Permit No. 59974

# THE STATE OF NEVADA

## PERMIT TO APPROPRIATE WATER

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| **Name of Permittee:** | **U.S. FISH AND WILDLIFE SERVICE** |
| **Source:** | **SPRING (SPRING 127)** |
| **Basin:** | **RUBY VALLEY** |
| **Manner of Use:** | **WILDLIFE** |
| **Period of Use:** | **JANUARY 1ST THROUGH DECEMBER 31ST** |
| **Priority Date:** | **04/12/1994** |

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**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 2.85 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 2.85 cubic feet per second.**

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| 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**

J. K. P.E.

State Engineer

STATE ENGINEER STATE OF NEVADA

No. 59974

# 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 under 59916

The applicant U.S. Fish and Wildlife Service

911 NE 11th Avenue (Street and No. or P.O. Box No.), of Portland (City or Town),

Oregon 97232-4181 (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 Spring 127 (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 2.85 (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 other use - Wildlife purposes (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" 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 LOT2, S.18,T27N,R58E,S20°52'0"W 3320 feet to SW cor. S.18,T27N, R58E, MDB&M (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.)

6. Place of use within the boundaries of Ruby Lake National Wildlife Refuge. As shown on application map. Legal description 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.) Collection Ditch (shown on map) collects discharge from up gradient springs and distributes it to marsh units. (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

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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 completed.

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 Rauch
U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, Oregon 97232-4181

Compared pm/cm

Protested 1/17/95 by: Board of County Commissioners, County of Elko

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

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

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Item 12:

Collection ditch water is delivered to the Ruby Lake marsh units where it is used for wildlife purposes.

DISCLAIMER: By filing this application to appropriate waters of the state 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, E/12 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.