TEMPORARY

Serial No. 57781 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

Date of filing in State Engineer's Office JUN 23 1992

Returned to applicant for correction

Corrected application filed Map filed JUN 23 1992 under 57778T

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 change the point of diversion, manner of use and place of use of a portion (Point of diversion, manner of use, and/or place of use)

of water heretofore appropriated under Permit # 47166 (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 0.167 cfs (Second feet, acre feet. One second foot equals 448.83 gallons per minute.)
3. The water to be used for commercial (for vegetable wash water and in the dehydration process) (Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.)
4. The water heretofore permitted for industrial and domestic (geothermal power) (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 Production Well 46-1, SW/4 NW/4 SE/4, Section 1, T22N, R26E, having a bearing S00°07'W, 1672.25' from S/4 corner Section 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 stated.)
6. The existing permitted point of diversion is located within the NW1/4NE1/4 of Section 12, T.22N., R.26E., MDM, or at a point from which the North 1/4 corner of said Section 12 bears N.24°26'38"W. 724.98 feet. (If point of diversion is not changed, do not answer.)
7. Proposed place of use S/2 NW¼, Section 12, T22N, R26E, MDM, Gilroy Foods, Inc., Geothermal Food Processor Plant. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use Within Section 12, T.22N., R.26E., MDM. (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.) geothermal production wells and piping to Geothermal Food Processors Plant. (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 $175,000 for pipeline
13. Estimated time required to construct works 2 months

14. Estimated time required to complete the application of water to beneficial use 6 months

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

This temporary change of diversion, manner of use and place of use is for emergency purposes only. Under normal conditions, Brady Power Partners would need the 0.167 cfs of water applied for under this temporary permit to supply geothermal heat to their power plant, as provided for under the existing permit.

By s/G. Martin Booth
251 Ralston Street, Reno, NV 89503

Compared bk/ vjw ap/ cat

Protested

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 of use and manner of use of a portion of the geothermal fluid heretofore granted under Permit 47166 is issued subject to the terms and conditions imposed in said Permit 47166 and with the understanding that no other rights on the source will be affected by the change proposed herein.

This temporary 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 (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 0.167 cubic feet per second.

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

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

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

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Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

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WITHDRAWN BY APPLICANT JUN 29 1992

R. Michael Turnipseed P.E. STATE ENGINEER

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 24th day of June, A.D. 1992

R. Michael Turnipseed P.E. State Engineer

(PERMIT TERMS CONTINUED)

other permits from State, Federal and local agencies. A detailed log on the injection well and/or other analyses of the system used for returning the used geothermal fluids to the source must be submitted together with the Proof of Completion.

An annual 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 calendar year. This report must detail the amount of fluid produced and injected.

The total combined withdrawal of the geothermal fluid under Permits 47166, 51592, 56877-T, 56878-T, 57781-T and 57784-T shall be limited to 2,467 acre-feet per year but the total consumptive use of the geothermal fluid is limited to only incidental fluid losses in the system and in no case shall it amount to more that 20% of the volume withdrawn annually. 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 temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on June 23, 1993 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The total combined diversion rate of Permits 57778-T, 57779-T, 57780-T, 57781-T, 57782-T, 57783-T, 57784-T and 57785-T shall not exceed 1.34 cfs.