

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 (Heap Leach Well) 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:

SE¼ SE¼ Section 3, T.38N., R.42E., M.D.B.&M., or at a point from which the SE corner of said Section 3 bears S. 72° 54' E., a distance of 784.8 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 (Heap Leach Well)  
Manner of Use: Mining, Milling and Domestic  
Amount of appropriation: 0.127 c.f.s., but not to exceed 15.446 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, 450 feet deep, 8 inch casing, via a 20 H.P. submersible pump, thence through approximately 100 feet of 3 inch pipe to the leach pad for mining, milling and domestic purposes located in the S½ SE¼ and the S½ N½ SE¼ of Section 3, T.38N., R.42E., M.D.B.&M.

\*This certificate changes the point of diversion and place of use of Permit 28757, therefore, the date of priority remains the same as Permit 28757.

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.

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