No. 58827

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office MAY 13 1993

Returned to applicant for correction

Corrected application filed

Map filed MAY 11 1993 under 58821T

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 makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is Underground (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 0.90 c.f.s. (One second-foot equals 448.83 gals. per min.) second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for Industrial (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kinds of animals to be watered

   (c) Other use (describe fully under No. 12. "Remarks" Refer to Exhibit "B", attached

   (d) Power:

      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source 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 so stated.) M.D.B.&M. (unsurveyed), or at a point from which the SE corner of Section 36, T.13S., R.49e., M.D.B.&M. (unsurveyed), bears S. 18°39'57" E., a distance of 22,200.00 feet.

6. Place of use See Exhibit "A", attached (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), of each year.

8. 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.) Drilled well with pump, motor and pipeline system. (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

9. Estimated cost of works $1,330,000.00

10. Estimated time required to construct works One Year
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use Ten Years

12. 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", attached

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

Compared bc/bc ab/se

Protested 7/30/93 by: U.S.D.I. - National Park Service:
Pro. upheld; see permit terms

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 permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance issued under the provisions of NRS 533.371 for a finite period of time. This permit will expire on December 31, 1998 and all rights herein will revert back to the source but subject to reinstatement and extension of the permit for good cause shown. 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 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 permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.90 cubic feet per second, but not to exceed 430.19 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before January 14, 1995

Proof of completion of work shall be filed before February 14, 1995

Application of water to beneficial use shall be filed on or before November 30, 1998

Proof of the application of water to beneficial use shall be filed on or before Permit Expires December 31, 1998

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

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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 14th day of January, A.D. 1994

State Engineer

(O)-2145 (Rev. 9-89)

(PERMIT TERMS CONTINUED)

This permit is issued subject to: 1) Compliance with the monitoring program titled "Monitoring Program for the Groundwater Levels and Springs 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.

This permit is issued to conduct aquifer characteristic studies and the water pumped from these tests must first be used for industrial purposes as described by Permits 57373, 57374, 57375, and 57376 and any water not used for these purposes shall be discharged into a spreading Basin within 40 mile wash pursuant to the necessary discharge permits required by the Nevada Division of Environmental Protection.

No aquifer recharge credit will be given until it is demonstrated to the satisfaction of the State Engineer that the recharge will be to the same aquifer from which the water is diverted.

The issuance of this permit upholds the protest and is issued subject to the conditions set forth in the protest terms.

Monthly records shall be kept of the amount of water pumped, used in site applications, and discharged from this well and the records submitted to the State Engineer on a quarterly basis within 30 days after the end of each calendar quarter.

The total combined duty of water under Permits 57373, 57374, 57375, 57376, 58827, 58828, and 58829 shall not exceed 430.19 acre-feet annually.

EXPIRED
DATE APR 0 9 2002

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 #12

This application to appropriate the waters of the State of Nevada 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 approximately 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.

There is no additional duty associated with this application. The total combined duty of this application to appropriate and the two companion applications to appropriate along with the existing Permits 57373, 57374, 57375 & 57376 shall not exceed 430.19 acre-feet annually.

It is acknowledged that this application to appropriate 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."

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

For the proposed point of diversion, please refer to the map filed under Permit 58821T.