



# 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: HUALAPAI FLAT  
 Manner of Use: CONSTRUCTION  
 Period of Use: April 1st to March 31st  
 Priority Date: 04/04/1966

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#### 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 25599, Certificate 7632 is issued subject to the terms and conditions imposed in said Permit 25599, Certificate 7632 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 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. 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.

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.

(Continued on Page 2)

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 issuance of this temporary permit reduces the duty of Permit 25599, Certificate 7632, by 5.16 acre-feet, and decreases the certificated place of use by 1.5623 acres.

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 5.16 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:

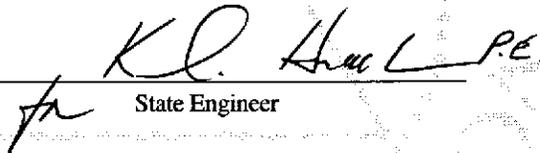
N/A

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 22nd day of April, A.D. 2010

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_

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# TEMPORARY TEMPORARY

Serial No. **79587T**

## 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 ..... **FEB 17 2010** .....

Returned to applicant for correction.....

Corrected application filed ..... Map filed **FEB 17 2010** .....

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 (Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

..... Permit 25599 C-7632.....

1. The source of water is.....Underground well -High Rock.....  
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed.....0.22 cfs (5.16 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 and domestic.....  
If for stock state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section. If on unsurveyed land, it should be stated.)

...SW¼ SE¼ Sec 12, T.35 N., R.23 E., MDB&M or at a point from which the SW corner of said Sec 12 bears S. 63° 39'.....  
...35' W., a distance of 2968.17 feet.....

REL

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

...Same as heretofore. For a map of existing POD and POU, use map on file under Permit 25599.....

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**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 4/1/2010 to 3/31/2011. 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 particular application will be used for dust control along the haul road between Gerlach and Vya.

1.5623 acres of irrigation will be stripped at the rate of 3.3 AF/AC as per consumptive use publication.