

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, D. G. Barneby, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Muddy River and its tributaries through a pump, pipeline and distribution system for industrial cooling purposes. The point of diversion of water from the source is as follows:

SE¼ SE¼ Section 15, T.14S., R.65E., M.D.B.&M., or at a point from which the S¼ corner of Section 14, T.14S., R.65E., M.D.B.&M., bears S. 86° 43' 27" E., a distance of 3,335.99 feet situated in Clark 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: Nevada Power Company (Lessee)
Source: Muddy River and its tributaries
Manner of Use: Industrial Cooling
Amount of appropriation: *3.5 c.f.s., but not to exceed **1,000.0 acre-feet per season
Period of use: October 1st to May 1st of each year
Date of priority of appropriation: ***As Decreed

Description of the works of diversion, manner and place of use:
Water is diverted into a settling basin, via a 250 H.P. pump into a 20 inch PVC pipeline approximately 6 miles long to the Reid Gardner Power Station for industrial cooling located within the SW¼ SE¼ and SW¼ of Section 5, T.15S., R.66E., M.D.B.&M.

*The total combined rate of diversion and duty of water under this certificate and Permit 23600, Certificate 7316 shall not exceed 8.0 c.f.s. or 3,000.0 acre-feet per season, respectively.

**The total combined rate of diversion and duty of water under Permit 21876, Certificate 8328; Permit 23600, Certificate 7316; Permit 28791, Certificate 13445, and this certificate shall not exceed 31.0068 c.f.s. and 9409.71 acre-feet during the summer season (5/1 through 9/31 and 21.448 c.f.s. and 9018.83 acre-feet during the winter season (10/1 through 4/31), respectively.

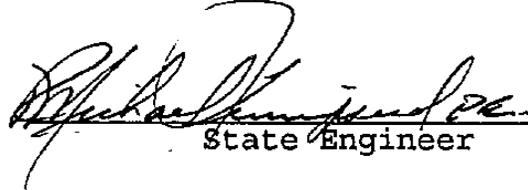
***This certificate changes the point of diversion, manner and place of use of a portion of Permit 21876, Certificate 8328 which changed the point of diversion and place of use of Certificate 266, Tenth Judicial District Court Decree, March 12, 1920, Muddy River Decree, therefore, the date of priority remains the same as Certificate 266, Muddy River Decree.

This certificate is issued subject to the terms of the permit and further subject to that certain agreement dated October 16, 1986, between the Muddy Valley Irrigation Company and Nevada Power Company. The terms and conditions of Permit 21876 and the Muddy River Decree also apply to this certificate.

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 4th day of MARCH, A.D. 19 94.


State Engineer

bk/sb