THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Ron Graham, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an Underground Source (Well #5) 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:

> SE1/4 NE1/4 Section 2, T.5N., R.41E., M.D.B.&M. or at a point from which the NE corner of Section 1, T.5N., R.41E., M.D.B.&M. bears N. 69° 58' 23" E., a distance of 6,973.39 feet situated in Nye 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:	Cyprus Tonopah Mining Corporation
Source:	Underground (Well #5)
Manner of Use:	Mining, Milling and Domestic
Amount of appropriation:	2.54 c.f.s. but not to exceed 434.168 million gallons annually
Period of use:	January 1st to December 31st of each year
Date of priority of appropriation:	February 12, 1980

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

Water is developed by means of a drilled well 1,300 feet deep, 20 inch casing via a Byron Jackson submersible pump with 12 stage bowl assembly and 450 H.P. motor, thence through 1,500 feet of 24 inch pipe to the place of use for mining, milling and domestic purposes located within Sections 5, 6 and 7, T.5N., R.42E., M.D.B.&M.; Sections 31 and 32, T.6N., R.42E., M.D.B.&M., Section 36, T.6N., R.41E., M.D.B.&M. and Sections 1 and 12, T.5N., R.41E., M.D.B.&M.

The total combined duty under this certificate and any issued under Permits 35776, 40520, 40521, 42480, 42835 and 42836 shall not exceed 2,020.258 million gallons annually.

The total combined duty of water under this certificate and any issued under Permits 40520, 40521, 42478, 42480, 42833, 42834, 42835 and 42836 shall not exceed 4,310.0 million gallons annually.

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

continued

Application No. 40524

Certificate No. 12882

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 8th day of JULY, A.D. 19 91.

State Engineer

bk/vjw