

**THE STATE OF NEVADA****PERMIT TO APPROPRIATE WATER**

Name of Permittee: U.S. FISH AND WILDLIFE SERVICE
Source: SPRING (SPRING NO. 176)
Basin: RUBY VALLEY
Manner of Use: WILDLIFE
Period of Use: JANUARY 1ST THROUGH 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 State Engineer's Ruling #6277 and all existing rights on the source. It is understood that the 0.19 c.f.s., herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. State Engineer's Ruling #6277 sets forth that the applicant shall measure the total evapotranspiration in excess of precipitation using accepted methods and practices on the Ruby Lake National Wildlife Refuge for at least five consecutive years, and submit that information to the State Engineer to satisfy the requirement for proof of beneficial use. 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.

State Engineer's Ruling #6277 requires a monitoring program for springs, groundwater levels and lake stages on the Ruby Lake National Wildlife Refuge to be submitted for approval to the State Engineer within one year from the date this permit is granted. This monitoring program will be deemed to represent the proof of completion.

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 0.19 cubic feet per second.

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

September 9 2015

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

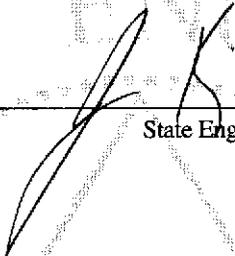
September 9 2019

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

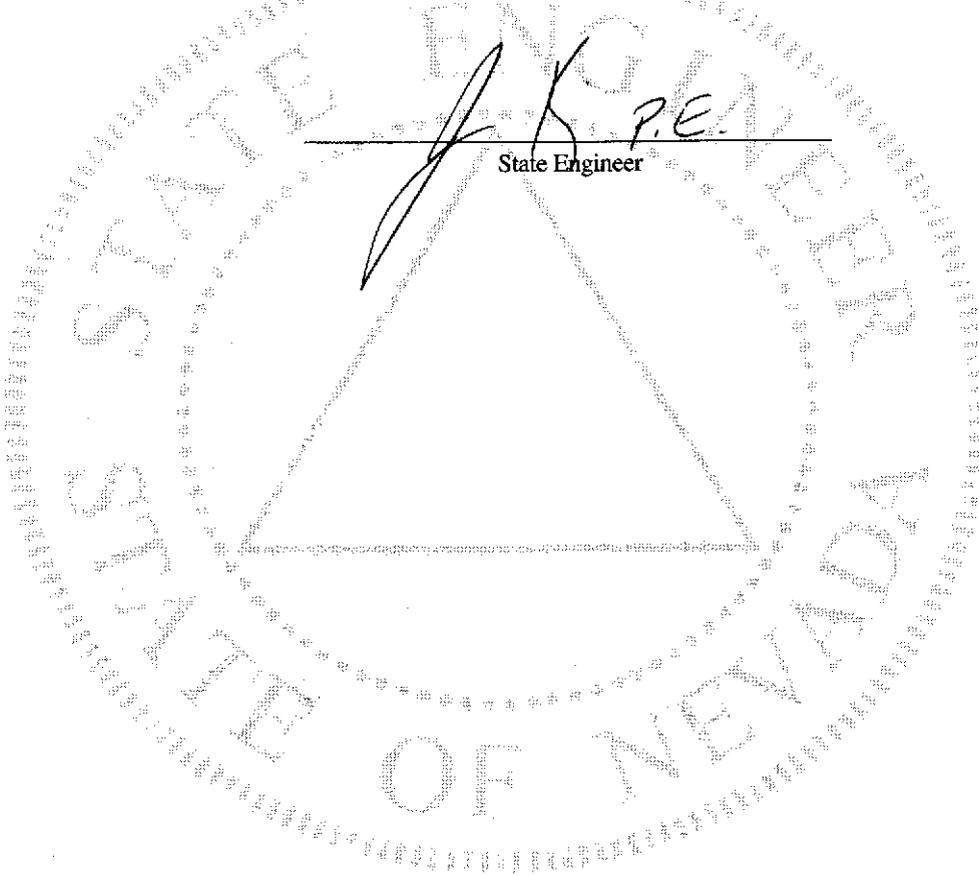
N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 9th day of September, 2014



State Engineer



AMENDED

No. 59940

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. JUL 18 1994

Corrected application filed. SEP 07 1994

Map filed. AUG 30 1994 under 59916

The applicant. U.S. Fish and Wildlife Service

911 NE 11th Avenue, of Portland

Oregon 97232-4181, hereby make 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. Spring No. 176

2. The amount of water applied for is. 0.19 second-feet

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

3. The water to be used for. other use - 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. NE 1/4 SE 1/4 S. 27, T26N, R57E, N 45° 38' E 2938 feet to S 1/4 corner S. 27, T26N, R57E. 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 The dike will be repaired and the flows of springs 173, 174, 175, 176 specifications of your diversion or storage works.) and 177 will be combined into a single pool. Culverts with slide gate will control outflow to Ruby Lake.

9. Estimated cost of works..... \$1000.00

10. Estimated time required to construct works..... 2 years.
If well completed, describe works.

2 years to complete spring pool construction. Water is currently being beneficially used to support fish and wildlife habitat in Ruby Lake.

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.

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

Compared..... do/ jv

Protested.....

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

Water will be used to maintain a spring pool for Fish and Wildlife purposes. Water flowing out of the spring pool will enter Ruby Lake and support fish and wildlife habitat in the lake. A measure of the combined flow for spring 173,174,175,176 and 177 can be made at the pool outlet. Individual flow measurements are not possible.

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 (660.0 feet) 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.