

TEMPORARY  
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78988T

Serial No.....

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 NOV 03 2009  
Corrected application filed ..... Map filed.....

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 70384.....

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 430.....  
Name of stream, lake, underground, spring or other source.

2. The amount of water to be changed.....5.57 cfs (82.732 af).....  
Second foot, acre-foot 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 and domestic.....  
If for stock state number and kind of animals

5. The water is to be diverted at the following point...NE¼ NE¼ Sec 16, 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 NE corner of said Sec 16 bears N 47° 06' E. a distance of 98.5 feet.....  
and distance to a section corner, if on unsurveyed land, it should be stated.

6. The existing point of diversion is located within...SW¼ SW¼ Sec 13, T.39 N., R.39 E., MDB&M or at a point from.....  
If point of diversion is not changed, do not answer.

...which the S¼ corner of said Sec 13 bears S. 76° 32' E. a distance of 2532.0 feet.....

69-44

7. Proposed place of use... See attached sheet.....  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use... 3.50 acres within Sec 23, W $\frac{1}{2}$  W $\frac{1}{2}$  Sec 24, and S $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec 14, S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 13,.....  
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.

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 1<sup>st</sup>..... to..... December 31<sup>st</sup>..... 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 16.5" casing 280 feet deep, pumps and motors.....  
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..... \$100,000.....

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.

...For a map of the existing POD and POU, use map on file under 70384.....

...For a map of the proposed POD, use map on file under 19752.....

...For a map of the proposed POU, use map on file under 78493.....

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

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

*R. Michael Turnipsed, 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

RECEIVED  
2009 OCT 23 AM 11:19  
STATE ENGINEERS OFFICE

WITHDRAWN BY AGENT NOV 17 2009  
*Tony Taylor P.E.* STATE ENGINEER

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.

PLACE OF USE

T.37 N., R.41 E., portions of Secs 17, 18, 19, 20, 21 and 22; T.37 N. R.40 E., portions of Secs 5, 6, 8, 9, 10, 13, 14, 15 and 16; T.38 N., R.40 E., portion of Sec 31; T.38 N., R.39 E., portions of Secs 3, 4, 10, 11, 14, 15, 23, 24, 25, 26 and 36; T.39 N., R.39 E., portions of Secs 19, 20, 28, 29, 30 and 33; T.39 N., R.38 E., portions of Secs 3, 4, 9, 10, 15, 22, 23, 24, 25, 26 and 27; T.40 N., R.38 E., portions of Secs 7, 18, 19, 20, 28, 29 and 33; T.40 N., R.37 E., portions of Secs 1, 2, 11, 12 and 13; T.41 N., R.37 E., portions of Secs 31, 32, 33, 34 and 35; T.41 N., R.36 E., portions of Secs 27, 28, 29, 30, 33, 34, 35 and 36; T.41 N., R.35 E., portions of Secs 19, 20, 21, 25, 26, 27 and 28; T.41 N., R.34 E., portions of Secs 14, 15, 16, 17, 18, 22, 23 and 24; T.41 N., R.33 E., portions of Secs 5, 6, 7, 8, 9, 10, 11, 12 and 13; T.42 N., R.33 E., portion of Sec 31; T.42 N., R.32 E., portions of Secs 17, 18, 19, 20, 21, 22, 25, 26, 27 and 36; T.42 N., R.31 E., portions of Secs 13, 14, 20, 21, 22, 23, 28, 29 and 30; T.42 N., R.30 E., portions of Secs 25, 31, 32, 33, 34, 35 and 36; T.41 N., R.30 E., portions of Secs 3, 4 and 5; T.41 N., R.29 E., portions of Secs 7, 8, 17 and 18; T.41 N., R.28 E., portions of Secs 2, 3, 4, 5, 10, 11, 12 and 13.