

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, David Carlson, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an unnamed wash (surface runoff) through the natural drainage and earthen tailings dam for mining and milling purposes. The point of diversion of water from the source is as follows:

SE¼ SE¼ Section 9, T.10N., R.36 E., M.D.B.&M., (unsurveyed) or at a point from which the SW corner of Section 31, T.11N., R.36E., M.D.B.&M., bears N. 15° 30' 26" W., a distance of 12, 833.0 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: FMC Paradise Peak Corporation
Source: An Unnamed Wash (Surface Runoff)
Manner of Use: Mining and Milling
Amount of appropriation: 1.61 c.f.s, but not to exceed 6.4 acre-feet annually
Period of use: January 1st to December 31st of each year
Date of priority of appropriation: January 4, 1985

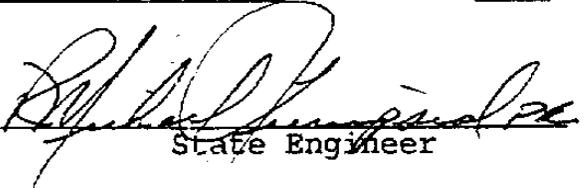
Description of the works of diversion, manner and place of use:

Surface runoff is impounded behind the Paradise Peak Tailings Dam where it comingles with tail waters, thence it is diverted to the mill and mine located within Sections 2, 3, 4, 5, 8, 9, 10 and 11, T.10N., R.36E., M.D.B.&M. (unsurvyed).

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

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 10th day of AUGUST, A.D. 19 94.


State Engineer