TEMPORARY **No. 66373-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 16 2000**

Returned to applicant for correction

Corrected application filed

Map filed **MAY 31 1979 under 36870**

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The applicant **Battle Mountain Gold Company**, hereby makes application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **Application No. 36871, Certificate No. 13747**

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1. The source of water is **Underground**

2. The amount of water to be changed **0.134 cfs**

3. The water to be used for **Mining, Milling and Domestic**

4. The water heretofore permitted for **Mining, Milling and Domestic**

5. The water is to be diverted at the following point **NW¼ SW¼ Section 10, Township 30 N., Range 43 E., M.D.B.&M., or at a point from which the SW corner of said Section 10 bears S. 31° 42' W., a distance of 1,829.0 feet situated in Lander County, State of Nevada.**

6. The existing permitted point of diversion is located within **SW¼ SE¼ Section 9, Township 30 N., Range 43 E, M.D.B.&M., or at a point from which the SE corner of said Section 9 bears S. 73° 32' E., a distance of 1,887.0 feet situated in Lander County, State of Nevada.**

7. Proposed place of use **Sections 14, 15, 16, 21, 22, 23, 26, 27, 28, 32, 33, and 34 of Township 31 N., Range 43 E. and Sections 2, 3, 4, 8, 9, 10, 16 and 21 of Township 30 N., Range 43 E., M.D.B.&M.**

8. Existing place of use **Sections 9 and 10, Township 30 N., Range 43 E., M.D.B.&M.**

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 **Existing well CM-4 upgraded with new pump.**

12. Estimated cost of works **$25,000**

13. Estimated time required to construct works **CM-4 upgraded with new pump to produce approximately 200 gpm (0.45 cfs).**

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

15. Remarks:

Chuck Zimmerman, Agent
By **s/Chuck Zimmerman**
3488 Goni Rd., Suite 142
Carson City, Nevada 89706

Compared **my/** gkl hf/cmf

Protested

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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 and place of use of the waters of an underground source as heretofore granted under Permit 36871, Certificate 13747 is issued subject to the terms and conditions imposed in said Permit 36871, Certificate 13747 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 issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water for consumptive purposes under Permits 11876, Certificate 3503; 36870, Certificate 12923; 36871, Certificate 13747; 36872, Certificate 13748; 49459, Certificate 14023; 49460, Certificate 14024; 49461, Certificate 14025; 52036, Certificate 14018; 54214, Certificate 13754; 65411; 65412; 65415 through 65427, inclusive, 65428-E; 65429-E, and Temporary Permits 66371-T, 66372-T, and 66373-T shall not exceed 12,905.0 acre-feet annually for mining and milling purposes.

A monthly report must be submitted to the State Engineer within 10 days from the end of each month. The report shall include measurement of the volume of water pumped from each well or diversion site. Reporting frequency may later be changed if authorized by the State Engineer.

The State Engineer retains the right to require at any time 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. The State Engineer retains the right to regulate pumping herein authorized to protect the public interest and existing rights.

The manner of use of water under this 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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **June 29, 2001** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

(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 **0.134** cubic feet per second, **but not to exceed 4.39 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:

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 **30th** day of **June** A.D. **2000**

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE JUN 29 2001