TEMPORARY

NO. 65027-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 APR 07 1999

Returned to applicant for correction

Corrected application filed

Map filed MAR 18 1992 under 57286

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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 57289 Certificate #15026**

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1. The source of water is **underground, geothermal**

2. The amount of water to be changed **0.64 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 **well 48A-1, SE¼ SW¼ section 1, T22N, R26E, MDB&M, or at a point from which the S¼ corner of said Section 1 bears S 16°50'00" E, a distance of 655.00 feet, situated in Churchill County, Nevada.**

6. The existing permitted point of diversion is located within

7. Proposed place of use **S½ NW¼ Section 12, T22N, R26E, MDB&M, Gilroy Foods Dehydration Plant, or in the SW¼ SE¼ Section 1, T22N, R26E, MDB&M, Brady Geothermal Power Plant.**

8. Existing place of use **Brady Power Partners Geothermal Power Plant, SW¼ SE¼ Section 1, T22N, R26E, MDB&M.**

9. Use will be from **May 15, 1999** to **May 14, 2000** 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 Gilroy Food's Dehydration 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 change of manner of use and place of use is for temporary purposes to supply geothermal fluid to the Gilroy Foods Dehydration Plant, depending on the needs of the plant. Remaining fluid would be sent to the Brady Power Plant as provided for under the existing permit.**

By **s/Missy Payne Missy Payne, Agent**
c/o GDA, 251 Ralston Street
Reno, NV 89503

Compared **dl/cms** dl/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 57289 is issued subject to the terms and conditions imposed in said Permit 57289 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.

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

The production and injection wells are to be cemented from the producing levels to the surface to protect fresh water zones. This temporary 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 temporary 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 temporary 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, Certificate 15024; 57239, 57240, 57241, 57243, Certificate 15025; 57245, Certificate 15174; 57286, 57288, 57289, Certificate 15026; 57295, 57296, 57297, Certificate 15027; 60930, Certificate 15028; 60931, Certificate 15029; 64485, 65024-T, 65025-T, 65026-T, 65027-T and 65028-T shall be limited to 19,572.0 acre-feet per year but the total combined consumptive use of the geothermal fluid under the above referenced permits shall be 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 temporary 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 3894 dated June 26, 1992.

This temporary permit is issued with the understanding that the Monitoring Plan, which is Exhibit A of the Stipulation between Brady Power Partners and Gilroy Foods, Inc. dated June 21, 1996, will continue to be implemented. Any modification of this monitoring plan must be submitted and approved by the State Engineer.

(CONTINUED ON PAGE 3)

(PERMIT TERMS CONTINUED)

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on July 5, 2000 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.64** 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:

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:

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 **6th** day of **July**, A.D. **1999**

R. Michael Turnipseed P.E.
State Engineer

EXPIRED
DATE JUL 0 5 2000