

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Clifford Herman, Permittee has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an Underground Source (San Jose Tunnel) through a tunnel, pipeline and ditch for Mining, Milling and Domestic purposes. The point of diversion of water from the source is as follows:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, T.23N., R.62E.,
M.D.B.&M., or at a point from which the NE
corner of Section 13, T.23N., R.62E.,
M.D.B.&M. bears N. 75° 05' 41" E., a distance
of 7,079.09 feet. situated in White Pine
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:	Clifford Herman
Source:	Underground
Manner of Use:	Mining, Milling and Domestic
Amount of appropriation:	*1.5 c.f.s. but not to exceed 353.86 million gallons annually
Period of use:	January 1st to December 31st of each year
Date of priority of appropriation:	August 11, 1978

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

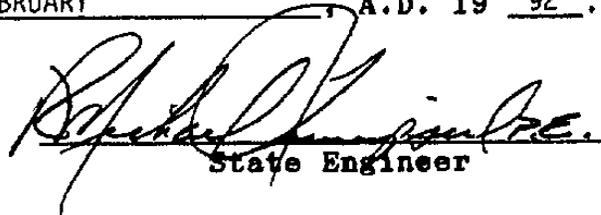
Water is diverted from a mine drainage tunnel (San Jose Tunnel, Egan Mine) by means of a headgate via 5,200 feet of 10 inch pipe to the Sarah Mill site for power generation under Permit 43625, then returned to the mine site by ditch and pipe for mining, milling and domestic purposes located in portions of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12; W $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13; and the NE $\frac{1}{4}$ Section 14; All in T.23N., R.62E., M.D.B. &M.

*The total combined rate of diversion and duty of water under this certificate and any issued under Permit 43625, is limited to 1.5 c.f.s. and 353.86 million gallons annually.

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

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 FEBRUARY, A.D. 19 92.


State Engineer

vjw/sb