Permit No. 80347T

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:	**MASSACRE LAKE VALLEY**
Manner of Use:	**CONSTRUCTION**
Period of Use:	**January 1st to December 31st**
Priority Date:	**09/04/2009**

****

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 of the waters of an underground source as heretofore granted under Permit 78872 is issued subject to the terms and conditions imposed in said Permit 78872 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 weir or other type of measuring device at or near the well to facilitate the measurement and control of the water. If well is flowing, a valve must be installed and maintained to prevent waste. The State reserves the right to regulate the use of the water under this proposed change 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.

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.

(Continued on Page 2)

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 24.26 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**

P.E.

State Engineer

TEMPORARY

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Application No. 80347T

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 DEC 2 2 2010

Returned to applicant for correction .....

Corrected application filed ..... Map filed DEC 2 2 2010 under 80346T

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.

No MOU change REL

.....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 78872.....

.....

.....

1. The source of water is.....Underground - well MP 550.....
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed.....5.57 cfs (24.26 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.....same as heretofore.....
If for stock state number and kind of animals.

5. The water is to be diverted at the following point...NW¼ NE¼ Sec 2, T.42 N., R.21 E., MDB&M, or at a point from.....
Describe as being within a 40-acre subdivision of public survey and by course

...which the E¼ corner Sec 4 T.42 N., R.22 E., MDB&M bears S. 83° 46.2' E. a distance of 24,451.25 feet. For a map.....
and distance to a section corner, If on unsurveyed land, it should be stated.

...of POD, use map ~~to accompany this file~~ under 80346T ..... KWC 12/23/10

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

...Within the SW¼ NE¼ of Sec 4, T.42 N., R.22 E., MDB&M or at a point from which the E¼ corner of said Sec 4 bears.....

...S. 67° 45' 08.0" E., a distance of 2,545.50 feet. For a map of existing POD, use map on file under 78822.....

.....

.....

08-WA

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

.....See attached sheet. For a map of proposed POU, use map under 79041T.....

8. Existing place of use 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 irritation.)

...Same as heretofore.....

9. Use will be from.....January 1, 2011.....to.....December 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.)

...New drilled well, pump, motor, stand pipe and haul trucks.....

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 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

$150 FILING FEE MUST ACCOMPANY APPLICATION

~~78872~~
80347

Attachment A – MP 545.76

T. 45 N. R. 19 E., M. D. B. & M.

Sections: 5, 6, 8, 16, 17, 21, 28, 33, 34

T. 44 N. R. 19 E., M. D. B. & M.

Sections: 3, 10, 14, 15, 23, 26, 35, 36

T. 43 N. R. 19 E., M. D. B. & M.

Sections: 1, 12

T. 43 N., R. 20 E., M. D. B. & M.

Sections: 7, 18, 19, 20, 28, 29, 33, 35, 36

T. 42 N., R. 20 E., M. D. B. & M.

Sections: 2, 3, 4

T. 43 N. R. 21 E. , M. D. B. & M.

Sections: 31, 32, 33

T. 42 N. R. 21 E. , M. D. B. & M.

Sections: 1, 2, 3, 4

T. 42 N. R. 22 E. , M. D. B. & M.

Sections: 1, 2, 3, 4, 5, 6

RECEIVED
2009 SEP -4 PM 1:37
STATE ENGINEERS OFFICE

~~78872~~
80347

T. 42 N. R. 23 E. , M. D. B. & M.

Sections: 2, 3, 4, 5, 6, 11, 12

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2009 SEP -4 PM 1:07
STATE ENGINEERS 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 1/1/2011 to 12/31/2011. 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.

Ruby Pipeline has found it necessary to move the new well from MP 545 to MP 550. The well we be on BLM land.