TEMPORARY **No. 71084-T**

TEMPORARY
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 20 2004

Returned to applicant for correction

Corrected application filed

Map filed MAR 12 1992 under 57238

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The applicant **ConAgra, Inc.**, hereby make application for permission to change the **point of diversion** of water heretofore appropriated under **Permit 44646**

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1. The source of water is **Underground**

2. The amount of water to be changed **5.0 cfs, 2,240 gpm, 181 afy consumptive use**

3. The water to be used for **Commercial dehydration of onions; Industrial**

4. The water heretofore permitted for **Same**

5. The water is to be diverted at the following point **of diversion under Permit 64486 as shown on map. Filed March 12, 1992 under Permit 64486; Production well 46-1, NE¼ of SW¼ of Section 1, T22N, R26E, MDB&M, or at a point from which the S¼ corner of said Section 1 Bears S 00°07' W, a distance of 1672.25 feet.**

6. The existing permitted point of diversion is located within **the SE¼ of the NW¼ of Section 12, T22N, R26E, MDB&M at a point from which the W¼ corner of said Section 12 bears S 67°59'23" W, a Distance of 2,221.09 feet. See map under Permit 44643.**

7. Proposed place of use **same as existing place of use; see map under Permit 44643,**

8. Existing place of use **160 acres – NE¼ of NW¼, SE¼ of NW¼, SW¼ of NW¼, NE¼ of SW¼, Section 12, T22N, R26E, MDB&M.**

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 well and pump under Permit 64486.**

12. Estimated cost of works **N/A**

13. Estimated time required to construct works **N/A**

14. Estimated time required to complete the application of water to beneficial use **N/A**

15. Remarks: **Due to pumping of the resource by Brady Power Partners, the water level has dropped below Applicant's wells. This Application is to change, on a temporary basis, Applicant's point of diversion to one of Brady Power Partners' wells so the fluid can be supplied to Applicant during the 2004 onion drying season. This Application is without prejudice to all of Applicant's contract and other rights.**

By **Robert W. Marshall, Agent**
s/Robert W. Marshall
P.O. Box 2790
Reno, NV 89505

Compared **cmf**/sam ag/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 temporary permit to change the point of diversion of the waters of an underground geothermal source as heretofore granted under Permit 44646, is issued subject to the terms and conditions imposed in said Permit 44646. No other rights on the source are affected by the change proposed herein.

It is understood that the amount of geothermal fluid herein granted is only a temporary allowance and that the final right obtained under this 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 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 permit and the cooled geothermal fluids are to be returned to the source via the injection well.

This temporary permit does not relieve the operator of the requirements of any State, Federal or Local agency. This temporary permit does not extend the permittee the right to ingress or egress on public or private lands.

A report detailing the proposed reservoir-monitoring plan shall be submitted to the State Engineer before any production under this permit.

A report on the operation and monitoring of the production and injection well system shall be filed together with the Proof of Completion.

An annual report that documents the amounts of fluid produced, injected and/or consumed shall be filed under this permit not later than on 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).

This temporary permit allows for a total consumptive use of the geothermal fluid not to exceed 181 acre-feet annually. The State Engineer reserves the right to make findings regarding the consumptive use of the geothermal fluid under this permit and impose additional conditions thereto.

This temporary permit is issued subject to the terms and conditions imposed by the State Engineer Ruling No. 3894 dated June 26, 1992, and is subject to the Agreements executed by and between Gilroy Foods Inc. and Brady Hot Springs Geothermal Associates dated December 18, 1987, and by and between Gilroy Foods Inc. and Nevada Geothermal Power Partners, Limited Partnership dated February 1, 1991.

This temporary permit is issued with the understanding that the Monitoring Plan, which is Exhibit A of the Stipulation dated June 21, 1996, by and between Brady Power Partners and Gilroy Foods Inc., will continue to be implemented. Any modifications of the reservoir-monitoring program shall be approved by the State Engineer, the Nevada Division of Minerals and the Nevada Division of Environmental Protection.

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 the geothermal fluid is subject to recapture and use within the boundaries of the State of Nevada when the need arises.

The total combined withdrawal and consumptive use of the geothermal fluid under these Temporary Permits 71081-T, 71082-T, 71083-T, 70184-T, 71085-T, and 71086-T shall not exceed 1,489.62 acre-feet per season.

(CONTINUED ON PAGE 3)

(PEMIT TERMS CONTINUED)

71084-T

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **July 14, 2005** 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 **5.0** 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 on or before:

Water must be placed to beneficial use 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, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **15th** day of **July**, A.D. **2004**

Hugh Ricci, P.E.

State Engineer