District, Fourth Judicial District, State of Alaska, subject to reservations and exceptions of record. Said private exclusive easement runs through Sections 12, 13, 14, 15, 22, 27 and 28, Township 6 South, Range 11 East; Sections 2, 3, 4, 5, 7, 8, 11 and 12, Township 6 South, Range 12 East; Sections 33 and 34, Township 5 South, Range 12 East; Sections 1, 2, 7, 8, 11, 14, 15, 16 and 17, Township 6 South, Range 13 East; Section 36, Township 5 South, Range 13 East; Sections 27, 31, 32, 33 and 34, Township 5 South, Range 14 East; Sections 4 and 5, Township 6 South, Range 14 East; all within the Fairbanks Meridian.

The holder of this Permit and Certificate of Appropriation shall comply with the following conditions:

1. Follow acceptable engineering standards in exercising the water right granted by this permit and certificate.
2. Except for claims or losses arising from negligence of the State, defend and indemnify the State, the State's agents, and the State's employees against and hold each of them harmless from any and all claims, demands, legal actions, loss, liability, and expense, including attorney fees, for injury to or death of persons and damages to or loss of property arising out of or connected with the exercise of the water right granted by this permit and certificate.
3. Comply with all applicable laws, regulations, and conditions.
4. Notify the grantor of any change of address, transfer of any real property identified in this permit and certificate, or proposed change in the water appropriation.
5. If the grantor determines that this appropriation unduly affects a prior appropriator's ability to obtain water in accordance with his or her permit or certificate, this appropriation may be amended or water use may be curtailed until the prior appropriator can again obtain water under his or her prior right. Those individuals within the same area that do not have water rights may also be required to curtail taking water.
6. No damming or diversion of waters is permitted unless specifically authorized by the Alaska Department of Natural Resources and the Alaska Department of Fish and Game.
7. Adequate flow and water levels, as determined by the Alaska Department of Fish and Game, Habitat Division, must remain to support indigenous aquatic life and provide for the efficient passage and movement of fish if any are present. Any water intake structures in fish bearing waters, including a screened enclosure, well-point, sump, or infiltration gallery, must be designed, operated, and maintained to prevent fish entrapment, entrainment, or injury at the maximum diversion rate, unless specifically exempted by the Alaska Department of Fish and

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Game, Habitat Division. Inspect the intake screen for damage (torn screen, crushed screen, screen separated from intake ends, etc.) after each use and prior to each deployment. Any damage must be repaired prior to use of the structure. The structure must always conform to the original design specifications while in use. The suction hose at the water source take point must be clean and free from contamination.

8. Except as otherwise authorized herein, in-water activity to facilitate water withdrawal shall be limited to placement and removal of the intake structure only. No other in-water activities will occur to facilitate water withdrawal pursuant to this permit and certificate. There shall be no wheeled, tracked, excavating, or other machinery or equipment (with the exception of the non-motorized screened intake box) operated below the ordinary high water line to facilitate water withdrawal pursuant to this permit and certificate. Except as otherwise authorized herein, water sources shall not be altered to facilitate water withdrawal or disturbed in any way. If banks, shores, or beds are inadvertently disturbed, excavated, compacted, or filled, they shall be immediately stabilized to prevent erosion and sedimentation of the water source. Any disturbed areas shall be recontoured and revegetated with native vegetation.
9. Any discharge shall comply with the Alaska Water Quality Standards (18 AAC 70). This may require the installation and maintenance of settling ponds or similar systems to reduce turbidity and settleable solids in the discharges. Water discharge (including runoff) shall not be discharged at a rate or location resulting in sedimentation, erosion, or other disruptions to the bed or banks of water bodies, causing water quality degradation.
10. Pumping operations shall be conducted in such a way as to prevent any petroleum products or hazardous substances from contaminating surface or ground water. Pumps shall not be fueled or serviced within 100 feet of a pond, lake, or stream unless the pumps are situated within a catch basin designed to contain any spills. Absorbent pads shall be readily available at the water withdrawal sites. Hazardous and non-hazardous spills must be reported to the Alaska Department of Environmental Conservation at 1-800-478-9300 per their Notification Requirements and to the Alaska Department of Natural Resources.
11. This permit and certificate is subject to an annual administrative service fee.

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The water right is granted subject to the pertinent statutory provisions in AS 46.15 and Administrative Regulations in 11 AAC 93.

This Permit and Certificate of Appropriation is issued by authority of AS 46.15.080, AS 46.15.120, 11 AAC 93.120, and 11 AAC 93.130 on February 28, 2018.

APPROVED Michael Walton

TITLE Natural Resource Manager II

STATE OF ALASKA)
3rd JUDICIAL DISTRICT) ss.

This is to certify that on February 28th, 2018 before me appeared Michael Walton known by me to be the authorized representative of the Division of Mining, Land and Water, Department of Natural Resources, and acknowledged to me that this Permit and Certificate of Appropriation was voluntarily executed on behalf of the State of Alaska.

Christine Ballard
Notary Public in and for the State of Alaska

With Office
My Commission Expires



After recording return to the Grantor:

Department of Natural Resources
Division of Mining, Land and Water
3700 Airport Way
Fairbanks, Alaska 99709-4699

State Business – No Charge