Permit No. 82468T

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:	**PPW 2 (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 65419 is issued subject to the terms and conditions imposed in said Permit 65419 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 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 also incorporates the provisions of Order No. 1162, issued by the State Engineer on June 13, 2000.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and accounts for pumpage in calendar year 2012, 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.

(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 0.381 cubic feet per second or 276.0 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 5th day of **March, 2013**

P.E.

State Engineer

TEMPORARY Application No. 82468 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 18 2013

Returned to applicant for correction

Corrected application filed Map filed JAN 18 2013 UNDER 82467T

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 65419

1. The source of water is Phoenix Mine - PPW 2

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

2. The amount of water to be changed 0.381 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 SE¼ SW¼, of Section 22, T31 N., R43 E., M.D.M., at a point from which the W¼ corner of Section 21, T31 N., R43 E., M.D.M. bears N 71°05'57" W a distance of 7810 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

Phoenix Mine - Order 1162 SW22

within the SW¼, Section 22, T31 N, R43 E, M.D.M., at a point from which the S¼ corner of Section 21, T31N, R43E bears S 71°47'42" W a distance of 4210.09 feet.

10-131 Lander

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 1 year

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 276 acre-feet of water produced during 2012.

16. Miscellaneous remarks:

RECEIVED
2013 JAN 18 AM 10: 20
STATE ENGINEERS OFFICE

Bryce Vorwaller
Type or print name clearly

Bryce Vorwaller
Signature, applicant or agent

Bryce.Vorwaller@Newmont.com
E-mail Address

775-778-4318
Phone No.

Newmont Mining Corporation
Company Name

Environmental Department, 1655 Mountain City Hwy.
Street Address or PO Box

Elko, Nevada, 89801
City, State, ZIP Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

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