

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, John H. Milton III, 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 commercial purposes. The point of diversion of water from the source is as follows:

NW¼ SW¼ Section 2, T.35N., R.37E., M.D.B.&M., or at a point from which the SW corner of said Section 2 bears S. 42°47'00" W., a distance of 1,716.0 feet situated in Humboldt 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:	Gary and Terri Tompkins Family Trust
Source:	Underground
Manner of use:	Commercial
Amount of appropriation:	1.114 c.f.s., but not to exceed 4.20 acre-feet annually
Period of use:	January 1st to December 31st of each year
Date of priority of appropriation:	February 19, 2002

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

Water is developed by means of a drilled well, 200 feet deep, 10-inch diameter casing, equipped with a 20 H.P Berkley submersible pump and totalizing meter, thence through a distribution system to a commercial well drilling office with landscaping and also used for dust control and fire protection purposes within portions of the W¼ SW¼ and NE¼ SW¼ Section 2, T.35N., R.37E., M.D.B.&M.

This certificate is issued subject to the terms of the permit and with the understanding that the total annual duty and rate of diversion may be exceeded under a condition of a fire emergency.

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, **TRACY TAYLOR, P.E.**, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 29th day of November, A.D., 2006.

SNC/gkl

Tracy Taylor, P.E.
State Engineer