ASSIGNED

No. 57287

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office MAR 1 2 1992

Returned to applicant for correction

Corrected application filed

Map filed MAR 1 8 1992 under 57286

The applicant Brady Power Partners

6200 S. Syracuse Way, Suite 125 (Street and No. or P.O. Box No.), of Englewood (City or Town),

Colorado, 80111 (State and Zip Code No.), hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

Nevada Geothermal Power Partners, Limited Partner
ESI Energy, Inc., Limited Partner

1. The source of the proposed appropriation is underground (geothermal reseroir) (Name of stream, lake, spring, underground or other source)

2. The amount of water applied for is 5.0 cfs (One second-foot equals 448.83 gals. per min.) second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for industrial and domestic (geothermal power) (Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.)

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kinds of animals to be watered

   (c) Other use (describe fully under No. 12. "Remarks"

   (d) Power:

      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point Proposed Production Well 38A-1 (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 so stated.)

   SW/4 SE/4 SW/4, Section 1 T22N, R26E, 1970' E of W line, 600' N of S line, Section 1, having a bearing approximately S 49°00' E, 920' from the S¼ corner Section 1, location unsurveyed.

6. Place of use Brady Power Partners Geothermal Power Plant, SW/4 SW/4 SE/4, Section 1, T22N, R26E. (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day), of each year.

8. 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.) Geothermal production wells and piping to geothermal power plant facilities and injection wells. (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

9. Estimated cost of works production wells/wellfield: $8 million.

10. Estimated time required to construct works wellfield: 10 months (August, 1991-June, 1992)
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 4 months (June, 1992)

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

This is not a new water appropriation. It is an application to allow geothermal water production from a new well to compensate for loss of production from other wells in the production wellfield. Water flow rates will not exceed 5.0 cfs for any well. The total flow rates for all production wells will not exceed the 33.64 cfs allowed under the eight existing water permits, nor will annual withdrawal exceed the 19,571 acre-feet allowed under the combined water permits.

By s/G. Martin Booth
G. Martin Booth III, Agent
251 Ralston Street
Reno, Nevada 89503

Compared cc/jjs ap/se

Protested 6/5/92 by; Geothermaal Food Processor (Gilroy Foods, Inc.):
Pro. overruled 6-26-92,
Ruling No. 3894

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 is issued subject to existing rights. It is understood that the amount of geothermal fluid herein granted is only a temporary allowance and that the final right obtained under this permit will be dependent upon the amount actually placed to beneficial use. It is also understood that this right must allow for a reasonable decrease of fluid pressure and heat. The well shall be equipped and maintained to prevent any waste of the geothermal fluid. Accurate measurements must be kept of discharge of the production well and the amount of fluid injected into the injection well to determine the total amount of fluid diverted and consumed for a beneficial use.

The production and injection well are to be cemented from the producing levels to the surface to protect fresh water zones. This permit is issued subject to the condition that only geothermal fluids are to be diverted and used beneficially for heating purposes and fresh, cold water aquifers are not to be diverted. The used geothermal fluids are to be returned to the source via the injection well. The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 5.0 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before May 26, 1994

Proof of completion of work shall be filed before June 26, 1994

Application of water to beneficial use shall be filed on or before May 26, 1997

Proof of the application of water to beneficial use shall be filed on or before June 26, 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

Abrogated By 64485 5.0

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 21st day of July A.D. 1992

State Engineer

(OI-2145 (Rev. 9 89))

(PERMIT TERMS CONTINUED)

A report for this well must be filed under this permit describing the amount of geothermal fluid diverted and consumed to a beneficial use for the duration of this permit. This report must detail the amount of fluid produced, injected and delivered to Gilroy Foods, Inc.

The total combined withdrawal of the geothermal fluid under Permits 57238 through 57245, inclusive, 57286 through 57297, inclusive, and 57807-T through 57814-T, inclusive, shall be limited to 19,572 acre-feet per year withdrawal but the total consumptive use of the geothermal fluid is limited to 4,276 acre-feet per year. The State Engineer does not waive the right to make a determination of incidental fluid losses at any time and impose additional conditions thereto. This permit is further issued subject to the provisions of NRS 533.372(1) and with the understanding that the power or energy generated by the beneficial use of this water or steam is subject to recapture and use within the boundaries of the State of Nevada when the need arises.

This permit is further issued subject to the agreements executed by and between Gilroy Foods, Inc. and Brady Hot Springs Geothermal Associates dated December 18, 1987; Gilroy Foods, Inc. and Nevada Geothermal Power Partners, Limited Partnership dated February 1, 1991; and the State Engineer's Ruling No. 3894 dated June 26, 1992.