

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

WHEREAS, Ernest E. Muller, Sr., Agent, has presented to the State Engineer of the State of Nevada Proof of Application of Water to Beneficial Use, from an underground source through a drilled well, pump and distribution system for irrigation and domestic purposes. The point of diversion of water from the source is as follows:

NW¼ NW¼ Section 36, T.3S., R.35E., M.D.B.&M., or at a point from which the NW corner of said Section 36, bears N. 23°06'30'' W., a distance of 1,335.20 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: Roy C. and Mary Annah Smith 1991 Trust Dated 12/5/1991

Source: Underground

Manner of Use: Irrigation and Domestic

Amount of appropriation: 2.18 c.f.s., but not to exceed 317.19 acre-feet annually

Period of use: January 1st to December 31st of each year

Date of priority of appropriation: *July 19, 2002

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

Water is developed by means of a drilled well, 16-inch diameter casing and equipped with a 75 H.P. GE motor and pump, thence through a distribution system for sprinkler irrigation of the following land:

SUPPLEMENTAL ACREAGE

PERMIT 44546	PLACE OF USE					PERMIT 46372	PERMIT 16200
	PERMIT	44546		TWP	RGE		
ACRES	1/4	1/4	SEC	(S)	(E)		5691
40.00	NW	SW	25	3	35	40.00	
37.70	SW	SW	25	3	35	37.70	37.70
	NW	SE	25	3	35		7.00
7.80	NE	SE	26	3	35	7.80	
32.00	NW	NW	36	3	35	32.00	
19.14	NE	NW	36	3	35	19.14	
18.86	SW	NW	36	3	35	18.86	
20.00	SE	NW	36	3	35	20.00	
175.50	-- TOTAL ACRES --					175.50	44.70

*This certificate changes the place of use of Permit 30922. The date of priority was established in accordance with NRS 533.395 (3) by the cancellation rescission hearing of December 10, 2002.

A portion of the land irrigated under this certificate is supplemental to water from Toler Creek, under Permit 16200, Certificate 5691.

continued...

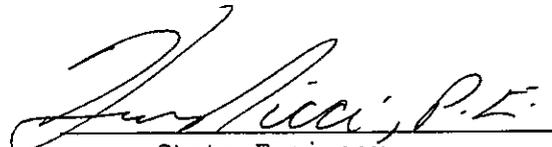
The water under this certificate and Permit 46372, Certificate 16186 is commingled and with the understanding that the total combined duty of water shall not exceed 566.19 acre-feet annually.

This certificate is issued subject to the terms of the permit and with the understanding that the total duty of water shall not exceed 5.0 acre-feet per acre annually from any and/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, HUGH RICCI, P.E., State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 11th day of July, A.D., 2003.

cmf/rad/jal


State Engineer