

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Robert E. Morley, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source (Horizontal Well #6) through a horizontal well and pipeline to a dirt pond for stockwater purposes. The point of diversion of water from the source is as follows:

Lot 5 (SW¼ NW¼) Section 6, T.42N., R.61E., M.D.B.&M., or at a point from which the E¼ corner of Section 1, T.42N., R.60E., M.D.B.&M., bears S. 43°23'50" W., a distance of 966.52 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: W.H. Gibbs Co.
Source: Underground (Horizontal Well #6)
Manner of Use: Stockwater
Amount of appropriation: *0.009 c.f.s., or sufficient to water 300 head of cattle
Period of use: January 1st to December 31st of each year
Date of priority of appropriation: June 19, 1979

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

Water is developed from a horizontal well, thence conveyed 100 feet via a 2 inch pipeline to a 100 feet diameter by 10 feet deep dirt pond where 300 head of cattle water within Lot 5 (SW¼ NW¼) Section 6, T.42N., R.61E., M.D.B.&M., being within the Hot Creek Allotment.

*The total combined duty of water under this certificate and Permit 38369, Certificate 13330, Permit 38370, Certificate 12766, Permit 56720, Certificate 14517, and any certificates issued under Permits 38366, 38371, and 38372 shall not exceed that sufficient to water 800 head of cattle.

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 12th day of October, A.D. 1997.

[Signature]
State Engineer