Permit No. 78573T

TEMPORARY

THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant:	**BATTLE MOUNTAIN GOLD COMPANY**
Source:	**UNDERGROUND**
Basin:	**BUFFALO VALLEY**
Manner of Use:	**MINING, MILLING AND DEWATERING**
Period of Use:	**January 1st to December 31st**
Priority Date:	**08/18/1999**

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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 of a portion of the waters of an underground source as heretofore granted under Permit 65416 is issued subject to the terms and conditions imposed in said Permit 65416 and with the understanding that no other rights on the source will be affected by the change proposed herein. 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. 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.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and accounts for pumpage in the calendar year 2008 and therefore expires one day after the date of approval, at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The total combined duty of water for consumptive purposes under Permit 11876, Certificate 3503: Permit 36870, Certificate 12923; Permit 36871, Certificate 13747; Permit 36872, Certificate 13748; Permit 49459, Certificate 14023; Permit 49461, Certificate 14025; Permit 52036, Certificate 14018; Permit 54214, Certificate 13754; Permits 65411, 65412, 65415 through 65427 inclusive, 65428E, 65429E, 68407, 68408, 72084, 76196, 76283 and 78573T shall not exceed 12,905 acre feet annually for mining and milling purposes.

(Continued on Page 2)

Monthly records shall be kept of the following and reported within 15 days after the end of each quarter:

A. The total volume of water pumped from this location in acre-feet.

B. The maximum flow rate from this location in cubic feet per second.

C. The volume of water consumptively used for mining and milling in acre-feet.

D. The amount of water diverted to other consumptive uses, if any, in acre-feet.

E. The amount of water lost through evaporation or other system losses project wide.

The State Engineer retains the right to require the permittee 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 point of diversion and place of use are as described on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.498 cubic feet per second or 361 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **N/A**

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **N/A**

Map in support of proof of beneficial use shall be filed on or before: **N/A**

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 24th day of **August**, A.D. **2009**

for K. Hill P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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TEMPORARY Application No. 78573 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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office MAY 2 2 2009

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAY 2 2 2009

The applicant Battle Mountain Gold Company

Environmental Department, PO Box 669 (Street Address or P.O. Box) of Carlin (City or Town)

Nevada, 89822 (State and Zip Code), hereby make(s) application for permission to change the

☒ Point of diversion ☐ Place of use ☐ Manner of use ☒ of a portion

of water heretofore appropriated under (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Permit 65416

1. The source of water is Underground Phoenix Mine - Fortitude Pit Lake Barge (Name of stream, lake, underground, spring or other sources.)
2. The amount of water to be changed 0.498 cfs (Second feet, acre-feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Dewatering, Mining, Milling and Domestic (Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use.)
4. The water heretofore used for Dewatering, Mining, Milling and Domestic (If for stock, state number and kind of animals.)
5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
   within the NE¼ of Section 21, T31 N., R43 E., M.D.M., at a point from which the W¼ corner of said Section 21 bears S 73° 15' 30" W a distance of 4650 feet.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
   Phoenix Mine - Order 1162 NE21

   NE¼ Section 21, Township 31 North, Range 43 East, MDB&M or at a point from which the North ¼ corner of said Section 21, Township 31 North, Range 43 East, MDB&M bears North 45° 08' 46" West, a distance of 1,881.53 feet.

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7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
Same as existing

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
Sections 14, 15, 16, 21, 22, 23, 26, 27, 28, 32, 33, and 34 of Township 31 North, Range 43 East, and Sections 2, 3, 4, 8, 9, 10, 16 and 21 of Township 30 North, Range 43 East MDB&M.

9. Proposed use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.

10. Existing use permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)(State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)
A barge equipped with pump to a surge tank. Two lines, each with a meter, exit the surge tank to place of use. One line supplies the mill and the other line is used for dust suppression.

12. Estimated cost of works $2,000,000 (two million dollars)

13. Estimated time required to construct works Completed as described above.
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 5 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary). The proposed use should be temporary in nature, or the requested change should be the result of an unforeseen occurrence: (Failure to provide a detailed description may cause a delay in processing.)
This application is submitted according to Well-Spacing Order 1162, to cover 361 acre-feet of water produced during 2008. Monthly pumping totals for 2008 are as follows (millions of gallons): July - 4.318; August - 51.435; September - 28.946; October - 25.379; November - 7.406; December - 0.

16. Miscellaneous remarks:
Monthly totals were inadvertently left out of the 2008 production reports. Production reports for 2009 will include the monthly totals.

775-778-4318
Phone No.

Bryce.Vorwaller@Newmont.com
E-mail

By Bryce Vorwaller
Print or type name clearly

Bryce Vorwaller
Signature, applicant or agent

Newmont Gold Company
Company Name

Environmental Department, PO Box 669
Street Address or P.O. Box

Carlin, Nevada 89822
City, State, Zip Code

RECEIVED
MAY 22 2009
STATE ENGINEER'S OFFICE

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

$100 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION