



THE STATE OF NEVADA

PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: TOWN OF BATTLE MOUNTAIN
Source: UNDERGROUND
Basin: LOWER REESE RIVER VALLEY
Manner of Use: MUNICIPAL
Period of Use: January 1st to December 31st
Priority Date: 12/12/1958

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 to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 17748, Certificate 5549 is issued subject to the terms and conditions imposed in said Permit 17748, Certificate 5549 and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water 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.

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

The total combined duty of water because of place of use under Permit 9521, Certificate 2281; Permit 23312, Certificate 6968; Permit 28347, Certificate 9255; Permit 45469, Certificate 13464; Permits 78952 and 78953 shall not exceed 2895.81 acre-feet.

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

(Continued on Page 2)

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 0.891 cubic feet per second, but not to exceed 645.055 acre-feet annually.**

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

May 24 2012

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

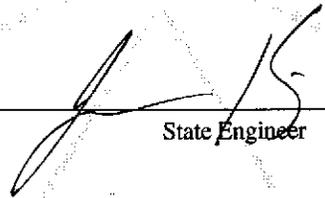
May 24 2020

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

May 26 2020

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 26th day of May, A.D. 2010



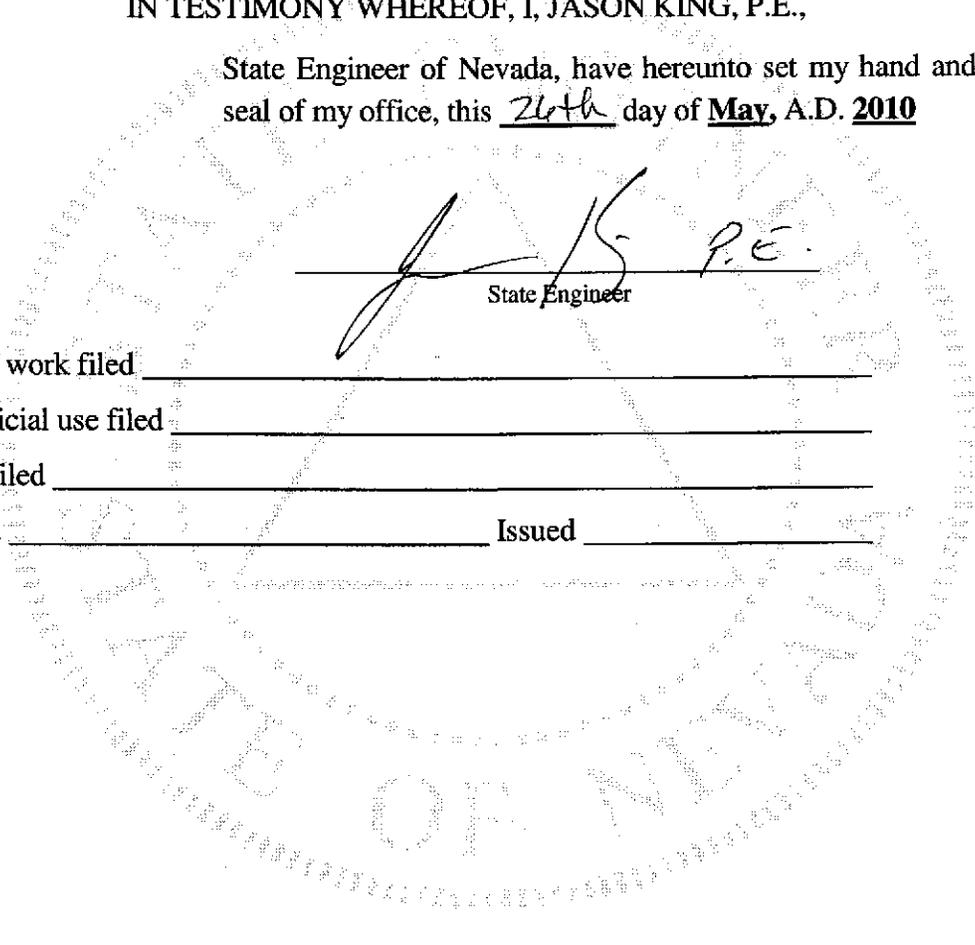
State Engineer P.E.

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____



AMENDED

Application No. 78953

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 OCT 09 2009

Returned to applicant for correction OCT 16 2009

Corrected application filed FEB 03 2010 Map filed FEB 03 2010 under 78952

The applicant Town of Battle Mountain
315 S. Humboldt Street of Battle Mountain
Street Address or PO Box City or Town
NV 89820 hereby make(s) application for permission to change the
State and ZIP Code

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

of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.) Permit # 17748, Certificate # 5549

1. The source of water is underground
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 64⁵.055 AFA
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

REL per phone

3. The water to be used for municipal 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 municipal 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.)
Point of Diversion located within SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, T31N, R44E, MDM, from which the Northwest Corner of Section 12 bears N28°50'08" W a distance of 5845 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, T32N, R45E, M.D.B. & M., or at a point from which the N.W. corner of said Sec. 20 bears N. 57°12'48" W., 1622.75 feet.

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

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20 all in T.32N., R.45E., M.D.B. & M.

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.)

NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20 all in T.32N., R.45E., M.D.B. & M.

9. Proposed use will be from Jan 1 to Dec 31 of each year.
Month and Day Month and Day

10. Existing use permitted from Jan 1 to Dec 31 of each year.
Month and Day Month and Day

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.)

Drill and develop new municipal well.

12. Estimated cost of works \$550,000

13. Estimated time required to construct works 2 years
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 10 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

See attachment.

16. Miscellaneous remarks:

See attachment.

steve@shawengineering.com

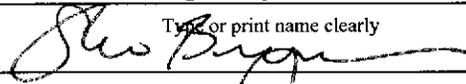
E-mail Address

775-329-5559

Phone No.

Steve Brigman, P.E.

Type or print name clearly



Signature, applicant or agent

Shaw Engineering

Company Name

20 Vine Street

Street Address or PO Box

Reno, NV 89503

City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

October 7, 2009

Applicant: Town of Battle Mountain

Attachment to Application for Permission to Change Point of Diversion
Response to Application items 15 and 16:

(15) Description of Proposed Project

Existing municipal groundwater supply for the Town of Battle Mountain does not meet the water quality standard for arsenic. The Nevada Department of Environmental Protection has required the water system to be in compliance with the arsenic standard by January 2011. A study of groundwater supply south of the community indicates the presence of groundwater which meets arsenic standards (several years of water quality data from the adjacent Newmont Well (and other existing wells) was evaluated; the Newmont Well has consistently met water quality standards). The Town of Battle Mountain proposes to drill two (2) new municipal supply wells to serve the community. The proposed project includes the new wells, a new water storage tank and transmission pipeline. Water rights from an existing (recently abandoned) municipal Battle Mountain town well are proposed to be transferred to this new point of diversion.

A primary well and back-up well are proposed (to conform to NAC 445A.6672 3b); each well to be capable of providing 2,200 GPM. Currently, Battle Mountain's largest supply well (Well #6) pumps groundwater at 2,200 GPM. The maximum day demand for the water system is approximately 1,400 GPM. Water usage by the Battle Mountain water system over the past three years has averaged 310 million gallons annually.

(16) Miscellaneous Remarks

Two (2) applications to change the point of diversion of groundwater from certificate #5549 to the two (2) proposed municipal wells have been made to the State Engineer. Each application is for half of the water under certificate #5549. The existing certificate duty balance of 1,290.11 AFA is proposed to be evenly split between the new wells (645.055 AFA each). The proposed diversion rate for each new well is 4.90 cfs (2,200 GPM); with the combined duty of both wells not to exceed the 1,290.11 AFA.