



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 AND MILLING
Period of Use: January 1st to December 31st
Priority Date: 08/18/1999

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 65418 is issued subject to the terms and conditions imposed in said Permit 65418 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 permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

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, 36870, 36871, 36872, 49459, 49461, 52036, 54214, 65411, 65412, 65415 through 65427, 65428E, 65429E, 68408, 76196, 76283, 79011T, 79199T, and 79200T shall not exceed 12,905 acre-feet annually.

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 will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

(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 0.268 cubic feet per second or 194.0 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:

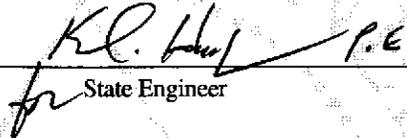
N/A

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 15th day of April, A.D. 2010


for State Engineer

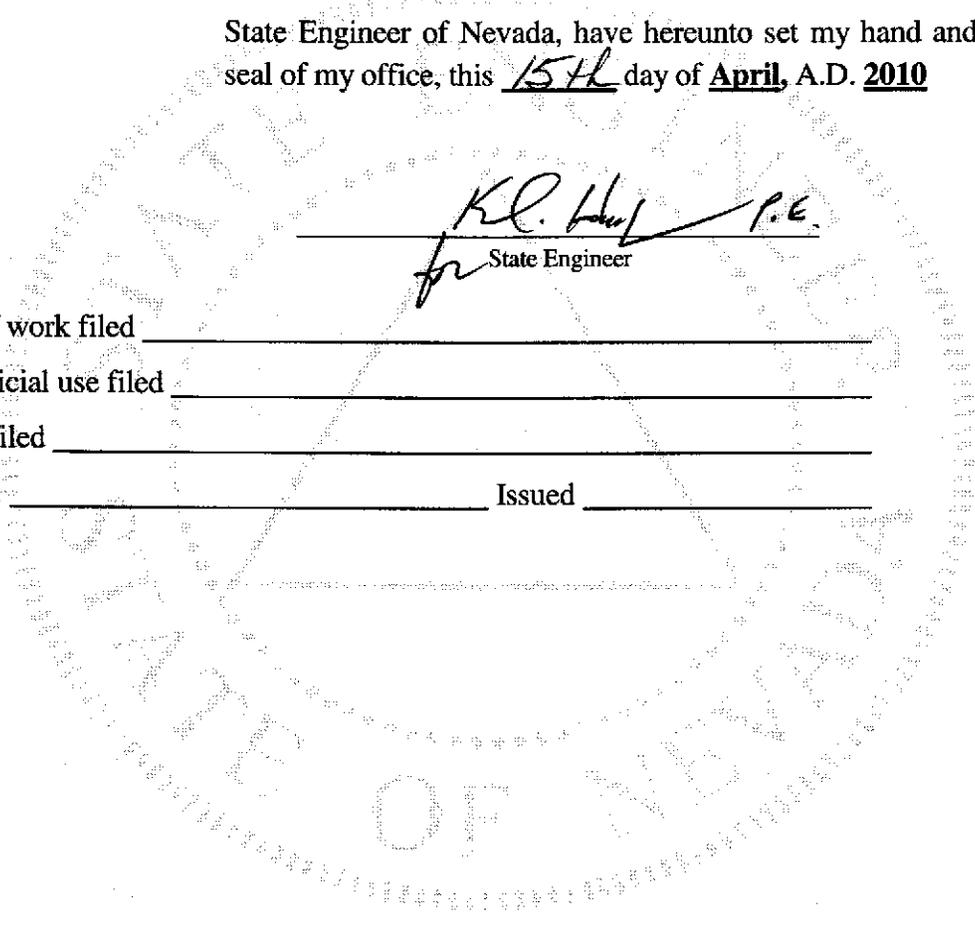
Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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AMENDED

TEMPORARY Application No. **79200** 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

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|---|--------------------|
| THIS SPACE FOR OFFICE USE ONLY | |
| Date of filing in State Engineer's Office | <u>JAN 13 2010</u> |
| Returned to applicant for correction | <u>FEB 02 2010</u> |
| Corrected application filed | <u>FEB 24 2010</u> |
| Map filed | <u>FEB 24 2010</u> |

The applicant Battle Mountain Gold Company
Environmental Department, 1655 Mountain City Hwy. of Elko
Street Address or PO Box City or Town
Nevada 89801 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 65418

- The source of water is Phoenix Mine - Fortitude Pit Lake Barge
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 0.268 cfs
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- 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
- The water heretofore used for Dewatering, Mining, Milling and Domestic
If for stock, state number and kind of animals.
- 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.
- The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
Phoenix Mine - Order 1162 SE21
within the SE¼, Section 21, T31 N, R43 E. M.D.M., at a point from which the S¼ corner of said Section 21, T31N, R43E bears S 45°03'38" W a distance of 1867.93 feet.

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 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 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.)

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 4 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.)

This application is submitted according to Well-Spacing Order 1162, to cover 194 acre-feet of water produced during 2009.

16. Miscellaneous remarks:

Bryce.Vorwaller@Newmont.com
E-mail Address
775-778-4318
Phone No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Bryce Vorwaller
Type or print name clearly
Bryce Vorwaller
Signature, applicant or agent
Newmont Mining Corporation
Company Name
Environmental Department, 1655 Mountain City Hwy.
Street Address or PO Box
Elko, Nevada, 89801
City, State, ZIP Code