

THE STATE OF NEVADA

CERTIFICATE OF APPROPRIATION OF WATER

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WHEREAS, Kenneth B. Newby, Permittee, has presented to the State Engineer of the State of Nevada, Proof of Application of Water to Beneficial Use, from Garden Spring, through the natural discharge channel to a pond, for stockwater purposes. The point of diversion of water from the source is as follows:

NE¼ SE¼ Section 8, T.8S., R.69E., M.D.B.&M., or at a point from which the NE corner of Section 4, T.8S., R.69E., M.D.B.&M., bears N. 33°07'53" E., a distance of 10,714 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:	Kenneth Newby
Source:	Garden Spring
Manner of use:	Stockwater
Amount of appropriation:	0.00125 c.f.s., or sufficient to water 40 head of cattle
Period of use:	October 1st to June 1st of each year
Date of priority of appropriation:	*November 17, 2006

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

Water is diverted from Garden Spring to a pond in the natural spring channel where 40 head of cattle water within the NE¼ SE¼ Section 8, T.8S., R.69E., M.D.B.&M, being within the Garden Spring Allotment.

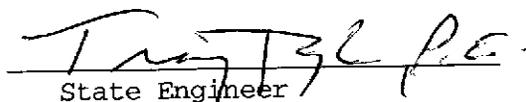
***The date of priority was established in accordance with NRS 533.395 (3) by the cancellation rescission hearing of September 14, 2007.**

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, **TRACY TAYLOR, P.E.**, State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 30th day of June, A.D., 2008.

KAKG/gkl


State Engineer