ASSIGNED

NO. 63265

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

Date of filing in State Engineer's Office JUL 22 1997

Returned to applicant for correction SEP 09 1997

Corrected application filed JUL 22 1997

Map filed MAY 11 1993 under 58821-T

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The applicant **U. S. Department of Energy, Yucca Mountain Site Characterization project office,** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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1. The source of the proposed appropriation is **Underground**

2. The amount of water applied for is **0.90 c.f.s., not to exceed 430.00 ac ft annually** second-feet

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

3. The water to be used for **Industrial**

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 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 22,200.00ft**

6. Place of Use **See Exhibit "A", attached**

7. Use will begin about **January 1** and end about **December 31** of each year.

8. Description of proposed works **Drilled well with pump, motor and pipeline**

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

10. Estimated time required to construct works **One Year**

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

12. Remarks: **Please refer to Exhibit "B", attached**

By **s/Wendy Dixon**
U.S.D.O.E.
Yucca Mountain Site Characterization Project Office
Mail Stop 523, P. O. Box 98608
Las Vegas, NV 89193-8608

Compared my/cmf

Protested 11/5/97 by Robert Loux; 11/17/97 by Michael DeLee; 11/17/97 by Ralph McCracken; 11/17/97 by Richard Nielsen

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DENIAL OF STATE ENGINEER

The State Engineer finds the protests of Citizens Alert and the Nevada Agency for Nuclear Projects to this application are hereby upheld on the grounds that the requested use threatens to prove detrimental to the public interest. No ruling is made as to the merits of the other protest claims.

DENIED - See Ruling On Remand #5307 dated 11/7/03.

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: _____

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 2nd day of February, A.D. 2000

R. Michael Turnipseed P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

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AMENDED EXHIBIT "A"

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The place of use is as follows:

T.11S., R.49E., M.D.B. & M., Unsurveyed;
Section 31 S ½ of S ½;
Section 32 S ½ of S ½;
Section 33 S ½ of S ½;
Section 34 S ½ of S ½;
Section 35 S ½ of S ½;
Section 36 S ½ of S ½;

T.11S., R.50E., M.D.B. & M., Unsurveyed;
Section 31 S ½ of S ½;
Section 32 S ½ of S ½;
Section 33 S ½ of S ½;
Section 34 S ½ of S ½;
Section 35 S ½ of S ½;
Section 36 S ½ of S ½;

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

T.12S., R.50E., M.D.B. & M., Unsurveyed;
All;

T.13S., R.48E., M.D.B. & M., Unsurveyed;
Section 10 through 15 inclusive;
Section 22 through 27 inclusive;
Section 34 through 36 inclusive;

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

T.13S., R.50E., M.D.B. & M., Unsurveyed;
Section 7 through 10 inclusive;
Section 15 through 22 inclusive;
Section 27 through 34 inclusive;

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T.14S., R.48E., M.D.B. & M., Unsurveyed;
Section 1 through 3 inclusive;
Section 10 through 15 inclusive;
Section 22 through 27 inclusive;
Section 34 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;
Section 35;
Section 36 except patent #27-83-0002;

T.14S., R.49E., M.D.B. & M., Unsurveyed;
All;

T.14S., R.50E., M.D.B. & M., Unsurveyed;
Sections 3 through 10 inclusive;
Sections 15 through 22 inclusive;
Sections 27 through 34 inclusive;

T.15S., R.48E., M.D.B. & M., Unsurveyed;
Section 1 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;
Section 2 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;
Section 3 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;

T.15S., R.49E., M.D.B. & M., Unsurveyed;
Section 1 through 6 inclusive;
Section 7 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;
Section 8 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;
Section 9 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;
Section 10 exclusive of that portion south of the northern boundary of the U.S. Highway 95 right-of-way;
Section 11;
Section 12;

T.15S., R.50E., M.D.B. & M., Unsurveyed;
Sections 3 through 10 inclusive;

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 provide water for meeting the Department of Energy's responsibilities under the Nuclear Waste Policy Act. Said uses will include, but are not limited to, road construction, facility construction, drilling, dust suppression, tunnel & pad construction, testing, culinary, domestic and other related site uses.

Existing Permits 57373, 57374, 57375, 57376, 58827, 58828 and 58829 were issued for site characterization and aquifer characteristic studies as part of the overall site characterization for the Yucca Mountain Project. These permits (with the exception of Permit 57375) had a limited life and are scheduled to expire within a few years. Although no final determination has been made on whether or not the Repository will be located at Yucca Mountain, these applications are being filed in order to ensure priority of filing and establishment of a claim for the use of the water. Accordingly, under the provisions of NRS 533.370(2)(a), it is requested that, after this application becomes ready for action, that the State Engineer withhold final approval until the Department of Energy provides notification to proceed.

The total combined duty of this application to appropriate and its four companion applications to appropriate, along with Permit 57375, is not to exceed 430.00 acre-feet annually from any and all sources.