

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

- - - - -

WHEREAS, Katina W. Cook, Agent has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Magruder Mountain Stream through a concrete spring box, pipeline, storage tanks and distribution system for mining, milling and domestic purposes. The point of diversion of water from the source is as follows:

SW¼ SW¼ Section 21, T.6S., R.40E., M.D.B.&M. or at a point from which the SE corner of Section 34, T.6S., R.40E., M.D.B.&M. bears S. 42°39'33" E., a distance of 15,040.80 feet situated in Esmeralda 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: Vernon H. and Katina W. Cook
Source: Magruder Mountain Stream
Manner of Use: Mining, Milling and Domestic
Amount of appropriation: 0.2 c.f.s., but not to exceed 5.25 million gallons annually
Period of use: January 1st to December 31st of each year
Date of priority of appropriation: *August 30, 1993

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

Water is diverted by means of a concrete spring box, through a V-weir, thence through 15 miles of 4 inch and 2 inch PVC pipe to the place of use located within the S¼ of Section 4 and N¼ of Section 9, T.7S., R.41½E., M.D.B.&M., Section 1, T.7S., R.41E., M.D.B.&M. for mining, milling and domestic purposes.

*The date of priority was established in accordance with NRS 533.395(3) by the cancellation rescission hearing of May 3, 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 19th day of April, A.D. 1999.

[Handwritten signature of R. Michael Turnipseed, State Engineer]