

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

~ ~ ~ ~ ~

WHEREAS, Richard W. Arden, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source (Duval #4) through a drilled well, pump and distribution system for mining, milling and domestic purposes. The point of diversion of water from the source is as follows:

NW¼ SW¼ Section 9, T.30N., R.43E., M.D.B.&M.,
or at a point from which the S¼ corner of said
Section 9 bears S. 58° 53' E., a distance of
3,020.0 feet situated in Lander County, State
of Nevada.

NOW KNOW YE, That the State Engineer, under the provisions of NRS 533.425, has determined the date, source, purpose, amount of appropriation, and the place where such water is appurtenant, as follows:

Name of appropriator: Battle Mountain Gold Company
Source: Underground (Duval #4)
Manner of Use: Mining, Milling and Domestic
Amount of appropriation: *3.79 c.f.s., but not to exceed
389.233 million gallons annually
Period of use: January 1st to December 31st of each
year
Date of priority of
appropriation: **March 31, 1980

Description of the works of diversion, manner and place of use:

Water is developed by means of a drilled well, 408 feet deep, 16 inch casing via a 9-stage Worthington pump with a 400 H.P. motor through a 12 inch pipe approximately 5 miles in length to a head tank, thence through 1,750 feet of 12 inch pipe to the mill and mine facilities located in Sections 21, 22, 27, 28, 33 and 34, T.31N., R.43E., M.D.B.&M. and Sections 3, 4, 9 and 10, T.30N., R.43E., M.D.B.&M.

*The total combined duty of water under Permit 11876, Certificate 3503, Permit 22884, Certificate 7630, Permit 36870, Certificate 12923 and any certificates issued under Permits 36871, 36872, 36873, 49459, 49460, 49461, 52036, 52037 and 54214 shall not exceed 825.65 million gallons annually.

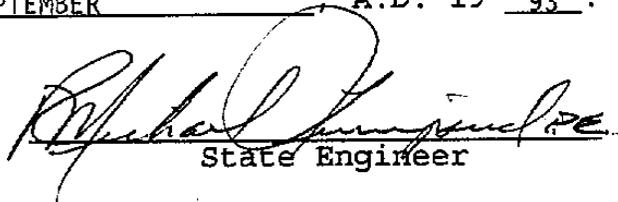
**This certificate changes the place of use of Permit 40977, therefore, the date of priority remains the same as Permit 40977.

This certificate is issued subject to the terms of the permit.

continued

The right to water hereby determined is limited to the amount which can be beneficially used, not to exceed the amount above specified, and the use is restricted to the place and for the purpose as set forth herein.

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of SEPTEMBER A.D. 19 93.


State Engineer

bk/sb