Permit No. 80273T

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:	**MARYS RIVER AREA**
Manner of Use:	**CONSTRUCTION**
Period of Use:	**November 1st to October 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 point of diversion, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 35315, Certificate 12592, is issued subject to the terms and conditions imposed in said Permit 35315, Certificate 12592, 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 well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

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 one year from the date of approval, 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 of the base right associated with the circle located in the SE¼ Section 35, T. 40 N., R. 60 E., MDM by 7.67 acre-feet and reduces the duty of all related permits described in the base right by 7.67 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 0.1 cubic feet per second or 7.67 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 **January**, A.D. **2011**

J. K. P.E.

State Engineer

TEMPORARY Application No. 80273 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 NOV 0 5 2010

Returned to applicant for correction

Corrected application filed Map filed AUG 1 1 2009 under 78818

The applicant...Ruby Pipeline LLC c/o Dan Gredvig

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

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

.....■ Point of diversion.....■ Place of use.....■ Manner of use.....■ of a portion

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

.....Permit ~~35317~~ Cert ~~12594~~ 35315C-12592

1. The source of water is.....Underground -well MP 300 (Name of stream, lake, underground, spring or other sources.)

2. The amount of water to be changed.....0.1 cfs (~~6.14 afa~~ 7.67 AFA) (Second feet, acre-fee| 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 corner. If on unsurveyed land, it should be stated.)

...Within the NW¼ SE¼ of Sec 13, T.39 N., R.59 E., MDB&M, or at a point from which the NE corner of Sec 10, T.39 N.,....

...R.60 E., MDB&M bears N. 68° 02' 10.0" E., a distance of 24,837.62 feet. For a map of proposed POD, use map on.....

...file under 78818

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

...~~NW¼ SW¼ Sec 36, T.40 N., R.60 E., MDB&M, or at a point from which the SW corner of said Sec 36 bears S. 0° 59'~~.....

...~~W. a distance of 2,548.0 feet~~. For a map of existing POD, use map on file under 35315.....

SW¼ NW¼ Sec 35 T.40 N., R 60 E MDB&M or at a point from which the SE Cor of said Sec 35 bears S62°29'E a distance of 5889 ft.

POD under Map 54207 MDillon 12 Nov 2010

02-EL

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

....T.39 N., R.58 E., portion of Sec 36; T.39 N., R.59 E., portions of Secs 13, 22, 23, 24, 27, 28, 29, 31 and 32; T.39 N.,.....

...R.60 E., portions of Secs 2, 3, 4, 8, 9, 10, 17 and 18; T.40 N., R.61 E., portions of Secs 12, 13, 14, 15, 21, 22, 23, 28, 29,...

MDillon 12 Nov 2010 ...30 and 31; T.~~41~~ 40 N., R.60 E., portions of Sections 35 and 36. 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.)

31.4 ac MDillon 12 Nov 2010 ...~~3.41~~ ac NE¼ SE¼, 31.4 ac NW¼ SE¼, 31.4 ac SW¼ SE¼, 31.4 ac SE¼ SE¼ Sec 35 T.40 N., R.60 E. Will not be.....

....irrigated""".....54207 MDillon 12 Nov 2010

.....For stripping maps see map on file under 79041T 11/5

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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.....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.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

...Well, pump, motor and distribution lines.....

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12. Estimated cost of works.....$150,000.....

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 attached sheet.....

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16. Miscellaneous remarks:

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

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

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

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

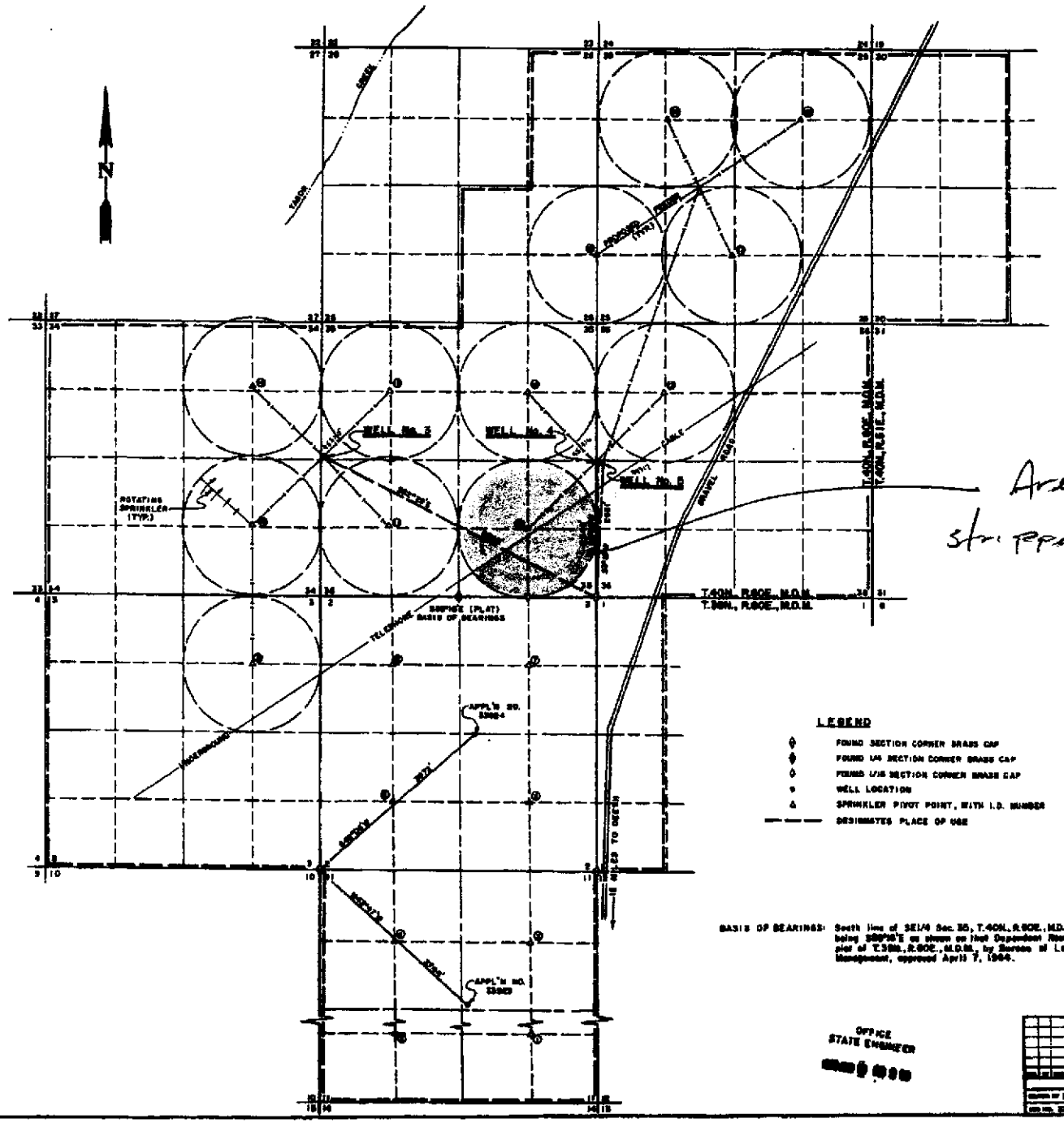
$150 FILING FEE MUST ACCOMPANY APPLICATION

80273 T

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 10/31/2011. 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.

2009 JUN -5 PM 2:06



STATE OF NEVADA
COUNTY OF ELKO } ss.

I, William A. Nisbet, being first duly sworn, deposes and say that this map, consisting of one sheet, has been correctly drawn to the designated scale from field notes of a survey made under my supervision and direction, on the 3rd day of April, 1978; that it truly and correctly represents the proposed location and extent of the works used to divert water from UNDERGROUND SOURCES in ELKO COUNTY, by FAY C. & ANNE E. BARGER for IRRIGATION PURPOSES. That the proposed points of diversion, the approximate location and size of the diverting channel, all reservoirs or basins, the location and names of all other works which will cross or connect with the proposed works, and the boundary of all lands, showing by 40-acre subdivisions the areas proposed to be irrigated, are fully and correctly designated thereon.

SIGNATURE OF REGISTERED RIGHT SURVEYOR NO. 446

Subscribed and sworn to before me this 11th day of April, 1978.

NOTARY PUBLIC IN AND FOR ELKO COUNTY, NEVADA

LEGEND

- FOUND SECTION CORNER BRASS CAP
- FOUND 1/4 SECTION CORNER BRASS CAP
- FOUND 1/16 SECTION CORNER BRASS CAP
- WELL LOCATION
- SPRINKLER PIVOT POINT, WITH I.D. NUMBER
- DESIGNATES PLACE OF USE

BASIS OF BEARINGS: South line of SE1/4 Sec. 35, T.40N., R.60E., M.D.M., being S89°16'E as shown on that Dependent Resurvey plat of T.39N., R.60E., M.D.M., by Bureau of Land Management, approved April 7, 1964.

OFFICE STATE ENGINEER

FILED

0 1000 2000 3000 4000 5000
SCALE: 1"=1000'

MAP
TO ACCOMPANY APPLICATION TO APPROPRIATE WATER FOR
IRRIGATION
WELLS 3, 4, & 5
BY
FAY C. & ANNE E. BARGER
FROM UNDERGROUND SOURCES

CHILTON ENGINEERING W78004

80273T

35217 35316 35315