

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, John P. Barta, 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 #1) 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 6, T.38N., R.43E., M.D.B.&M., or at a point from which the E¼ corner of Section 1, T.38N., R.42E., M.D.B.&M., bears S. 67° 33' 16" W., a distance of 454.73 feet situated in Humboldt 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: FMG, Inc.

Source: Underground (Well #1)

Manner of Use: Mining, Milling and Domestic

Amount of appropriation: 2.23 c.f.s., but not to exceed 286.20 million gallons annually

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

Date of priority of appropriation: October 2, 1974

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

Water is developed by means of a drilled well, 600 feet deep, 14 inch casing, via a Peerless lineshaft pump equipped with a 200 H.P. electric motor thence through 16,650 feet of 10 inch diameter pipe to the place of use located in a portion of the NW¼ of Section 33, T.39N., R.42E., M.D.B.&M., a portion of the SW¼ SW¼ and a portion of SE¼ SW¼ of Section 28, T.39N., R.42E., M.D.B.&M., for mining, milling and domestic purposes.

The total combined duty of water under Permit 10369, Certificate 2757; Permit 10370, Certificate 2758, and any certificates issued under Permits 28758, 28759, 45730, 45731, 45732, 49815, 51990, 52476, 53015 and 53030 shall not exceed 799.75 million gallons annually.

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

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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 94.


State Engineer

bk/sb