

**AMENDED
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 DEC 22 2003
 Returned to applicant for correction JAN 12 2004
 Corrected application filed MAR 08 2004
 Map filed MAR 08 2004

The applicant **Western States Geothermal Company**, hereby make application for permission to change the **Point of Diversion** of water heretofore appropriated under permit **46586 Application for Permit to Appropriate the Public Waters of the State of Nevada**

1. The source of water is **underground**
2. The amount of water to be changed **5.0 CFS**
3. The water to be used for **Industrial and Domestic Use**
4. The water heretofore permitted for **Industrial and Domestic Use**
5. The water is to be diverted at the following point **SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21 T22N R27E On a bearing of NW 75.82 degrees, 764.74' from the east quarter corner of Section 21, T22N R27E, MDB&M.**
6. The existing permitted point of diversion is located within **NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21 T22N R27E On a bearing of SW 70.76 degrees, 1060.50' from the east quarter corner of Section 21 T22N R27E MDB&M**
7. Proposed place of use (Well 74-21) **Desert Peak Geothermal Power Plant, Section 21, T22N R27E MDB&M, Churchill County, Nevada**
8. Existing place of use **Section 21, T22N R27E MDB&M unchanged**
9. Use will be from **1/1 to 12/31** of each year.
10. Use was permitted from **1/1 to 12/31** of each year.
11. Description of proposed works **used to generate electricity geothermal well piped to geothermal power plant**
12. Estimated cost of works **\$1.5 million**
13. Estimated time required to construct works **completed**
14. Estimated time required to complete the application of water to beneficial use **immediately**
15. Remarks: **Steam and water will be diverted from the well and the thermal energy extracted and sold to Sierra Pacific Power Company. The Power Plant will be a combined cycle binary plant with approximately 10% consumptive use in the cooling tower.**

By **Christy L. Morris**
 s/Christy L. Morris
 980 Greg Street
 Sparks, NV 89431

Compared cmf/ sam dl/gl

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 geothermal permit to change the point of diversion of the waters of an underground geothermal source as heretofore granted under Permit 46586 is issued subject to the terms and conditions imposed in said Permit 46586.

This geothermal 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 geothermal permit will depend upon the amount actually placed to beneficial use. It is also understood that this right must allow for a reasonable decrease in reservoir pressure and heat. The well shall be constructed and maintained to prevent any waste of the geothermal fluid above or below the surface. The producing well discharge shall be closely monitored and recorded. The amounts of fluid injected back to the reservoir shall also be monitored and recorded to determine the total annual diversion and consumption for beneficial use.

The annulus of any well drilled under this geothermal permit is to be cemented from the top of the producing or injection interval to surface to prevent waste and to prevent any communication with fresh ground water. Only geothermal waters are to be diverted under this geothermal permit and the cooled geothermal fluids are to be returned to the source via the injection well.

This geothermal permit does not relieve the operator of the requirements of any other state, local or federal agency. This geothermal permit does not extend the permittee the right of ingress or egress on public or private lands.

An annual report that documents the amounts of fluids produced, injected and/or consumed shall be filed under this geothermal permit not later than January 31 of the year following the reporting year. Any exploration and subsurface information obtained as a result of this project shall be kept confidential pursuant to Chapter 534A.031 of the Nevada Revised Statutes (NRS).

The total withdrawal of geothermal fluid under this geothermal permit shall be limited to 3620 acre-feet per year. This appropriation permit allows for a total consumptive use of the geothermal fluid that shall not exceed 20% of the amount produced annually. The State Engineer reserves the right to make findings regarding the consumptive use of the geothermal fluid under this geothermal permit and impose additional conditions thereto.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **5.0** cubic feet per second,

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

February 9, 2006

Proof of completion of work shall be filed on or before:

March 9, 2006

Water must be placed to beneficial use on or before:

February 9, 2009

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

March 9, 2009

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

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this **9th** day of **February**, A.D. **2005**



State Engineer

NOV 24 2004

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____ N/A _____

Certificate No. _____ Issued _____