Permit No. 80224T

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:	**ONE YEAR**
Priority Date:	**07/21/1970**

****

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 the waters of an underground source as heretofore granted under Permit 65829 is issued subject to the terms and conditions imposed in said Permit 65829 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.

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 approval of this temporary permit reduces the duty of water under the base right by 46.03 acre-feet and reduces the total combined duty of all related permits described in the base right by 46.03 acre-feet for a period of one year.

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 2.7 cubic feet per second, but not to exceed 46.03 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 21st day of **December,** A.D. **2010**

P.E.

State Engineer

TEMPORARY

Application No. 80224 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 20 2010

Returned to applicant for correction

Corrected application filed ..... Map filed FEB 02 2000 under 65823

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 65829

1. The source of water is Underground well - MP 425
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 2.7 cfs (46.03 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 (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.)

SE ¼ SE¼ of Sec 12, T.37 N., R.39 E., MDB&M, or at a point from which the SE corner of said Sec 12 bears S. 43°43' E., a distance of 250.00 feet. For a map of proposed POD, use map on file under 65823.

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

Same as heretofore

69-HLJ

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

....Same attached sheet. For a map of proposed POU, use map on file under 79041T.....

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

....NE¼ and S½ of Sec 12, all of Sec 13, NE¼ and S½ of Sec 14, NE¼ and S½ of Sec 21, all of Sec 22, all of Sec 23,.....

....all of Sec 27, NW¼ NW¼ of Sec 28, and NE¼ and S½ of Sec 29, all in T.37 N., R.39 E., MBD&M, 3,300 acres.....

...For a map of existing POU, use map on file under 65823.....

9. Use will be from.....November 1, 2010.....to.....October 31, 2011.....of each year.
Month and Day — Month and Day

10. Use permitted from.....January 1st.....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.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

....Existing well pump, motor and pressure pump.....

12. Estimated cost of works.....$50,000.....

13. Estimated time required to construct works.....one (1) month.....
If well completed, describe well.

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

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

...See Exhibit "A". .....

16. Miscellaneous remarks:

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

.....mike_turnipseed@sbcglobal.net.....
E-mail

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

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

$200 FILING FEE MUST ACCOMPANY APPLICATION

Protested: November 2, 2010, by Amy Atwood, Center for Biological Diversity

80224T

Place of Use

T.37 N., R.41 E., portions of Secs 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27; 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, 33 and 34; 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, 17, 18, 19, 20, 21, 28, 29 and 33; T.40 N., R.37 E., portions of Secs 1, 2, 3, 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 26, 27, 28, 29, 30, 33, 34, 35 and 36; T.41 N., R.35 E., portions of Secs 19, 20, 21, 25, 26, 27, 28 and 29; T.41 N., R.34 E., portions of Secs 7, 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

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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 11/01/2010 to 13/31/2011. 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 application has a companion application from the same permit. Ruby Pipeline will divert from two wells (#2 & #3) on Winnemucca Farms to fill the pipe for hydrostatic testing. The Total combined duty is to be 46.03 AF

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