Permit No. 81504T

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 PPW 3 (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**

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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 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. 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. The State retains the right to regulate the use of the water herein granted at any and all times.

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 0.57 cubic feet per second or 410 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**

for State Engineer, P.E.

TEMPORARY Application No. 81504 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 JAN 20 2012

Returned to applicant for correction

Corrected application filed Map filed JAN 20 2012 under 81501T

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

1. The source of water is Phoenix Mine - PPW 3

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.566 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 NW¼SE¼, of Section 21, T31 N., R43 E., M.D.M., at a point from which the W¼ corner of said Section 21, T31 N., R43 E., M.D.M. bears N 88°56'07" W a distance of 3198 feet.

6. 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, T31 N., R43 E., bears S 45°03'38" W, a distance of 1867.93 feet.

131-LD

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.)

Drilled, cased well with motor and pump, totalizing flowmeter, and pipeline to the place of use.

12. Estimated cost of works Est. $800,000 (eight hundred thousand 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 410 acre-feet of water produced during 2011.

16. Miscellaneous remarks:

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2012 JAN 20 PM 1:03
STATE ENGINEERS OFFICE

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

Bryce.Vorwaller@Newmont.com
E-mail Address

775-778-4318
Phone No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Revised 07/09 $150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION