

TEMPORARY

No. 68405-T

TEMPORARY
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 22 2002

Returned to applicant for correction _____

Corrected application filed _____

Map filed JAN 22 2002

The applicant **Battle Mountain Gold Company** hereby makes application for permission to change the **point of diversion, manner of use & place of use of a portion** of water heretofore appropriated under **permit 55680**

1. The source of water is **Underground; Dunphy Off-load Well**
2. The amount of water to be changed **0.10 cfs**
3. The water to be used for **Industrial**
4. The water heretofore permitted for **Mining & Milling & Domestic**
5. The water is to be diverted at the following point **Within the NW quarter of the SE quarter of section 32 of T33N, R48E, M.D.M. at a point from which the SE corner of said section 32 bears S 29° 13' 03" E a distance of 2,824.77 feet.**
6. The existing permitted point of diversion is located within **the NE quarter of the NW quarter of Section 4 of T31N, R44E, M.D.M., at a point from which the North quarter corner of said Section 4 bears N 31° 44' 50" E a distance of 1,597.10 feet.**
7. Proposed place of use **a portion of Section 32, T33N, R48E, M.D.M. lying between the Humboldt River and U.S. Interstate highway 80, more specifically delineated on the map accompanying this application.**
8. Existing place of use **Section 4, T31N, R44E, M.D.M. and Sections 28, 29, 32, 33, T32N, R44E, M.D.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 **Drilled and cased well with totalizing flowmeter, pump and motor.**
12. Estimated cost of works **\$10,000**
13. Estimated time required to construct works **1 year**
14. Estimated time required to complete the application of water to beneficial use **4 years**
15. Remarks: **Annual consumptive use is not expected to exceed 360 acre-feet.**

By **s/Paul M. Pettit**
P. O. Box 669
Carlin, Nevada 89822

Compared my/cmf 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, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 55680, is issued subject to the terms and conditions imposed in said Permit 55680, 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. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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 **April 16, 2003** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.1 cubic feet per second, **but not to exceed 72.4 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:

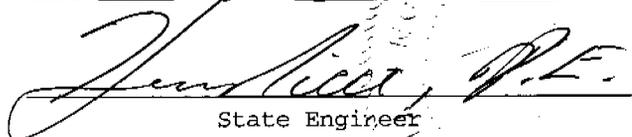
TEMPORARY

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

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 17th day of April A.D. 2002


State Engineer

WITHDRAWN BY APPLICANT FEB 03 2003

STATE ENGINEER