№ 55139

AMENDED

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office AUG 0 3 1990

Returned to applicant for correction

Corrected application filed SEP 1 9 1990

Map filed SEP 1 9 1990

The applicant Barrick Goldstrike Mines Inc.

P. O. Box 29 (Street and No. or P.O. Box No.), of Elko (City or Town),

Nevada 89801 (State and Zip Code No.), hereby makes 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.) June, 1973, Colorado

1. The source of the proposed appropriation is Underground (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 10.00 cfs (One second-foot equals 448.83 gals. per min.) second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for Mining, Milling & Dewatering (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kinds of animals to be watered

   (c) Other use (describe fully under "No. 12. Remarks")

   (d) Power:

      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point SE¼ SW¼ Section 24, T36N, R49E, (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.) MDB&M, at a point from which the NE corner of said Section 24, bears N 33° 49' 24" E, 4779.65 feet.

6. Place of use SE¼ SW¼, NE¼ SE¼, S½ SE¼ Section 12; All of Section 13; SW¼ SW¼, NE¼ NE¼, S½ NE¼, SE¼ Section 14; NW¼ SE¼, S½ SE¼ Section 15; SE¼ NW¼, N½ SE¼, NE¼ Section 22; W½ NW¼, S½ SE¼, N½ NE¼, SW¼ NE¼ Section 23; All of Sections 24, 25, 26, T36N, R49E, MDB&M., S½ SE¼, SW¼ Section 7; S½ S½ Section 8; All of Sections 17, 18, 19 & 20; S½ NW¼ Section 28; N½ Section 29; SE¼ SE¼, W½ E½, W½ Section 30, T36N, R50E, MDB&M. (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Well, Pipelines, And Storage Ponds. (State manner in which water is to be diverted: i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

9. Estimated cost of works $150,000

10. Estimated time required to construct works 3 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The annual consumptive use will be 2,359,050,480 gallons.

By HIGH DESERT Engineering, Agent
s/Robert E. Morley
Robert E. Morley
515 South Fifth Street
Elko, Nevada 89801

Compared bc/ am am/se

Protested 12/7/9090 by: Eureka County

Pro. wdr. 2/8/91

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the followng limitations and conditions: This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. A totalizing meter must be installed and maintained in the pipeline near the point of diversion and accurate measurements must be kept of water diverted. The totalizing meter must be installed before any diversion of water begins, or before the Proof of Completion of Work is filed.

This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the rights to regulate the diversion and use of the water herein granted at any and all times. The State Engineer retains the right to regulate pumping from the dewatering project and/or any other groundwater withdrawals herein authorized to protect the public interest and existing rights. This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands. The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued contingent upon approval by the Nevada Division of Environmental Protection of the dewatering project.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 10 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before April 19, 1993

Proof of completion of work shall be filed on or before May 19, 1993

Application of water to beneficial use shall be made on or before April 19, 1996

Proof of the application of water to beneficial use shall be filed on or before May 19, 1996

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of April, A.D. 19 91

R. Michael Turnipseed P.E.
State Engineer

(O)-5314 (Rev.)

Abrogated By Port 58546 3.0 Cert 2-27-98
58547 3.0 Cert 2-27-98

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit 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 water obtained as a result of this dewatering operation shall be used first by the permittee for mining and milling purposes. It is noted that previous permits issued included a combined total annual allowance of 2238 million gallons annually for mining and milling purposes. The total combined consumptive duty of water under the permits in the name of Barrick Goldstrike Mines, Inc. or any successors and permits 55139 through 55150, inclusive, shall not exceed 2238 million gallons annually for Barrick's mining and milling purposes.

Any water not used for mining and milling purposes may be utilized: to address water right impairment, if any, resulting from the diversion of water pursuant to the Barrick Applications; to satisfy water use and water management requirements, if any, resulting from actions taken by other governmental agencies; to reinject or infiltrate water; to replace existing authorized ground water withdrawals; and to serve other beneficial uses that would not adversely impact other water rights. The authorized uses under this permit are subject to the terms and provisions of that "Stipulation, Settlement Agreement and Withdrawal of Protest" between Barrick or it successors and Eureka County filed in the State Engineer's Office on February 8, 1991.

This water may be diverted to storage and/or discharge through the reservoir constructed under Dam Application J-320. Rights to place such water to use for consumptive or non-consumptive purposes shall be provided under Primary Permit 55272 and any secondary permits issued thereunder.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount pumped from each well, the amount used for mining and milling purposes and the amount of water diverted to storage in the reservoir.

The total combined diversion rate under Permits 55139-50, inclusive, shall not exceed 100 c.f.s. The total combined withdrawal of water under Permits 55139-50, inclusive, shall not exceed 72,000 acre feet annually.

This permit also incorporates the provisions of "Order on Rulemaking Concerning Spacing Requirements in the Northern Portion of the Boulder Flat Groundwater Basin" entered March 29, 1991, number 1038.

This permit is subject to the "Boulder Valley Monitoring Plan" previously approved by the State Engineer on April 10, 1991.