TEMPORARY

NO.68393-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 14 2002

Returned to applicant for correction

Corrected application filed

Map filed JAN 23 2002 under 68354-T

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The applicant **Barrick Goldstrike Mines Inc.**, hereby makes application for permission to change the **Point of Diversion of a Portion** of water heretofore appropriated under **Permit No. 55140**

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1. The source of water is **Underground (EW-39)**

2. The amount of water to be changed **0.040 cfs**

3. The water to be used for **Mining, Milling & Dewatering**

4. The water heretofore permitted for **Mining, Milling & Dewatering**

5. The water is to be diverted at the following point **SW¼ SE¼ of Section 19, T.36N., R.50E., M.D.B.&M., at a point from which the NW corner of said Section 19, bears N 39° 00' 05" W, 5108.67 feet.**

6. The existing permitted point of diversion is located within **SE¼ SW¼ of Section 19, T.36N., R.50E., M.D.B.&M., at a point from which the NW corner of said Section 19, bears N 32° 57' 04" W, 4731.94 feet.**

7. Proposed place of use **SE¼ SW¼, NE¼ SE¼, S½ SE¼ of Section 12; All of Section 13; SW¼ SW¼, NE¼ NE¼, S½ NE¼, SE¼ of Section 14; NW¼ SE¼, S½ SE¼ of Section 15; SE¼ NW¼, N½ SE¼, NE¼ of Section 22; W½ NW¼, S½ SE¼, N½ NE¼, SW¼ NE¼ of Section 23; All of Sections 24, 25, 26, T.36N., R.49E., M.D.B.&M.; S½, SE¼, SW¼ of Section 7; S½ S½ of Section 8; All of Sections 17, 18, 19, & 20; S½ NW¼ of Section 28; N½ of Section 29; SE¼ SE¼, W½ E½, W½ of Section 30, T.36N., R.50E., MDB&M**

8. Existing place of use **Same as above**

9. Use will be from **January 1** to **December 31** of each year.

10. Use was permitted from **January 1** to **December 31** of each year.

11. Description of proposed works **Well, Pump & Motor, Pipelines & Storage Ponds**

12. Estimated cost of works **±$50,000**

13. Estimated time required to construct works **1 year**

14. Estimated time required to complete the application of water to beneficial use **1 year**

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15. Remarks: **This application (EW-39) is for a Temporary Permit. The Annual Consumptive Use will be 9.36 million gallons. This application is filed in order to comply with the requirements of the State Engineer's Order No. 1038.**

By **Robert E. Morley, High Desert Engneering**
s/Robert E. Morley
640 Idaho Street
Elko, NV 89801

Compared **nsr/dl** ds/cmf

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 55140, is issued subject to the terms and conditions imposed in said Permit 55140, 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. 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; 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 interest 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.

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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 will be provided under Primary Permit 55272 and any secondary permits issued there under.

The total combined consumptive duty of water under Permits 55138, Certificate 15264; 55139, 55140, 55141, 55142, 55143, 55145, 55146, 55148, 55149, 55150, 57217, Certificate 14852; 57218, Certificate 14853; 57222, Certificate 14854; 57223, Certificate 14855; 57224, Certificate 14856; 57225, Certificate 14857; 57226, Certificate 14858; 57227, Certificate 14859; 57230, Certificate 14860; 57231, Certificate 14861; 57233, Certificate 14862; 58354, 58355, 58470, Certificate 14865; 58471, Certificate 14866; 58472, Certificate 14867; 58473, Certificate 14868; 58474, Certificate 14869; 58475, Certificate 14870; 58476, Certificate 14871; 58543, Certificate 14872; 58544, Certificate 14873; 58545, Certificate 14874; 58546, Certificate 14875; 58547, Certificate 14876; 59685, Certificate 14389; 59686, Certificate 14390; 59687, Certificate 14391; 59688, Certificate 14392; 59860, Certificate 15144; 59861, Certificate 15145; 60565, Certificate 14863; 60566, Certificate 14864; 60782, Certificate 15146; 60783, Certificate 15147; 60784, Certificate 15148; 60785, Certificate 15149; 60786, Certificate 15150; 60788, Certificate 15151; 61407, 62736, 62737, 63126, 63127, 63767, 64279 and Temporary Permits 68354-T through 68395-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.

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 authorized uses under this temporary permit are subject to the terms and provisions of that "Stipulation, Settlement Agreement and Withdrawal of Protest" concerning Application No.s 55139 through 55150, inclusive, and Application No. 55272, between Barrick Goldstrike Mines Inc., or its successors and Eureka County, dated February 6, 1991; and Addendum of said stipulation, dated November 27, 1996, filed in the Office of the State Engineer.

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.

This temporary permit is issued subject to, and also incorporates the terms and conditions set forth in the State Engineer's Order No. 1132, Order Amending Conditions and Provisions of Permits Issued to Barrick Goldstrike Mines Inc. to Appropriate Underground Water of the Boulder Flat Ground Water Basin (4-61), dated July 1, 1997, on file in the Office of the State Engineer.

The total combined diversion rate of water under Permits 55139, 55140, 55141, 55142, 55143, 55144, 55145, 55146, 55147 55148, 55149, 55150 and any subsequent changes will not exceed 100 cubic feet per second, and the total combined withdrawal of water under these permits and any subsequent changes will not exceed 72,000 acre-feet annually.

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, the volume of water diverted to storage in the reservoir and the volume of any water discharged to natural drainage.

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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 and surface water management.

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 or surface withdrawals or discharges herein authorized to protect the public interest and existing rights.

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 **May 7, 2003** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.04** cubic feet per second, **but not to exceed 28.96 acre-feet annually.**

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

Proof of completion of work shall be filed before:

Water must be placed to beneficial use 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:

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **8th** day of **May** A.D. **2002**

Hugh Ricci, P.E.

State Engineer