TEMPORARY Serial No. 59190 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 AUG 30 1993

Returned to applicant for correction

Corrected application filed Map filed MAR 12 1992 under 57238

The applicant Brady Power Partners

1400 Centrepark Blvd. Suite 600 (Street and No. or P.O. Box No.) of West Palm Beach (City or Town)

Florida 33401 (State and Zip Code No.) hereby make s application for permission to change the

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 Permits #57243 (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 56-1, SW¼ NW¼ SE¼, Section 1, T22N, R26E, having a bearing S15°06'56" W, 1986.48' from S¼ 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 (If point of diversion is not changed, do not answer.)
7. Proposed place of use S½ NW¼, Section 12, T22N, R26E, MDM, Gilroy Foods, Inc. (Geothermal Food Processors Plant) or in the SW¼ SE¼ Section 1, T22N, R26E, MDM, Brady Geothermal Power Plant. (Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.)
8. Existing place of use Brady Power Partners Geothermal Power Plant, SW¼ SW¼ SE¼, Section 1, T22N, R26E. (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 completed

14. Estimated time required to complete the application of water to beneficial use: none

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 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 flow to supply geothermal heat to their power plant, as provided for under the existing permit.

By s/ Missy Payne /Missy Payne, ~~251 Ralston Street~~ ~~Permitting Agent~~
Reno, NV 89503

Compared ab/ js ab/vw

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 place of use and manner of use of a portion of the geothermal fluid heretofore granted under Permit 57243 is issued subject to the terms and conditions imposed in said Permit 57243 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 water 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 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

TEMPORARY

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 4th day of April, A.D. 19 94.

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE APR - 3 1995

(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 59186-T through 59193-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 temporary 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.

The total combined diversion rate of Permits 59186-T, 59187-T, 59188-T, 59189-T, 59190-T, 59191-T, 59192-T and 59193-T shall not exceed 1.34 cfs.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on April 3, 1995 at which time all rights herein granted shall revert to the right being changed by this temporary permit.