Permit No. 78974T

TEMPORARY

THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant:	**RUBY PIPELINE, LLC**
Source:	**UNDERGROUND**
Basin:	**PARADISE VALLEY**
Manner of Use:	**CONSTRUCTION**
Period of Use:	**January 1st to December 31st**
Priority Date:	**01/19/1977**

****

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 temporary permit to change the place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 31011, Certificate 10787, is issued subject to the terms and conditions imposed in said Permit 31011, Certificate 10787, and with the understanding that no other rights on the source will be affected by the change proposed herein. This well shall be equipped with a two (2) inch opening for measuring depth to water and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

The permittee shall keep monthly records of the amount of water pumped from this well and the records must be submitted to the State Engineer on an annual basis within 30 days after the end of each calendar year.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

(Continued on Page 2)

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This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

This temporary permit is issued solely for construction and related purposes for the Ruby Gas Pipeline Project and will expire upon completion of the pipeline project, as provided in NRS 533.045 and NRS 534.120(1). The permittee shall notify the State Engineer within thirty (30) days of project completion that the diversion of water from this location for this segment of pipeline construction is no longer necessary and the State Engineer will cancel the permit and the well shall be plugged and abandoned as provided in Nevada Administrative Code 534.427.

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

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed 0.22 cubic feet per second or 5.156 acre-feet annually.**

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

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

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

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 27th day of **April**, A.D. **2010**

P.E

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

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Serial No. 78974 T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office OCT 16 2009

Returned to applicant for correction

Corrected application filed ..... Map filed AUG 03 1983 under 31011

The applicant Ruby Pipeline, LLC c/o Dan Gredrig

P.O. Box 1087 (Street and No. or P.O. Box No.) of Colorado Springs (City or Town)

Colorado 80944 (State and Zip Code No.), hereby make.s..... application for permission to change the

POD..☐ POU..■ MOU..■ of a portion..■

of water heretofore appropriated under..... Permit 31011 C-10787
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

1. The source of water is Underground well MT 441
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.22 cfs (5.156 afa)
Second feet, acre-feet One second foot equals 448.83 gallons per minute.

3. The water to be used for Pipeline construction
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.

4. The water heretofore used for Irrigation
If for stock state number and kind of animals.

5. The water is to be diverted at the following point same as heretofore
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 stated.

6. The existing point of diversion is located within NW¼ NE¼ Sec 12, T.39 N., R.38 E., MDB&M or at a point from
If point of diversion is not changed, do not answer.

SEM 10/20/09 PER FAX FROM MIKE T.

...which the N¼ corner of said section 12 bears N. 44° 31' E. a distance of 1792.5 feet

69-HU

7. Proposed place of use...T.39 N., R.39 E., portions of Secs 19, 20, 29 and 30; T.39 N., R.38 E., portions of Secs 3, 4,.....
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

...9, 10, 15, 22, 23, 24, 25, 26 and 27; T.40 N., R.38 E., portions of Secs 17, 18, 19, 20, 28, 29 and 33.....

8. Existing place of use...35.22 ac NE¼ NW¼, 36.76 ac SE¼ NW¼ Sec 12, T.39 N., R.38 E., MDB&M (71.98 acres).....
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

...For a map of existing POD and POU, use map on file under 31011 C-10787.....

1.516 acres to be removed from irrigation SE¼ NW¼ Section 12 REL

9. Use will be from.....January 1, 2010.....to.....December 31, 2010.....of each year.
Month and Day Month and Day

10. Use permitted from.....March 15th.....to.....November 1st.....of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.).....
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works.....$10,000.....

13. Estimated time required to construct works.....three (3) months.....
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use.....one (1) year.....

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

.....See attached sheet....For a map of proposed POU, use map on file under 78493.....

.....(775)885-2101.....
Phone No.

By....R. Michael Turnipseed, P.E.....
Print or type name clearly

Signature, applicant or agent

...204 North Minnesota Street.....
Street and No. or P.O. Box No.

....Carson City, Nevada 89703.....
City, State, Zip Code

RECEIVED 2009 OCT 16 AM 11:48 STATE ENGINEER'S OFFICE

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

$100 FILING FEE MUST ACCOMPANY APPLICATION

78974T

EXHIBIT " A '

This application is one of several to provide construction water for compaction, dust control and hydrostatic testing. The total project consists of 670 miles of 42 inch Natural Gas Pipeline from Opal, Wyoming to Malin, Oregon passing through Elko Co., Humboldt Co. and Washoe County Nevada. The period of use will be from 1/1/2010 to 12/31/2010. The diversion rate on some of the applications is unusually high because during the hydrostatic test they need to fill the pipe as quickly as possible.