59692

Serial No. 59692

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office JAN 1 4 1994

Returned to applicant for correction

Corrected application filed Map filed JAN 1 4 1994 under 59684T

The applicant Barrick Goldstrike Mines Inc.

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

Nevada 89803 (State and Zip Code No.) hereby make S application for permission to change the

Point of Diversion of a Portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit no. 58355 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Underground (EW-2) (Name of stream, lake, underground spring or other source.)

2. The amount of water to be changed 0.33 cfs (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)

3. The water to be used for Mining, Milling & Dewatering (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)

4. The water heretofore permitted for Mining, Milling & Dewatering (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)

5. The water is to be diverted at the following point NW 1/4 NW 1/4 of Section 29, T 36 N, R 50 E, MDB & M., at a point from which the NW corner of said Section 29, bears N 25° 12' 59" W, 526.67 feet. (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 stated.)

6. The existing permitted point of diversion is located within NW 1/4 NW 1/4 of Section 29, T 36 N, R 50 E, MDB & M., at a point from which the NW corner of said Section 29, bears N 39° 09' 11" W, 111.80 feet. (If point of diversion is not changed, do not answer.)

7. Proposed place of use See Attached (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)

8. Existing place of use SAME AS ABOVE (Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.

10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.

11. 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, pipes and flumes, or drilled well, etc.)

12. Estimated cost of works $30,000

13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use one year

15. 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 77,848,666 gallons. This application is filed in order to comply with State Engineer's Order No. 1038.

By HIGH DESERT Engineering, Agent
s/ Robert E. Morley
Robert E. Morley
640 Idaho Street
Elko, Nevada 89801

Compared jv/gkl ab/vw

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 58355 is issued subject to the terms and conditions imposed in said Permit 58355 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

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 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.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.33 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before August 4, 1995

Proof of completion of work shall be filed before September 4, 1995

Application of water to beneficial use shall be made on or before August 4, 1996

Proof of the application of water to beneficial use shall be filed on or before September 4, 1996

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

Completion of work filed SEP 12 1994

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

WITHDRAWN BY APPLICANT MAY 22 1997

STATE ENGINEER

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 28th day of June, A.D. 19 94

State Engineer

(O)-1108 (Rev. 6-81)

(PERMIT TERMS CONTINUED)

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.

This permit will allow for the dewatering of the pit area. Any water obtained as a result of this dewatering operation shall be used first by the permittee for mining, milling, heap leaching, drilling, road watering and other related mining and milling uses herein after referred to as mining and milling uses within the described place of use on this permit and by Newmont Gold Company for the same purposes stated above at what is known as the No. 4 Mill.

Any water not used for mining and milling purposes shall be utilized by the T S Ranch on land for irrigation use presently described under the place of use under Permits 16951, Certificate 5605; 16952, Certificate 5606; 28966, Certificate 10226; 28967, Certificate 10227; 29952, Certificate 10043; 29953, Certificate 10044; 30240, Certificate 10046; 30241, Certificate 10047; 30242, Certificate 10048; 30253, Certificate 10229; 30849, Certificate 10057; 31288, 31289, 34766, 34767, 34768, 34769, 34770, 34771, 34772, 34773, 36020, 36021, 36022, 36023, 36024, 52941, 52942, 52943, 52944, 52945, 52946, 52947, 52948, 52949 and 52950 or any subsequent changes of the place of use of these rights. The intent in the interests of the best and most efficient management of the resource is to substitute water from dewatering of the pit area for water presently authorized to be withdrawn from the Boulder Flat Groundwater Basin under the above described permits.

Any water from this dewatering operation shall not be discharged to any natural drainages or man-made drainages unless specifically approved by the State Engineer.

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 its successors and Eureka County filed in the State Engineer's Office on February 8, 1991.

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

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.

The total combined diversion rate under Permits 55139, 55140, 55141, 55142, 55143, 55144, 55145, 55146, 55148, 55149, 55150, 58354, 58355, 58469, 58470, 58471, 58472, 58473, 58474, 58475, 58476, 58544, 58545, 58546, 58547, 58938-T, 58939-T, 58940-T, 58941-T, 58942-T, 58943-T, 58944-T, 58945-T, 58969-T, 58970-T, 58971-T, 58972-T, 58973-T, 59195-T, 59684-T, 59685, 59686, 59687, 59688, 59689, 59690-T, 59691-T, 59692, 59693, 59694-T, 59695-T, 59696-T, 59697-T and 59698-T shall not exceed 100 c.f.s. and the total combined withdrawal of water under these permits shall not exceed 72,000 acre-feet annually.

The total combined consumptive duty of water under Permits 54926, 54927, 54928, 55138, 55139, 55140, 55141, 55142, 55143, 55145, 55146, 55148, 55149, 55150, 57217, 57218, 57219, 57222, 57223, 57224, 57225, 57226, 57227, 57228, 57229, 57230, 57231, 57232, 57233, 57234, 57235, 58354, 58355, 58469, 58470, 58471, 58472, 58473, 58474, 58475, 58476, 58543, 58544, 58545, 58546, 58547, 58938-T, 58939-T, 58940-T, 58941-T, 58942-T, 58943-T, 58944-T, 58945-T, 58969-T, 58970-T, 58971-T, 58972-T, 58973-T, 59195-T, 59684-T, 59685, 59686, 59687, 59688, 59689, 59690-T, 59691-T, 59692, 59693, 59694-T, 59695-T, 59696-T, 59697-T and 59698-T shall not exceed 2238 million gallons annually for mining and milling purposes.

7. Proposed place of use SE1/4 SW1/4, NE1/4 SE1/4, S1/2 SE1/4 Section 12; All of Section
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
13; SW1/4 SW1/4, NE1/4 NE1/4, S1/2 NE1/4, SE1/4 Section 14; NW1/4 SE1/4, S1/2 SE1/4 Section 15; SE1/4 NW1/4, N1/2 SE1/4, NE1/4 Section 22; W1/2 NW1/4, S1/2 SE1/4, N1/2 NE1/4, SW1/4 NE1/4 Section 23; All of Sections 24, 25, 26, T 36 N, R 49 E, MDB & M., S1/2 SE1/4, SW1/4 Section 7; S1/2 S1/2 Section 8; All of Sections 17, 18, 19 & 20; S1/2 NW1/4 Section 28; N1/2 Section 29; SE1/4 SE1/4, W1/2 E1/2, W1/2 Section 30, T 36 N, R 50 E, MDB & M.