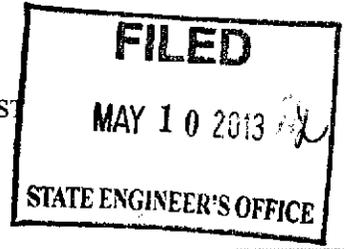


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 82616
FILED BY BARRICK GOLD U.S., INC.
ON MARCH 12, 2013



PROTEST

Comes now EUREKA COUNTY

Printed or typed name of protestant

whose post office address is POST OFFICE BOX 694, EUREKA, NEVADA 89316

Street No. or PO Box, City, State and ZIP Code

whose occupation is POLITICAL SUBDIVISION

and protests the granting

of Application Number 82616, filed on MARCH 12, 2013

by BARRICK GOLD U.S., INC., a California Corporation for the

waters of UNDERGROUND situated in EUREKA

an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

SEE EXHIBIT "A" ATTACHED HERETO

THEREFORE the Protestant requests that the application be DENIED

Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

[Handwritten Signature]
Agent or protestant
J.J. GOICOECHEA, COMMISSION CHAIRMAN

Printed or typed name, if agent

Address

POST OFFICE BOX 694

Street No. or PO Box

EUREKA, NEVADA 89316

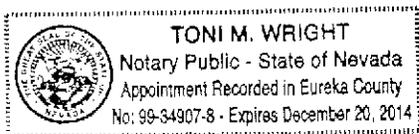
City, State and ZIP Code

(775) 237-5262

Phone Number

E-mail

Subscribed and sworn to before me this 7th day of MAY, 2013



[Handwritten Signature]
Notary Public

State of NEVADA

County of EUREKA

STATE ENGINEER'S OFFICE
MAY 10 11 30 AM '13

+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Exhibit "A"

Eureka County Protest to Barrick Gold US, Inc.

Application 82616

1. Eureka County affirms support for the doctrine of prior appropriation as established by state law. The County's protest does not challenge the availability of unappropriated water in the Pine Valley Hydrographic Area. Rather, the intent of Application 82616, specifically the rationale behind the applicant's request for a permanent mining water right and the need to appropriate all the remaining unappropriated groundwater in the basin, particularly in light of the applicant's already large water right holdings in the basin, are unclear from the records and the Application. The protest is intended to ensure that Eureka County citizens are informed and any final decision by the State Engineer on Application 82616 considers all facts and potential issues related to the Application.
2. Eureka County recognizes that the custom and culture of mining is part of its history and appreciates the role mining plays in the local and regional economy. The County welcomes new opportunity for mining in the County as long as mine development does not conflict with or impair pre-existing rights and is not detrimental to existing economic or cultural activity or the environment. This protest is aimed at ensuring that any development of water resources in Pine Valley is conducted in full accordance with Nevada law, the Eureka County Master Plan and related policies and ordinances, and does not unduly threaten the health and welfare of Eureka County citizens. As set forth in Eureka County's Master Plan, there should be reinjection or infiltration of water not consumed in the mining operation back in to the basin of origin in Eureka County to mitigate the effects of the Applicant's pumping. Section 6.1.3 of Eureka County's Master Plan states "implementation of this Plan requires that...the Board of Eureka County Commissioners stay involved with analysis and evaluation through all stages of federal, state and local planning efforts... [through] review of data for scientific and factual soundness, plan development, implementation, monitoring, and evaluation of plan implementation." Section 6.2.6, the mining section of the Master Plan, states that the County will "Develop an evaluation program that relies upon and uses all available data, including, but not limited to reviewing existing data including hydrological data..." Eureka County Code 9.060.C "mandates the use of peer-reviewed science in the assessment of impacts related to water resource development."
3. Mining and milling in Nevada represents a temporary use of water due to the evanescent nature of mining. Once the operations come to an end, the water theoretically "returns" to the basin and becomes available for appropriation. However, Application 82616 requests a permanent permit such that water is held in perpetuity ostensibly to allow for future reclamation after mining operations cease. Alternatively, Barrick's water right holdings in Pine Valley are significant and a portion of these rights could be utilized for reclamation purposes instead of granting a new permanent mining permit. Consequently, the request for a permanent mining and milling water right should be denied and the permit approved with the express condition that the water returns to the basin at the end of the active mining for this specific project.
4. Pine Valley includes springs of regional significance, including Tonkin Springs, an important irrigation and stockwater resource that, although owned and the rights held by Barrick, is an important local recreational resource and fishery. Other nearby springs are located in the headwaters of streams with known populations of endangered Lahontan Cutthroat Trout and some of these waters have been fully adjudicated. For example, all waters of and contributing to Pete Hansen Creek have been fully adjudicated. On page 6 of the Pete Hansen and

Henderson Creek decree, it is stated that "These proceedings adjudicate **all stream waters** (emphasis added) tributary to both Pete Hansen Creek and Henderson Creek....Several perennial springs situated in the stream system as well as snow melt waters, contribute to the stream system flow." Considering that all water of and contributing to Pete Hansen Creek has been adjudicated, the applicant must prove that pumping will not impact any of the sources contributing to Pete Hansen Creek.

5. Neither information regarding the hydrologic properties of the proposed point of diversion nor an analysis of changes to the basin water resources have been provided to the County for review consistent with provisions of the County Master Plan. Therefore, impacts associated with sustained pumping of substantial water at the proposed point of diversion that potentially may affect the environment or health and welfare of Eureka County citizens are not known. Propagation of the cone of depression from the proposed points of diversion must be adequately determined prior to granting the application. Eureka County requests the opportunity to review all hydrologic data offered in support of the applications. Review of the supporting information by County staff and consultants prior to issuance of the permit may allow consensus to be reached between County and the Applicant and any other protestants which has the potential to facilitate the forward movement of the project and eliminate the need for costly future litigation.
6. Eureka County mandates the use of peer-reviewed science in the assessment of impacts related to water resource development. We request copies of the data and information used to determine the potential impacts related to the additional groundwater pumping that would occur under the Application and to justify the amount of groundwater applied for under the Application.
7. Eureka County requests that a comprehensive monitoring, management and mitigation plan (3M plan) be incorporated as an express condition to the permit to address unknown impacts to existing rights. The plan must be prepared in cooperation with potentially impacted senior water right holders and Eureka County, consistent with the County's policies. The details of the plan should be memorialized prior to approval of the permit and included in its entirety as an express condition. The time required to develop the plan in no way will affect the project schedule because the project is still in the exploration stage.
8. There are vested claims that have not been adjudicated in the Pine Valley Basin and there should be a thorough investigation of potential impacts prior to full allocation of the basin as requested in this application.
9. Should these protests result in hearings before the State Engineer, Eureka County requests that such hearings be held in Eureka to facilitate access by the Protestants.