TEMPORARY

Serial No. 60794 T

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 13 1995

Returned to applicant for correction JAN 13 1995 under 60782

Corrected application filed SEP 19 1990 under 55139 Map filed

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 makes application for permission to change the

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

of water heretofore appropriated under Permit 55141 (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 (PPW-46) (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 0.50 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 SW¼NE¼ of Section 19, T 36 N, R 50 E, (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.) MDB & M., at a point from which the E¼ corner of said Section 19, bears S 83°00'59" E, 2223.34 feet.
6. The existing permitted point of diversion is located within SW¼NE¼ of Section 19, T 36 N, (If point of diversion is not changed, do not answer.) R 50 E, MDB & M., at a point from which the NW corner of said Section 19, bears N 63°37'13" W, 3044.91 feet.
7. Proposed place of use SE¼SW¼, NE¼SE¼, S½SE¼ Section 12, All of Section 13; SW¼SW¼, NE¼NE¼, S½NE¼, SE¼ Section 14; NW¼SE¼, S½SE¼ Section 15; SE¼NW¼, N½SE¼, NE¼ Section 22; W½NW¼, S½SE¼, N½NE¼, SW¼NE¼ Section 23; All of Sections 24, 25, 26, T36N, R49E, MDB & M., S½ SE¼, SW¼ Section 7; S½S½ Section 8; All of Sections 17, 18, 19 & 20; S½NW¼ Section 28; N½ Section 29; SE¼SE¼, W½E½, W½ Section 30, T36N, R50E, MDB & M. (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 & 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 3 years

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

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

This application is for a Temporary Permit. The Annual Consumptive Use will be 117,952,524 gallons. This application is filed in order to comply with the requirements of State Engineer's Order No. 1038.

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

Compared jr/bk jr/bk

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 temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 55141 is issued subject to the terms and conditions imposed in said Permit 55141 and with the understanding that no other rights on the source will be affected by the change proposed herein. 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. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

This temporary permit will allow the permittee to dewater the pit area. In the interests of the best and most efficient management of the resource, any water obtained as a result of the dewatering operation will be used first by Barrick Goldstrike Mines Inc. for mining, milling, heap leaching, drilling, road watering and other related mining and milling uses (hereafter referred to as mining and milling uses within the described place of use) before usage from water supply wells, 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 may be utilized by the TS 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;
(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 0.05 cubic feet per second

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

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

TEMPORARY

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

TEMPORARY

EXPIRED

DATE 6-15-96 JR

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 16th day of June, A.D. 19 95

R. Michael Turnipseed P.E.
State Engineer

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

(PERMIT TERMS CONTINUED)

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 the 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 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 groundwater withdrawals; and to serve other beneficial uses that would not adversely impact other water rights.

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 purposes or non-consumptive purposes shall be provided under Primary Permit 55272 and any secondary permits issued thereunder.

Any water from this dewatering operation will not be discharged to any natural drainages unless specifically approved by the State Engineer.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies and is specifically issued subject to approval by the Nevada Division of Environmental Protection of the dewatering project.

The total combined consumptive duty of water under Permits 54926, 54927, 54928, 55138, 55139, 55140, 55142, 55143, 55145, 55146, 55148, 55149, 55150, 57217, 57218, 57219, 57222, 57223, 57224, 57225, 57226, 57227, 57228, 57229, 57230, 57231, 57232, 57233, 57234, 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, 59698-T, 59860, 59861, 60565, 60566, 60787-T and 60789-T through 60804-T and 61248-T, inclusive, will not exceed 11,733 acre-feet annually for mining and milling purposes.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

This temporary permit is issued subject to, and also incorporates the terms and conditions set forth in the State Engineer's Order No. 1038, Order Adopting Rules For Well Spacing and Modification of Regulations For Water Well and Related Drilling (January, 1990) in the Northern Area of the Heretofore Designated Boulder Flat Ground Water Basin (4-61), dated March 29, 1991, on file in the office of the State Engineer.

The authorized uses under this temporary permit are subject to the terms and provisions of the "Stipulation, Settlement Agreement and Withdrawal of Protest" between Barrick, or its successors, and Eureka County, filed in the State Engineer's Office on November 7, 1994.

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

A year-end report will be submitted to the State Engineer no later than 45 days after the end of the calendar year. The report will state: (1) the number of wells drilled under the permits, (2) the number of abandoned wells, (3) the exact location of each well drilled or abandoned, and (4) a supporting map illustrating well locations.

The State Engineer retains the right at any time to require the permittee to cooperate in the funding of additional monitoring and modeling by an independent third party. The State Engineer retains the right to impose future conditions as necessary upon review and evaluation of all data submitted on the dewatering program, water use and the monitoring plan.

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.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

Upon permanent cessation of all mining, milling and dewatering purposes, all water granted under the permits will revert back to the source from which it was appropriated, except for any water requirements needed for any mine closure plan and/or to mitigate any adverse effects caused by dewatering.

All of the above stated conditions are issued subject to having no adverse impacts on existing rights.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on June 15, 1996 at which time all rights herein granted shall revert to the right being changed by this temporary permit.