

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Travis E. Terras, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source (East Well #1 aka C 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:

NE¼ NE¼ Section 20, T.10N., R.43E., M.D.B.&M., or at a point from which the NE corner of said Section 20 bears N. 43° 48' 42" E., a distance of 583.94 feet situated in Nye 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: Smoky Valley Mining Company

Source: Underground (East Well #1 aka C Well)

Manner of Use: Mining, Milling and Domestic

Amount of appropriation: \*1.337 c.f.s., but not to exceed 306.98 million gallons annually

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

Date of priority of appropriation: April 5, 1972

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

Water is developed by means of a drilled well, 372 feet deep, 16 inch casing via a Johnston pump equipped with a 350 H.P. motor, thence through 8,051 feet of 22 inch pipe, 6,524 feet of 20 inch pipe, 4354 feet of 18 inch pipe and 333 feet of 12 inch pipe to the NE¼ SE¼ of Section 24, T.10N., R.43E., M.D.B.&M. for mining, milling and domestic purposes.

\*The total combined rate of diversion and duty of water under this certificate and Permit 14119, Certificate 4889 is limited to 1.34 c.f.s. and 306.98 million gallons annually, respectively.

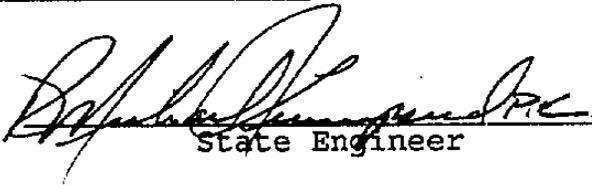
The total combined duty of water under Permits 536; 1077, Certificate 267; 2908, Certificate 353; 3898, Certificate 2347; 12442, Certificate 3831; 12445, Certificate 44299, 44300, Certificate 13174; 50971; 51577, Certificate 13185; 51578, Certificate 13186; 52083, 53365, 55498, 55499, 55500, 55501, 55502, 55503, 59125-T and 59365-T shall not exceed 13,910.0 acre-feet 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 11th day of JULY, A.D. 19 94.

  
State Engineer

bk/sb