TEMPORARY Serial No. 58822 T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office MAY 11 1993

Returned to applicant for correction

Corrected application filed Map filed MAY 11 1993 under 58821-T

The applicant U.S. DEPARTMENT OF ENERGY, NEVADA OPERATIONS OFFICE

2753 South Highland (Street and No. or P.O. Box No.) of Las Vegas (City or Town)

Nevada 89109 (State and Zip Code No.) hereby make s application for permission to change the

POINT OF DIVERSION OF A PORTION (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under PERMIT 57373 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

1. The source of water is Underground (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 0.45 c.f.s. (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Industrial (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Industrial (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
5. The water is to be diverted at the following point NW¼ NE¼ Section 14, T.13S., R.49E., (Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.) M.D.B.&M. (unsurveyed), or at a point from which the SE corner of said Section 36, T.13S., R.49E., M.D.B.&M. (unsurveyed), bears S. 18° 59' 45" E., a distance of 22,050.00 feet.
6. The existing permitted point of diversion is located within SW¼ NE¼ Section 6, T.14S., R.50E., (If point of diversion is not changed, do not answer.) M.D.B.&M., or at a point from which the SW corner of said Section 6, bears S. 51° 08' 04" W., a distance of 4332.31 feet.
7. Proposed place of use Unchanged (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use Refer to Exhibit "A" (Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) A drilled and cased well equipped with a motor, pump and pipeline. (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)
12. Estimated cost of works $1,000,000.00
13. Estimated time required to construct works One Year

14. Estimated time required to complete the application of water to beneficial use One Year

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Please refer to Exhibit "B"

By s/ Wendy Dixon
U.S.D.O.E., NEVADA OPERATIONS OFFICE
WENDY DIXON
2753 South Highland
Las Vegas, Nevada 89109

Compared ab/ se ab/se

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 57373 is issued subject to the terms and conditions imposed in said Permit 57373 and with the understanding that no other rights on the source will be affected by the change proposed herein.

It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit is issued subject to: 1) Compliance with the monitoring program titled "Monitoring Program for the Groundwater Levels and Spring Flows in the Yucca Mountain Region of Southern Nevada and California, February 1991, United States Department of Energy, Yucca Mountain Project Office." 2) Data collected from said monitoring program shall be submitted to the State Engineer's office on a quarterly basis, within 30 days after the end of each calendar quarter. 3) The terms and conditions set forth in State Engineer's Ruling No. 3870, dated March 2, 1992.
(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.45 cubic feet per second, but not to exceed 193.58 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

Proof of the application of water to beneficial use shall be filed on or before

Map in support of proof of beneficial use shall be filed on or before

TEMPORARY

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

TEMPORARY

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 28th day of June, A.D. 19 93.

State Engineer

(PERMIT TERMS CONTINUED)

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

The total combined duty of water under Permits 57373, 57374, 57375, 57376, 58821-T, 58822-T and 58823-T shall not exceed 430.19 acre-feet annually.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on June 27, 1994 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

EXHIBIT "A"

ITEM #6

The place of use is as follows:

All of T.12S., R.48E., M.D.B. & M.;

All of T.12S., R.49E., M.D.B. & M.;

Sections 14 through 23, inclusive & Sections 26 through 35, inclusive in T.12S., R.50E., M.D.B. & M.;

All of T.13S., R.48E., M.D.B. & M.;

All of T.13S., R.49E., M.D.B. & M.;

Sections 7 through 9, inclusive, Sections 16 through 21 & Sections 28 through 33, inclusive in T.13S., R.50E., M.D.B. & M.;

Sections 1 through 3, inclusive, Sections 10 through 15, Sections 22 through 27, inclusive & Section 36 in T.14S., R.48E., M.D.B. & M.;

Sections 1 through 12, inclusive, Sections 15 through 22 & Sections 27 through 34, inclusive in T.14S., R.49E., M.D.B. & M.;

Sections 4 through 9, inclusive in T.14S., R.50E., M.D.B. & M.;

Section 1 T.15S., R.48E., M.D.B. & M.;

Sections 3 through 6, inclusive in T.15S., R.49E., M.D.B. & M.;

The Place of Use is as shown on the supporting map filed under Permit 57373.

EXHIBIT "B"

ITEM #15

This temporary application to change the point of diversion of a portion of the waters heretofore appropriated under Permit 57373 is being filed by the Department of Energy in order to conduct aquifer characteristics studies as part of the site characterization program on the Yucca Mountain Project. Said studies will commence this summer and will consist of hydraulic and tracer tests to identify hydraulic connections and to obtain hydraulic characteristics and transport properties of flow pathways within the Yucca Mountain Project site.

Three (3) wells, known as the C-Well complex, will be used to conduct these tests. The length of this testing will be approximatley a three year period, depending on the test results. At the present, it is impossible to predict the pumpage rates and duration however the plan calls for the initial tests to be limited to a few days. Large scale testing with diversion rates of approximately 200 gpm will not begin until the second year of this program.

The water pumped as a result of this test program will be placed into the existing distribution system and beneficially utilized for road and pad construction, tunnelling, dust suppression, scientific testing, culinary and other related site uses. Waters not used for these purposes shall be discharged into a spreading basin within 40 Mile Wash and used as a credit for aquifer recharge.

The total combined duty of this temporary change application and the two companion temporary change applications, along with the existing Permits 57373, 57374, 57375 & 57376 shall not exceed 430.19 acre-feet annually.

It is acknowledged that this temporary change application shall be subject to the terms and conditions set forth in Permits 57373, 57374, 57375 & 57376, to include compliance with the monitoring program entitled "Monitoring Program for the Groundwater Levels and Spring Flows in the Yucca Mountain Region of Southern Nevada and California, February, 1991, United States Department of Energy, Yucca Mountain Project Office."

This temporary change application is to expire upon the granting of a permanent right for this location or in one year, whichever occurs first.

For the proposed place of use, please refer to the map filed under Permit 57373.