

THE STATE OF NEVADA
CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Dave Llewellen, agent, presented to the State Engineer of the State of Nevada, Proof of Application of Water to Beneficial Use from surface sources by dams, flumes, penstock, and pipelines for mining, power, and domestic purposes. The points of diversion of water from the sources are located as follows:

- SW¼ Section 13, T.10N., R.44E., M.D.B.&M. (Jefferson Creek)
- SE¼ Section 14, T.10N., R.44E., M.D.B.&M. (Slaughter House Creek)
- NW¼ Section 21, T.10N., R.44E., M.D.B.&M. (Shoshone Creek)

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: Round Mountain Gold Corporation (50%)
Homestake Nevada Corporation (25%)
BaRGOLD Corporation (25%) dba
Smoky Valley Common Operation

Source: Jefferson Creek
Slaughter House Creek
Shoshone Creek

Manner of Use: Mining, power, and domestic

Amount of appropriation: 5 c.f.s., Jefferson & Slaughter House Creeks
3.5 c.f.s., Shoshone Creek

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

Date of priority of appropriation: June 20, 1907

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

Water is diverted and conveyed by means of dams, flumes, and pipelines for mining, power, and domestic purposes within Sections 19, 20, 29, and 30, all T.10N., R.44E., M.D.B.&M.

The total combined duty of water under this certificate and the following water rights shall not exceed 13910 acre-feet annually:

- Permit 1077, Certificate 267; Permit 2908, Certificate 353;
- Permit 3898, Certificate 2347; Permit 12442, Certificate 3831;
- Permit 12445, Certificate 3832; Permit 12768, Certificate 3751;
- Permit 14119, Certificate 4889; Permit 26650, Certificate 13904;
- Permit 26652, Certificate 13905; Permit 44300, Certificate 13174;
- Permit 51577, Certificate 13185; Permit 51578, Certificate 13186;
- Permit 44297; Permit 44299; Permit 50971; Permit 53365; Permit 55498;
- Permit 55500; Permit 55501; Permit 55502; Permit 55503; Permit 59217;
- Permit 59218; Permit 60874; Permit 60875; Permit 60876; Permits 70169 through 70185; and any certificates and change permits issued under these water rights.

This certificate is issued subject to the terms of the permit, and with the provision that the appropriator, its successors and assignees, shall not divert any water from the source, nor convey any such diverted water, in any manner that conflicts with prior water rights to divert water from the source for beneficial use pursuant to Nevada Water Law.

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 25th day of April, A.D., 2006.


State Engineer