

NO. 53764

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 AUG 18 1989

Returned to applicant for correction SEP 19 1989

Corrected application filed _____

Map filed OCT 16 1989

The applicant **Battle Mountain Gold Company**, hereby make application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **Application 1846, Certificate 162**

1. The source of water is **Willow Creek**
2. The amount of water to be changed **2 second feet**
3. The water to be used for **Mining and Milling**
4. The water heretofore permitted for **Mining and Milling**
5. The water is to be diverted at the following point **within the SW¹/₄ NW¹/₄ Section 17, T31N, R43E, MDM or at a point from which the Northwest corner of said Section 17 bears, N 35° 46' W a distance of 1790 feet.**
6. The existing permitted point of diversion is located within **the NW¹/₄ NW¹/₄ Section 29, T31N, R43E, MDM or at a point from which the Northwest corner of said Section 29 bears, N 81° 05' W a distance of 640.5 feet.**
7. Proposed place of use **Sections 21, 22, 27, 28, 33 and 34, T31N, R43E, MDM and Section 9 and 10, T30N, R43E, MDM.**
8. Existing place of use **within Section 29 and 33, T31N, R43E, MDM.**
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 **Construction of a dam outlet and diversion to pipeline to Place of Use.**
12. Estimated cost of works **\$600,000.00**
13. Estimated time required to construct works **One Year**
14. Estimated time required to complete the application of water to beneficial use **Ten Years**
15. Remarks:

By **s/Richard W. Arden Agent**
950 Industrial Way
Sparks, NV (89431)

Compared dl/nsr cmf/ds

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 is issued subject to all existing rights on the source. It is understood that the 2.0 cubic feet per second, 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 a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

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.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.0 cubic feet per second.

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

March 2, 2002

Proof of completion of work shall be filed before:

April 2, 2002

Water must be placed to beneficial use on or before:

March 2, 2006

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

April 2, 2006

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

N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office,

this 2nd day of, March, A.D. 2001

Hugh Ricci, P.E.
State Engineer

Completion of work filed APR 30 2003

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____