Permit No. **58797** Certificate No. **16011** Book **70** Page **16011**

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Roy Shurtz, Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from Smith Creek through a ditch and ponds for fish habitat and wildlife purposes. The point of diversion of water from the source is as follows:

> **SE¼ SE¼ Section 25, T.30N., R.56E., M.D.B.&M., or at a point from which the SE corner of said Section 25, bears S. 15° 51′ 37″ E., a distance of 805.77 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:	**Ruby Shadows Ranch**
Source:	**Smith Creek**
Manner of Use:	**Fish Habitat and Wildlife**
Amount of appropriation:	**0.20 c.f.s., (non-consumptive) 19.22 acre-feet storage per annum**
Period of use:	**January 1st to December 31st of each year**
Date of priority of appropriation:	**April 30, 1993**

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

Water is diverted from Smith Creek by means of a headgate, through a Parshall Flume and ditch to three ponds for fish habitat and wildlife purposes; thence, the water is returned to Smith Creek through a Parshall Flume and ditch at a point located within the NW¼ NE¼ of Section 36, T.30N., R.56E., M.D.B.&M. or at a point from which the NE Corner of said Section 36, T.30N., R.56E., M.D.B.&M. bears N 83°17′19″ E a distance of 1,633.03 feet. The place of use is located in the S½ SE¼, Section 25, T.30N., R.56E., M.D.B.&M.

This surface water diversion is to be used in conjunction with the underground well for Permit 58798, to maintain a water flow through a three pond system. The evaporative and percolation losses associated with these ponds must be offset by Permit 58798.

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, **HUGH RICCI, P.E.**, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this **4th** day of **February**, A.D., **2002**.

Hugh Ricci, P.E.
State Engineer

cmf/sb