

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Otis Tipton, Permittee has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Stoffer Creek aka Tenmile Creek through a pump, pipeline, ditches, and sprinklers for as decreed purposes. The point of diversion of water from the source is as follows:

Lot 2 (SW¼ NW¼) Section 30, T.33N., R.57E., M.D.B.&M., or at a point from which the SE corner of said Section 30 bears N. 19°56'15" W., a distance of 1,986.45 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: Otis and Marilyn Tipton
Source: Stoffer Creek aka Tenmile Creek
Manner of Use: As decreed
Amount of appropriation: 0.12 c.f.s., but not to exceed 28.47 acre-feet per acre as decreed
Period of use: January 1st to December 31st of each year
Date of priority of appropriation:

Description of land to which the water is appurtenant:

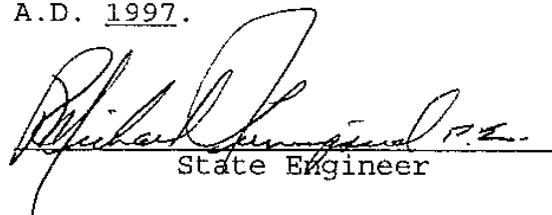
9.49 acres in Lot 2 (SW¼ NW¼) of Sec. 30, T.33N., R.57E., M.D.B.&M.

*This certificate changes the point of diversion of a portion of Proof 00370 In the matter of the Determination of the Relative Rights of the Waters of the Humboldt River Stream System and Tributaries, Case No. 2804, Sixth Judicial District Court of Nevada, Inc. and for the County of Humboldt, 1923-1938, therefore, the date of priority remains the same as Proof 00370.

This certificate is issued subject to the terms of the permit and with the understanding that the total duty of water shall not exceed 3.0 acre-feet per acre per season as decreed from any/or all sources.

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 December, A.D. 1997.


State Engineer

cms/sb