TEMPORARY

NO. 62123 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 MAY 10 1996

Returned to applicant for correction

Corrected application filed

Map filed MAR 12 1992 under 57238

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The applicant Brady Power Partners, hereby make application for permission to change the manner of use and place of use of a portion of water heretofore appropriated under Permit #57240

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1. The source of water is underground geothermal

2. The amount of water to be changed 0.222 cfs

3. The water to be used for Commercial (vegetable wash water and in the dehydration process)

4. The water heretofore permitted for industrial and domestic (geothermal power)

5. The water is to be diverted at the following point Production Well 47A-1, NE¼ SE¼ SW¼ Section 1, T22N, R26E, having a bearing S23°54'12" E, 1127.34' from S¼ corner Section 1.

6. The existing permitted point of diversion is located within

7. Proposed place of use S½ NW¼, Section 12, T22N, R26E, MDM, Gilroy Foods, Inc., Geothermal Food Processor's Plant, or in the SW¼ SE¼ Section 1, T22N, R26E, MDM, Brady Geothermal Power Plant.

8. Existing place of use Brady Power Partners Geothermal Power Plant, SW¼ SE¼, Section 1, T22N, R26E, MDM.

9. Use will be from January 1 to December 31 of each year.

10. Use was permitted from January 1 to December 31 of each year.

11. Description of proposed works Existing geothermal production wells and piping to Geothermal Food Processor's Plant.

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

By s/ Missy Payne Missy Payne
GDA Permitting Agent
251 Ralston Street
Reno, Nevada 89503

Compared cl/jk cl/cms

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 temporary permit to change the place of use and manner of use of a portion of the geothermal fluid heretofore granted under Permit 57240 is issued subject to the terms and conditions imposed in said Permit 57240 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.

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, 57239, 57240, 57241, 57243, 57244, 57245, 57286, 57287, 57288, 57289, 57290, 57291, 57292, 57293, 57295, 57296, 57297, 60930, 60931, 60932, 60933, 60934, 62121-T, 62122-T, 62123-T, 62124-T, 62125-T and 62126-T shall be limited to 19,572.0 acre-feet per year withdrawal but the total consumptive use of the geothermal fluid is limited to 4,276.0 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 62121-T, 62122-T, 62123-T, 62124-T, 62125-T, and 62126-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 August 28, 1997 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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

(CONTINUED ON PAGE 2)

(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 0.222 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 filed on or before:

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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:

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 29th day of August, A.D. 1996

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE AUG 28 1997