

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, William A. Nisbet, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source (Well #4) 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:

NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T.41N., R.54E., M.D.B.&M., or at a point from which the SW corner of said Section 34 bears S.39°30'00" W. a distance of 2036.0 feet situated in Elko 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: Independence Mining Company, Inc.  
Source: Underground (Well #4)  
Manner of Use: Mining, Milling and Domestic  
Amount of appropriation: 0.109 c.f.s. but not to exceed \*45.97 acre-feet annually  
Period of use: January 1st to December 31st of each year  
Date of priority of appropriation: \*\*November 8, 1993

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

Water is developed by means of a drilled well, 1,064 feet deep, 8 inch casing, via a Fairbanks pump equipped with a 300 H.P. electric motor through 7,500 feet of 8 inch diameter steel pipe to the Jerritt Canyon Mine located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  (Lot 17) Section 4, T.40N., R.54E., M.D.B.&M.; S $\frac{1}{2}$ , NW $\frac{1}{4}$ , W $\frac{1}{2}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 33, T.41N., R.54E., M.D.B.&M.; and approximately 6 miles of ore haul road through portions of Sections 25, 26 and 35, T.41N., R.53E., M.D.B.&M. and Sections 29, 30, 32 and 33, T.41N., R.54E., M.D.B.&M.

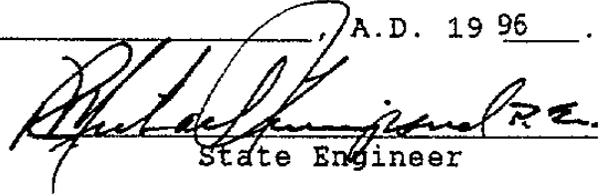
\*The total combined duty of water under this certificate and Permit 39881 Certificate 11893, Permit 47148 Certificate 13139, Permit 48175 Certificate 13143 and any certificates issued under Permits 42687, 47413 and 47414 shall not exceed 5834.9 acre-feet annually.

\*\*This certificate changes the place of use and manner of use of Permit 48173. The date of priority was established in accordance with NRS.395(3) by the cancellation rescission hearing of April 21, 1994.

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 29th day of March, A.D. 19 96.

  
State Engineer

cmg/sb