

## THE STATE OF NEVADA

### PERMIT TO APPROPRIATE WATER

Name of applicant: U.S. FISH AND WILDLIFE SERVICE  
Source: UNDERGROUND  
Basin: RUBY VALLEY  
Manner of Use: WILDLIFE  
Period of Use: January 1st to December 31st  
Priority Date: 04/12/1994

\*\*\*\*\*

#### 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 all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of wildlife served from the waters of this source. It is further understood that this right must allow for a reasonable lowering of the static water level at permittee's well due to any other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste.

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.

The point of diversion and place of use are as described on the submitted application to support this permit.

(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 0.01 cubic feet per second but not to exceed 0.8 acre feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

November 18 2011

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

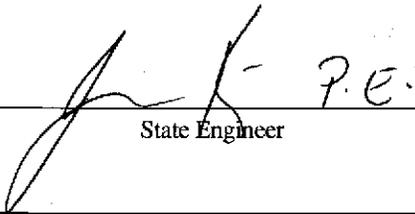
November 18 2012

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

N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 18<sup>th</sup> day of November, A.D. 2010

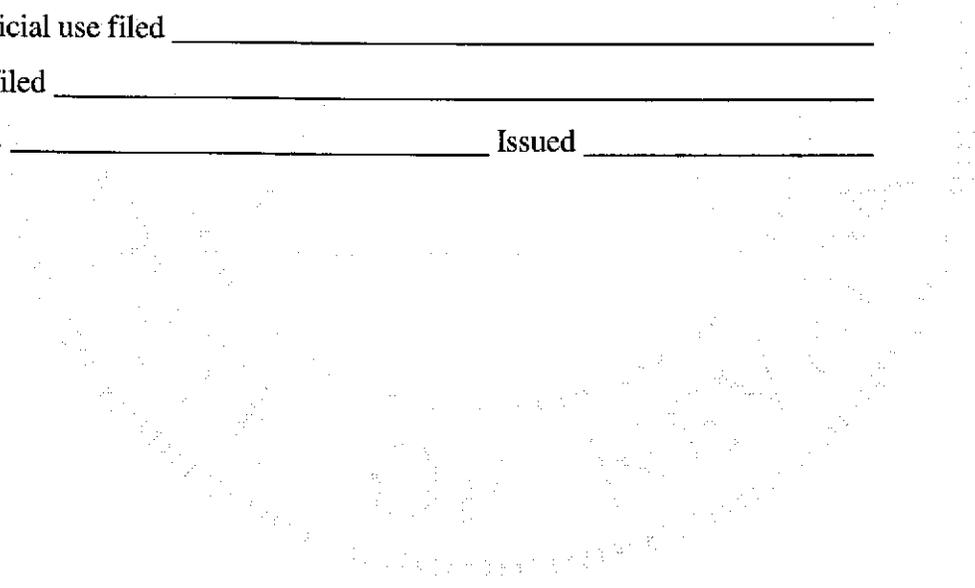
  
\_\_\_\_\_  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_



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

Date of filing in State Engineer's Office APR 12 1994

Returned to applicant for correction

Corrected application filed

Map filed AUG 30 1994 (POD-Sheet 5) (POU-Sheet 1)

U.S. Fish and Wildlife Service

The applicant

911 NE 11th Avenue Portland

Oregon 97232-4181

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 (Windmill Well #1964-1)

2. The amount of water applied for is 0.01 second-feet

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

3. The water to be used for other wildlife purposes

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" wildlife.

(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. Protracted NW1/4 SE1/4 S.22, T28N, R58E. N 61° 21' 12"E 1562 feet to the E1/4, S.22, T28N, R58E.

M.D.B. & M.

6. Place of use within the boundaries of Ruby Lake National Wildlife Refuge. As shown on application map. Legal description attached.

7. Use will begin about January 1 and end about December 31, 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.) 6" well, windmill pump and stock tanks.

flumes, drilled well with pump and motor, etc.

- 9. Estimated cost of works..... completed.
- 10. Estimated time required to construct works..... completed.  
If well completed, describe works.
- 11. Estimated time required to complete the application of water to beneficial use..... none.

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

See Attached

By s/ Paul A. Rauch  
U.S. Fish and Wildlife Service  
911 NE 11th Avenue  
Portland, Oregon 97232-4181

Compared j.v./pm

Protested 1/17/95 by: Board of County Commissioners, County of Elko  
Pro. Overruled 7/31/09 See Ruling #5998

.....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:

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

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 filed 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.....

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. .... Issued.....

IN TESTIMONY WHEREOF, I, .....,  
 State Engineer of Nevada, have hereunto set my hand and the seal of my  
 office, this.....day of.....  
 A.D.....

.....  
 State Engineer

Item No. 12.

Water is used to provide watering site for pronghorn antelope and other wildlife.

**DISCLAIMER:** By filing this application to appropriate waters of the state of Nevada, the U.S. Fish and Wildlife Service does not hereby waive any claim to federal reserved water rights or otherwise diminish or supplant any claims to water made in the adjudication of the waters of Ruby Valley, Elko, and White Pine Counties, State of Nevada (Matter of the Determination of the relative Rights in and to the Waters of Ruby Valley, Elko, and White Pine Counties, Nevada). Notice in this matter was filed on January 17, 1983. Nor should the filing of these applications by the U.S. Fish and Wildlife Service be deemed a waiver of the right of the United States to have its water rights adjudicated only in proceedings that constitute a "suit" under the McCarran Amendment, 43 U.S.C. § 666.

### LEGAL DESCRIPTION

#### RUBY LAKE NATIONAL WILDLIFE REFUGE

Mount Diablo Meridian

Township 25 North, Range 57 East,

Section 1, Lots 1, 2, 3, and 4;

EXCEPTING the South 50.0 feet of said lots;

Section 2, Lots 1, 2, 3, 4, and 5, NW1/4 SW1/4;

Section 3, Lot 1, SE1/4 NE1/4, NE1/4 SE1/4;

and all unsurveyed lands in the bed of Ruby Lake within Township 25 North, Range 57 East, Mount Diablo Meridian.

Township 26 North, Range 57 East,

Section 1, Lots 1, 2, 3, 4, and 5, SW1/4 NE1/4, NW1/4 SE1/4;

Section 11, NE1/4 SE1/4, S1/2 SE1/4;

Section 12, Lots 1, 2, 3, and 4, NW1/4, NW1/4 SW1/4;

Section 13, Lot 1;

Section 14, Lots 1, 2, 3, and 4, NW1/4 NE1/4, NW1/4 SW1/4;

Section 22, SE1/4 SE1/4;

Section 23, Lots 1, 2, 3, and 4;

Section 26, Lots 1, 2, 3, and 4;

Section 27, E1/2 E1/2;

Section 34, Lots 1, 2, and 3, W1/2 E1/2, SE1/4 SE1/4;

Section 35, Lots 1, 2, and 3;

and all unsurveyed lands in the bed of Ruby Lake within Township 26 North, Range 57 East, Mount Diablo Meridian.

Township 27 North, Range 57 East,

Section 24, SE1/4;

Section 25, Lot 2, E1/2 NE1/4, SE1/4 SE1/4; and

Section 36, NE 1/4 NE1/4, SE1/4 SE1/4.

Township 25 North, Range 58 East,

Section 6, Lots 1, 2, 3, and 4.

and all unsurveyed lands in the bed of Ruby Lake within Township 25 North, Range 58 East, Mount Diablo Meridian.

Township 26 North, Range 58 East,

Section 4, Lots 3 and 4, S1/2 NW1/4, SW1/4;

Section 5, Lots 1, 2, 3, and 4;

Section 6, Lot 1;

Section 8, Lots 1, 2, 3, and 4;

Section 9, W1/2;

Section 16, W1/2;

Section 17, Lots 1, 2, 3, and 4;

Section 20, Lots 1, 2, 3, and 4;

Section 21, W1/2;

Section 28, W1/2;

Section 29, Lots 1, 2, 3, and 4;

Section 31, Lot 1;

Section 32, Lots 1, 2, and 3, NE1/4 NE1/4, S1/2 NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4;

Section 33, W1/2;

and including all unsurveyed lands in the bed of Ruby Lake within Township 26 North, Range 58 East, Mount Diablo Meridian.

Township 27 North, Range 58 East,  
 Section 2, Lots 3 and 4, SW1/4 NW1/4;  
 Section 3, Lots 1, 2, 3, and 4, SE1/4 NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4;  
 Section 4, Lot 1;  
 Section 5, Lots 2, 3, 4, 5, and 6, SW1/4 NW1/4;  
 Section 6, Lots 1, 4, 5, 6, 7, and 8, SE1/4 NE1/4, SE1/4 NW1/4, E1/2 SW1/4, N1/2 SE1/4, SW1/4 SE1/4;  
 Section 7, Lots 1, 2, 3, 4, 5, 6, 7, and 8, NE1/4 NW1/4;  
 Section 9, Lots 1, 2, 3, and 4, E1/2 NE1/4, SE1/4 SE1/4;  
 Section 10, NW1/4 NW1/4, S1/2 NW1/4, S1/2 SW1/4;  
 Section 15, W1/2;  
 Section 16, Lots 1, 2, 3, and 4, SE1/4 SE1/4;  
 Section 18, Lots 1, 2, 3, 4, 5, 6, 7, and 8;  
 Section 19, Lots 1, 2, 3, 4, 5, 6, and 7, NE1/4 NW1/4;  
 Section 21, Lots 1, 2, 3, and 4, E1/2 E1/2;  
 Section 22, W1/2;  
 Section 27, W1/2;  
 Section 28, Lots 1, 2, 3, 4, and 5, NE1/4 NE1/4, S1/2 NE1/4, SE1/4;  
 Section 30, Lots 1, 2, 3, and 4;  
 Section 31, Lots 1, 2, 3, 4, 5, and 6;  
 Section 32, Lots 1, 2, 3, and 4;  
 Section 33, Lot 1, NE1/4, NE1/4 NW1/4, S1/2 NW1/4, S1/2;  
 and including all unsurveyed lands in the bed of Ruby Lake within Township 27 North, Range 58 East, Mount Diablo Meridian.

The following described lands in Township 27 North, Range 58 East, Mount Diablo Meridian, are withdrawn from the public domain under the primary jurisdiction of the Bureau of Land Management as Public Water Reserves. These lands are also within the Executive Order boundary of the Ruby Lake National Wildlife Refuge and are under the secondary jurisdiction of the U.S. Fish and Wildlife Service:  
 Section 2, SW1/4 NW1/4;  
 Section 10, SW1/4 NW1/4; and  
 Section 21, SE1/4 NE1/4.

Township 28 North, Range 58 East,  
 Section 20, Lot 1 and that part of Lot 2 lying East of a line 10 chains (660.0feet) East of and parallel to the North-South centerline of Section 20, E1/2 NE1/4;  
 Section 21, Lots 1, 2, 3 and 4, N1/2 N1/2;  
 Section 22, Lots 1, 2, 3, and 4, NE1/4, N1/2 NW1/4;  
 Section 23, Lots 1 and 2, N1/2 SW1/4, SE1/4;  
 Section 26, Lots 1, 2, 3, and 4, E1/2 E1/2;  
 Section 29, those part of Lots 1, 2, 3, and 4 lying East of a line 10 chains (660.0 feet) East of and parallel to the North-South centerline of Section 29;  
 Section 32, Lots 1, 2, 3, and 4;  
 Section 34, Lot 1;  
 Section 35, Lots 1, 2, and 3, NE1/4, NE1/4 SW1/4, S1/2 SW1/4, SE1/4;  
 and including all unsurveyed lands in the bed of Ruby Lake within Township 28 North, Range 58 East, Mount Diablo Meridian.