

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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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 (Mine Pit Sump) (P-5) through a sump pump and pipeline for mining, milling and domestic purposes. The point of diversion of water from the source is as follows:

SW¼ NE¼ Section 21, T.31N., R.43E., M.D.B.&M., or at a point from which the SE corner of said Section 21 bears S. 22° 28' 45" E., a distance of 3,470.45 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 (Mine Pit Sump) (P-5)

Manner of Use: Mining, Milling and Domestic

Amount of appropriation: 0.25 c.f.s., but not to exceed \*28.91 million gallons annually

Period of use: January 1st to December 31st of each year

Date of priority of appropriation: \*\*September 8, 1981

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

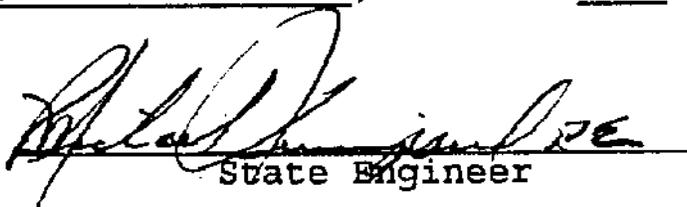
Water is developed by means of a sump pump placed at the bottom of an open pit, thence through 7,800 feet of 4 inch pipe to the place of use for mining, milling and domestic purposes located in Sections 21, 22, 27, 28, 33 and 34, T.31N., R.43E., M.D.B.&M. and Sections 9 and 10, T.30N., R.43E., M.D.B.&M.

\*The total combined duty of water under this certificate and Permit 11876 Certificate 3503, Permit 22884 Certificate 7630, Permit 36870 Certificate 12923, Permit 36871 Certificate 13747, Permit 36872 Certificate 13748, Permit 36873 Certificate 13749, Permit 54214 Certificate 13754, and any certificates issued under Permits 49459, 49460, 49461 and 52037 shall not exceed 825.65 million gallons annually.

\*\*This certificate changes the point of diversion of Permit 49462, which changed the point of diversion of a portion of Permit 44401, therefore, the date of priority remains the same as Permit 44401.

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 27th day of JANUARY, A.D. 19 95.

  
State Engineer

bk/sb