SECOND AMENDED **No. 59908**

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

Date of filing in State Engineer's Office **APR 07 1994**

Returned to applicant for correction

Corrected application filed **MAY 05 1994**

Map filed **MAY 05 1994**

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The applicant **Fish Lake Power Company**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

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1. The source of the proposed appropriation is **Underground**

2. The amount of water applied for is **0.22 c.f.s., not to exceed 10 AFA** second-feet

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

3. The water to be used for **Industrial**

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") **Potable consumption for power plant support facilities**

(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 **NE¼ NE¼ Section 13, T.1S., R.35E., MDB&M, or at a point from which the NE corner of said Section 13 bears North 67° 25' 38" East, 885 feet**

6. Place of Use **N½ NE¼ Section 13, T.1S., R.35E., MDB&M**

7. Use will begin about **January 1** and end about **December 31**of each year.

8. Description of proposed works **Drilled well, submersible pump and power plant support facility distribution system**

9. Estimated cost of works **$50,000 (well & distribution system)**

10. Estimated time required to construct works **1 year**

11. Estimated time required to complete the application of water to beneficial use **5 years**

12. Remarks: **This water will be used as domestic consumption in the operation of the proposed geothermal power generation plant. Specific design of the plant infrastructure has not yet been completed. The total combined duty with other potable water applications for this facility will not exceed 10 ac-ft/yr.**

By **s/Brian A. Randall**
Brian A. Randall, Resource Concepts, Inc.
340 North Minnesota Street
Carson City, Nevada 89703

Compared **my/cmf** hs/cmf
Protested

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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 water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. 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 water begins, or before the Proof of Completion of Work is filed. 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 total combined duty of water under Permits 59908 and 59909 shall not exceed 10.0 acre-feet per year.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.22** cubic feet per second, **but not to exceed 10.0 acre-feet per year.**

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

May 19, 2001

Proof of completion of work shall be filed before:

June 19, 2001

Water must be placed to beneficial use on or before:

May 19, 2005

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

June 19, 2005

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

N/A

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 **19th** day of, **May** A.D. **2000**

R. Michael Turnipseed P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____