ASSIGNED Serial No. 54753

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

Date of filing in State Engineer's Office: MAY 14 1990 - NEW PRIORITY DATE: JAN 29 1998

Returned to applicant for correction

Corrected application filed Map filed JUN 08 1990 under 54749

The applicant Lands of Sierra, Inc.

50 West Liberty #720 (Street and No. or P.O. Box No.) of Reno (City or Town)

Nevada 89501 (State and Zip Code No.) hereby makes application for permission to change the

Manner and Place of Use (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit # 36370 (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 (Name of stream, lake, underground spring or other source.)
2. The amount of water to be changed 6.0 cfs. (not to exceed 1920 AF/Yr.) (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for Industrial (Power) (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for Irrigation (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
5. The water is to be diverted at the following point Same as existing (Describe as being within a 40-acre subdivision of public survey and by course and distance to a section corner. If on unsurveyed land, it should be stated.)
6. The existing permitted point of diversion is located within SE¼ SE¼ Section 35, T41N, R65E, MDM, (If point of diversion is not changed, do not answer.) at a point from which the SE corner of said section bears S.45° E., 100 feet distance
7. Proposed place of use All of Sections 16 thru 21 and 28 thru 30 inclusive, T40N, R66E, MDM (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use All of Section 35, T41N, R65E, MDM (640 acres) (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.)
9. Use will be from January 1 (Month and Day) to December 31 (Month and Day) of each year.
10. Use was permitted from January 1 (Month and Day) to December 31 (Month and Day) of each year.
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) A turbine pump will be installed, transmission & storage tanks will be built to transport water to the proposed place of use (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes, or drilled well, etc.)
12. Estimated cost of works $35,000.00
13. Estimated time required to construct works Five Years

14. Estimated time required to complete the application of water to beneficial use Ten Years

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

This application is made in contemplation of the need of developing additional water for industrial use at the site of the proposed Thousand Springs Generating Company, for which applicant is under contract as supplier. Applicant is requesting a postponement of action by the state engineer following the required publication of the application, until such time as the plan for development under this particular application is ready and a thorough study of the supply potential within the basin is completed.(NRS 533.370(2)). Please send copies of all correspondence and notices to undersigned agent.

By s/William A. Nisbet Agent
421 Court
Elko, Nevada 89801

Compared bc/ap jr/vjw

Protested 7/23/90 by The Board of Elko County Commissioners

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 permit to change the place of use and manner of use of the waters of an underground source as heretofore granted under Permit 36370 is issued subject to the terms and conditions imposed in said Permit 36370 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. 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.

This 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 permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 53834, 54749, 54750, 54751, 54752, 54753, 54754 and 54756 shall not exceed 14,400.0 acre-feet annually.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 6.0 cubic feet per second, but not to exceed 1920.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 27, 1996

Proof of completion of work shall be filed before April 27, 1996

Application of water to beneficial use shall be made on or before March 27, 1997

Proof of the application of water to beneficial use shall be filed on or before April 27, 1997

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

CANCELLED JAN 05 1998 BECAUSE OF FAILURE OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

STATE ENGINEER

Can. Rescinded See Stipulation & Order filed 7-10-2000.

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E. State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 30th day of September, A.D. 19 94

R. Michael Turnipseed P.E.
State Engineer

(O)-1108 (Rev. 6-81)

(PERMIT TERMS CONTINUED)

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.