

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Lee Browne, 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 K2-P) through a drilled well, pump and distribution system for mining and milling purposes. The point of diversion of water from the source is as follows:

SW¼ SW¼ Section 2, T.16N., R.62E., M.D.B.&M., or at a point from which the NE corner of Section 3, T.16N., R.62E., M.D.B.&M., bears N. 10°49'54" W., a distance of 4,994.48 feet situated in White Pine 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: BHP Nevada Mining Company
Source: Underground (Well K2-P)
Manner of Use: Mining and Milling
Amount of appropriation: *3.56 c.f.s., but not to exceed 1,972.66 acre-feet annually
Period of use: January 1st to December 31st of each year
Date of priority of appropriation: March 1, 1991

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

Water is developed by means of a drilled well, 1,136 feet deep, 14 inch diameter casing, via a 340 HP deep well submersible pump, thence through a distribution system to the Robinson Mine for mining and milling purposes located within Sections 12, 13, 23, 24, 25 and 26, T.16N., R.61E., M.D.B.&M.; Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 29 and 30, T.16N., R.62E., M.D.B.&M.; Sections 7, 17, 18, 19 and 20, T.16N., R.63E., M.D.B.&M., and Section 33, T.17N., R.62E., M.D.B.&M.

*The total combined duty of water under this certificate and any certificates issued under Permits 43378, 43379, 43381, 55906, 55908, 55915, 58245, 58793, 61745, 62685, 62792, 62793, 62794, 62795, 62796, 62797, 62798, 62799, 62800, 62801, 62802, 62803, 62804, 62805, 62806, 62807, 62808, 62809, 62810, 62811 and 62812, shall not exceed 13,204.0 acre-feet annually.

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 7th day of June, A.D. 1999.

[Handwritten signature of R. Michael Turnipseed]
State Engineer