Permit No. 79042T

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:	**MARYS RIVER AREA**
Manner of Use:	**CONSTRUCTION**
Period of Use:	**April 1st to March 31st**
Priority Date:	**04/18/1978**

****

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 35316, Certificate 12593, is issued subject to the terms and conditions imposed in said Permit 35316, Certificate 12593, 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 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 5.57 cubic feet per second or 129 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 17th day of **February**, A.D. **2010**

K. Hall P.E.
for State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

TEMPORARY Amended

TEMPORARY

Serial No. 79042T

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 NOV 2 4 2009

Returned to applicant for correction

Corrected application filed ..... Map filed DEC 05 1989 under 54207

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 35316 C-12593.....
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 293.2.....
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed.....5.57 cfs (128.89 af).....
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...NW¼ SW¼ Sec 36 T.40 N., R.60 E., MDB&M, or at a point from.....
Describe as being within a 40-acre subdivision of public survey and by course

...which the SW corner of said Sec 36 bears S. 0° 59' W. a distance of 2548.0 feet. For a map of proposed POU, use.....
and distance to a section corner, If on unsurveyed land, it should be stated.

..... map on file under 35315.....

6. The existing point of diversion is located within...Same as heretofore.....
If point of diversion is not changed, do not answer.

.....

.....

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7. Proposed place of use.....See attached sheet. For a map of proposed POU, use map ~~under 78495~~ accompanying this application
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use...See attached sheet
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 2010 31.4 ac NE¼ SE¼, 31.4 ac NW¼ SE¼, 31.4 ac SW¼ SE¼, 31.4 ac SE¼ SE¼ Sec 35 T14N R60E will not be irrigated

9. Use will be from.....April 1, 2010.....to.....March 31, 2011.....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 332 feet deep, pumps 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
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APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

$100 FILING FEE MUST ACCOMPANY APPLICATION

79042T

Proposed Place of Use Tabor Well

T.41 N., R.64 E., portions of Secs 28, 29, 30, 31, 32 and 33; T.41 N., R.63 E., portions of Secs 25, 31, 32, 33, 34, 35 and36; T.40 N. R.62 E., portions of Secs 1, 2, 3, 7, 8, 9 and 10, T.40 N., R.61 E., portions Secs 12, 13, 14, 15, 21, 22, 23, 28, 29, 30 and 31; T.40 N., R.60 E., portions of Secs 35 and 36; T.39 N., R.60 E., portions of Secs 2, 3, 4, 8, 9, 10, 17 and 18; T.39 N., R.59 E., portions of Secs 13, 14, 22, 23, 24, 27, 28, 29, 31 and 32; T.39 N., R.58 E., portions of Secs 18, 19, 20, 21, 26, 27, 28, 29, 35 and 36; T.39 N., R.57 E., portions of Secs 13, 14, 15, 16, 17, 19 and 20; T.39 N., R.56 E., portions of Secs 19, 20, 21, 22, 23, 24 and 30; T.39 N., R.55 E., portions of Secs 25, 26, 27, 28, 29 and 30; T.39 N., R.54 E., portions of Secs 25, 31, 32, 33, 34, 35 and 36; T.39 N., R.53 E., portions of Secs 34, 35 and 36; T.38 N. R.53 E., portions of Secs 3, 4, 5 and 6; T.38 N., R.52½ E., portion of Sec 1; T.38 N., R.52 E., portions of Secs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12; T.38 N., R.51 E., portions of Secs 2, 3, 7, 8, 9, 10, 11, 12; T.39 N., R.50 E., portions of Secs 31, 32, 33 and 34; T.38 N., R.50 E., portions of Secs 3, 4, 5 and 6; T.39 N., R.49 E., portions of Secs 31, 32, 33, 34, 35 and 36; T.38 N., R.49 E., portions of Secs 4 and 5; T.39 N., R.48 E., portions of Secs 28, 29, 30, 31, 32, 33, 34, 35 and 36; T.39 N., R.47 E., portions of Secs 25, 33, 34, 35 and 36.

SEM 12/11/2009

For a map of the proposed POU, use map that accompanies this application.

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1, 4, 5 & 6 12/10

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STATE ENGINEER'S OFFICE

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.

This Temporary Application is being filed to replace Applications 78763 and 78885 for dust control and hydrostatic testing. One hundred twenty five acres is being stripped of irrigation as per attached map because the entire center pivot will not be able to be used during construction.