

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Lenard D. Smith, Agent has presented to the State Engineer of the State of Nevada, Proof of Application of Water to Beneficial Use, from Miller Creek (aka Millard Creek) for irrigation purposes. The point of diversion of water from the source is as follows:

SE¼ SE¼ Section 26, T.6N., R.69E., M.D.B.&M. or at a point from which the SE corner of said Section 26 bears S. 43°51'23" E., a distance of 826.4 feet situated in Lincoln 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: **Condie Living Trust (undivided ½ interest) and John T. & Mara L. Condie (undivided ½ interest)**

Source: **Miller Creek (aka Millard Creek)**

Manner of use: **Irrigation**

Amount of appropriation: ***1.0 c.f.s., but not to exceed 55.5 acre-feet annually**

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

Date of priority of appropriation: **June 2, 1997**

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

Water is diverted from Miller Creek via a diversion dam through a series of ditches to a storage reservoir and can be diverted through ditches and checks for flood irrigation or pumped directly from the reservoir for wheel line sprinkler irrigation of the following land:

- 4.4 acres in the NW¼ SW¼ of Section 25, T.6N, R.69E., M.D.B.&M.
 - 2.2 acres in the NE¼ SW¼ of Section 25, T.6N, R.69E., M.D.B.&M.
 - 5.6 acres in the SW¼ SW¼ of Section 25, T.6N, R.69E., M.D.B.&M.
 - 6.3 acres in the SE¼ SE¼ of Section 26, T.6N, R.69E., M.D.B.&M.
- 18.5 acres total

*The total combined duty of water under this certificate and any certificate issued under Permit 73344 shall not exceed 55.5 acre-feet annually for the irrigation of 18.5 acres within the above described place of use.

This certificate is issued subject to the terms of the permit and with the understanding that the total duty of water shall not exceed 3.0 acre-feet per acre annually from any and/or all sources, and is further subject to any future matter of determination of the relative rights of Miller Creek and its tributaries.

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 30th day of October, A.D., 2007.

Tracy Taylor, P.E.
State Engineer