

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 (North Pit Sump) through a pump, pipeline and fresh water holding pond for dewatering purposes. The point of diversion of water from the source is as follows:

SE¼ SE¼ Section 29, T.39N., R.42E., M.D.B.&M.,  
or at a point from which the S¼ corner of  
Section 28, T.39N., R.42E., M.D.B.&M., bears  
S. 83° 54' E., a distance of 3,045.0 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 (North Pit Sump)  
Manner of Use: Dewatering  
Amount of appropriation: \*0.4460 c.f.s., but not to exceed  
\*\*29.167 million gallons annually  
Period of use: January 1st to December 31st of each  
year  
Date of priority of  
appropriation: June 1, 1982

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

Water is developed by means of an excavated sump at the bottom of a mine pit, via a 75 H.P. pump through 2,100 feet of 6 inch diameter polyline to a 450,000 gallon storage tank, then through 12,000 feet of 8 inch diameter polyline to a fresh water holding pond for dewatering purposes located in Sections 33 and 35, T.39N., R.42E., M.D.B.&M., and Sections 1, 3 and 5, T.38N., R.42E., M.D.B.&M.

\*This diversion rate of 0.446 c.f.s. is for dewatering, which it and its associated duty terminates when the need ceases.

\*\*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.

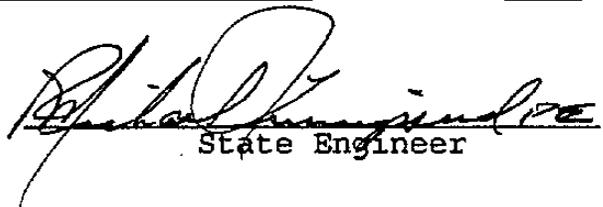
\*\*This certificate is issued only for the non-consumptive use of dewatering a pit with the total amount of water to be diverted from the pits under any certificates issued under Permits 45736, 45731, 45732 and 52476 limited to 300 million gallons annually.

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

continued

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