



TEMPORARY
THE STATE OF NEVADA

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

Name of Permittee: BATTLE MOUNTAIN GOLD COMPANY
Source: PHOENIX MINE PIT LAKE BARGE (UNDERGROUND)
Basin: BUFFALO VALLEY
Manner of Use: MINING, MILLING AND DEWATERING
Period of Use: EXPIRES ONE DAY AFTER DATE OF ISSUANCE
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 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. 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 permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this 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 one (1) day after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.207 cubic feet per second or 150.0 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, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 14th day of March, A.D. 2012

T. J. King, P.E.
for State Engineer

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	<u>JAN 20 2012</u>
Returned to applicant for correction	_____
Corrected application filed	Map filed <u>JAN 20 2012</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 65416

- 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 0.207 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 found section corner. If on unsurveyed land, it should be stated.)
NE 1/4 within the NE 1/4 of Section 21, T31 N., R43 E., M.D.M., at a point from which the W 1/4 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 NE21
NE 1/4 Section 21, Township 31 North, Range 43 East, MDB&M or at a point from which the North 1/4 corner of said Section 21, Township 31 North, Range 43 East, MDB&M bears N 45°08'46" W, a distance of 1881.53 feet.

131-613

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 2 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 150 acre-feet of water produced during 2011.

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

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2012 JAN 20 PM 1:03
STATE ENGINEERS OFFICE