

TEMPORARY

NO. 64170-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 MAY 27 1998

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 27 1998

The applicant **Battle Mountain Gold Company**, hereby make application for permission to change the **Point of Diversion, Place of Use, and Manner of Use** of water heretofore appropriated under **Permit 11876 Certificate 3503**

1. The source of water is **Underground**
2. The amount of water to be changed **3.50 cfs**
3. The water to be used for **mining, milling and dewatering**
4. The water heretofore permitted for **Placer Mining and Domestic**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T31N R43E MDM**
6. The existing permitted point of diversion is located within **SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T30N R43E MDM** or at a point from which the **S $\frac{1}{4}$ corner of Section 33, T31N R43E MDM** bears **N 31° 00' 40" E, 10,912.90 feet.**
7. Proposed place of use **Sections 21, 22, 27, 28, 33 and 34, T31N R43E MDM and Sections 9 and 10, T30N R43E MDM.**
8. Existing place of use **Sections 3 and 4, T30N R43E MDM and Sections 28, 32, 33 and 34, 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 **A portable pump is placed in existing Fortitude Pipe and water pump in pipeline to mill.**
12. Estimated cost of works **Completed.**
13. Estimated time required to construct works **Dewatering sump within pit with a submersible turbine pump.**
14. Estimated time required to complete the application of water to beneficial use
15. Remarks: **Water is developed by means of a sump pump placed in the open pit. As water level is lowered, the pump which is on wheels, is moved within the SE $\frac{1}{4}$ NE $\frac{1}{4}$. This application is to allow dewatering of Fortitude Pit for exploration purposes.**

By **s/Richard W. Arden**
950 Industrial Way
Sparks, Nevada 89431

Compared dl/cms dl/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, place of use and manner of use of the waters of an underground source as heretofore granted under Permit 11876, Certificate 3503, is issued subject to the terms and conditions imposed in said Permit 11876, Certificate 3503, 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. The State retains the right to regulate the use of the water herein granted at any and all times.

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

The total combined duty of water under Permits 11876, Certificate 3503; 22884, Certificate 7630; 36870, Certificate 12923; 36871; Certificate 13747; 36872, Certificate 13748; 36873, Certificate 13749; 49459, Certificate 14023; 49460, Certificate 14024; 49461, Certificate 14025; 52036, Certificate 12795; 52037; 54214, Certificate 13754; and 64170-T shall not exceed 825.65 million gallons annually.

The manner of use of water under this temporary 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 groundwater basin.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on September 24, 1999 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.5 cubic feet per second, but not to exceed 825.65 million gallons annually.

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 filed on or before:

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

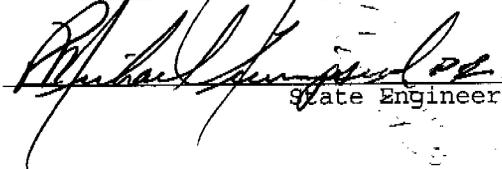
Map in support of proof of beneficial use shall be filed on or before:

TEMPORARY

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 25th day of September, A.D. 1998



State Engineer

EXPIRED
DATE MAY 27 1999

10/11/1971