

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Clifford H. 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 and pipeline for Power Generation 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., R62E., 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 H. Herman
Source: Underground (San Jose Tunnel)
Manner of Use: Power Generation
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: April 28, 1981

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

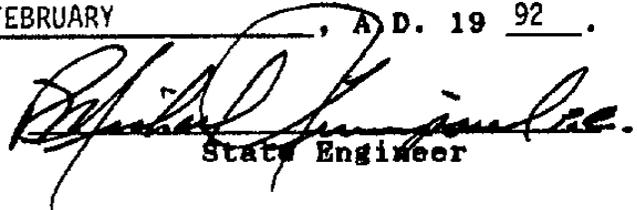
Water is diverted from a mine drainage tunnel (San Jose Tunnel, Egan Mine) by means of a headgate via 5,200 feet of 10 inch pipe to a power generation system. The on-site gnerator system is a vertical shaft double cup Pelton wheel and produces 13 KW, 204,110 volt single phase power. The place of use is the Sarah Mill site (Patent #44) located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T.23N., R.62E., M.D.B.&M. The water is then returned to the mine area by ditch and pipe for use under Permit 35730.

*The total combined rate of diversion and duty of water under this certificate and any issued under Permit 35730 is limited to 1.5 c.f.s. and 353.86 million gallons annually, respectively.

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