



TEMPORARY

THE STATE OF NEVADA

PERMIT TO CHANGE 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: 05/04/1965

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 point of diversion, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 65849, is issued subject to the terms and conditions imposed in said Permit 65849, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening 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. 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)

This temporary change of an existing certificated right is issued solely for construction and related purposes for the Ruby Gas Pipeline Project and will expire **December 31, 2010**, 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 approval of this temporary permit reduces the annual duty of water in the base right, 65849, by 10.31 acre-feet for 2010.

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 0.44 cubic feet per second or 10.31 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:

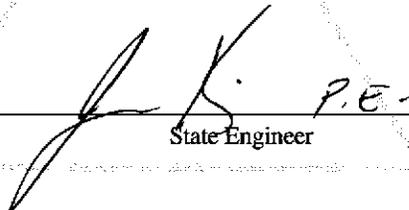
N/A

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

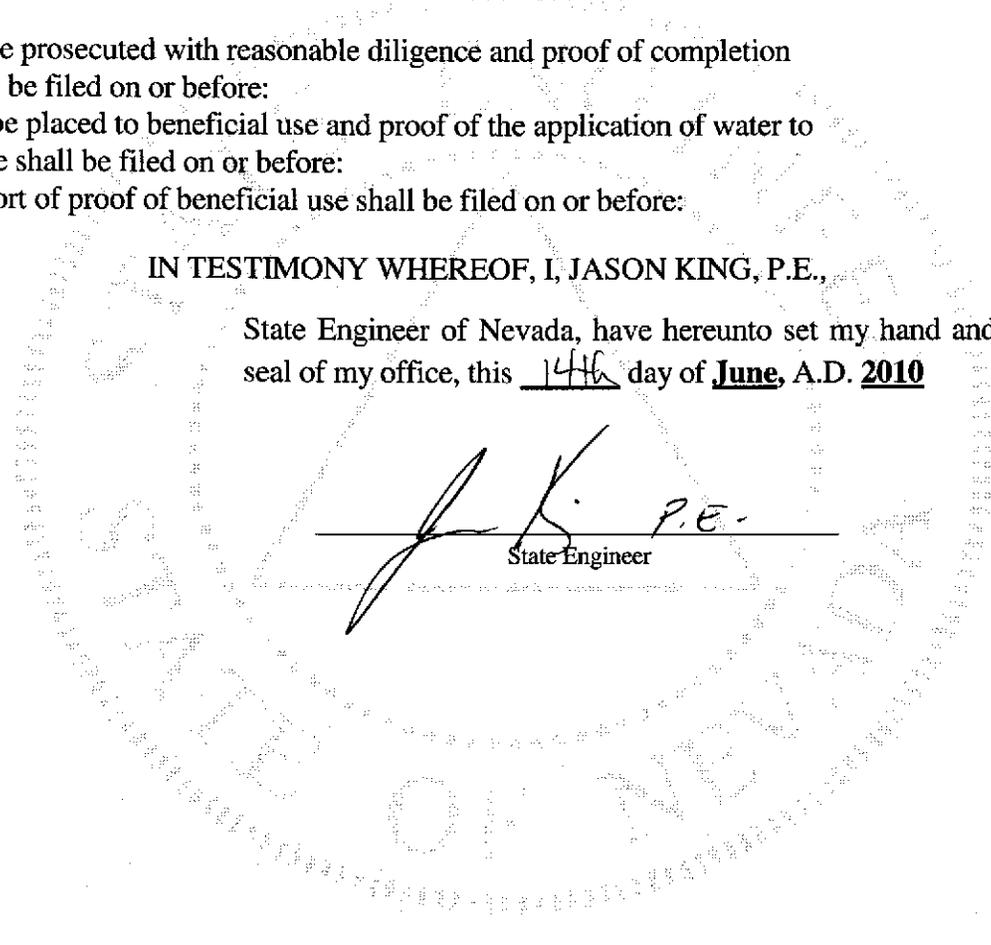
N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 14th day of **June**, A.D. **2010**



State Engineer



TEMPORARY
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Serial No. 78987T

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 23 2009
Returned to applicant for correction
Corrected application filed Map filed APR 18 1972 under 26645

The applicant Ruby Pipeline, LLC c/o Dan Gredrig

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

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

POD. POU. MOU. of a portion.

of water heretofore appropriated under Permit 65849

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 MP 434.12

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.44 cfs (5.156 af) 10.31 cfs 3116/g

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 NW 1/4 SW 1/4 Sec 17 T.38 N., R.39 E., MDB&M, or at a point from

Describe as being within a 40-acre subdivision of public survey and by course

... which the NW corner of said Sec 17 bears N 1° 07' W. 3070 feet. For a map of the proposed POD, use map on file

and distance to a section corner, if on unsurveyed land, it should be stated.

... under 26645

6. The existing point of diversion is located within SW 1/4 NW 1/4 Sec 23, T.37 N., R.39 E., MDB&M or at a point from

If point of diversion is not changed, do not answer.

... which the NW corner of said Sec 23 bears N. 5° 48' W. a distance of 2435 feet. For a map of the existing

... POD, use map on file under 65823

69-4W

7. Proposed place of use... T.38 N., R.39 E., portions of Secs 3, 4, 10, 11, 14, and 15; T.39 N., R.39 E., portions of
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
...Secs 19, 20, 28, 29, 30 and 33; T.39 N., R.38 E., portions of Secs 22, 23, 24, 25, 26 and 27. For a map of the.....
...proposed POU, use map on file under 78493.....

8. Existing place of use... NE 1/4 and S 1/2 Sec 12, all Sec 13, NE 1/4 and S 1/2 Sec 14, S 1/2 Sec 21, all of Secs 22, 23 and 27.....
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.

10/27/09

NW 1/4 NW 1/4 Sec 28, NE 1/4 and S 1/2 Sec 29, all in T.37 N., R.39 E., MDB&M (3300 acres).....
*152 ac to be removed in NE 1/4 Section 12 of the
3.03, 152 rate of 3.8 AF/Ac
Rex 3/16/10*

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..... January 1st..... to..... December 31st..... 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.)... Existing 16" well 404 feet deep, tanks and haul trucks.....
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..... \$50,000.....

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.....

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

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

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

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

STATE ENGINEERS OFFICE
2009 OCT 23 AM 11:19
RECEIVED

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

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.