

A M E N D E D

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 APPROPRIATEDDate of filing in State Engineer's Office DEC 06 2004Returned to applicant for correction JAN 03 2005

Corrected application filed _____

Map filed JAN 06 2005 under 37281

The applicant **Beowawe Power, LLC**, hereby makes application for permission to change the **Point of diversion, Place of use of a portion** of water heretofore appropriated under permit #39281

1. The source of water is **underground - geothermal**
2. The amount of water to be changed **6.0 (six) cfs**
3. The water to be used for **industrial**
4. The water heretofore permitted for **industrial**
5. The water is to be diverted at the following point **within the SW¹/₄SE¹/₄ Section 13, T.31N., R.47E., M.D.M., from which the S. ¹/₄ section corner of said section 13 bears S.27°03'W., a distance of 966 ft.**
6. The existing permitted point of diversion is located within **the SE¹/₄NW¹/₄ Section 17, T.31N., R.48E., M.D.M., from which the NW corner of said section 17 bears N.43°W., 2,600 feet distant.**
7. Proposed place of use **SE¹/₄ Section 13, T.31N., R.47E., M.D.M.**
8. Existing place of use **Sections 7, 8, 9, 16, 17, 18, in T.31N., R.48E., M.D.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 **production well and pipeline to existing power plant. Plant brine will be injected in wells downstream of plant.**
12. Estimated cost of works **unknown – in excess of \$1,000,000.00**
13. Estimated time required to construct works **one year**
14. Estimated time required to complete the application of water to beneficial use **one year**

15. Remarks: Geothermal fluid is used to support electrical generation at power plant. Estimated 20% consumptive use of produced fluid, mainly from evaporation in cooling tower. Refer to map filed under permit #39281 for existing point of diversion and place of use.

By s/William A. Nisbet
William A. Nisbet
421 Court Street
Elko, Nevada 89801

Compared dl/gkl dl/ gkl

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 temporary geothermal permit to change the point of diversion and place of use of a portion of the waters of an underground geothermal source as heretofore granted under Permit 39281 is issued subject to the terms and conditions imposed in said Permit 39281. No other rights on the source are affected by the change proposed herein.

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 water above or below the surface. The producing well discharge shall be closely monitored and recorded.

The annulus of any well drilled under this temporary 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 temporary geothermal permit and the cooled geothermal waters are to be returned to the source via the injection well.

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

This temporary geothermal permit allows for a total consumptive use of the geothermal water not to exceed 869 acre-feet annually for cooling tower evaporative and other losses. The State Engineer reserves the right to make findings regarding the consumptive use of the geothermal water under this temporary geothermal permit and imposed additional conditions thereto.

The total combined withdrawal of geothermal water under Permit 27959, Certificate 13729; 48737, Certificate 13734; 55686, Certificate 13741, Permit 55687, Certificate 13742 and Permits 59587, 39281 and 71970-T shall not exceed 15,368 acre-feet per year and the total consumptive use of geothermal water under these permits shall not exceed 3,074 acre-feet per year.

This temporary geothermal permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **February 6, 2007** at which time all rights herein granted shall revert to the right being changed by this temporary geothermal permit.

(CONTINUED ON PAGE 3)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed **6.0** cubic feet per second, or a consumptive use of 869 acre-feet seasonally.

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

N/A - Temporary

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

N/A - Temporary

Water must be placed to beneficial use on or before:

N/A - Temporary

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

N/A - Temporary

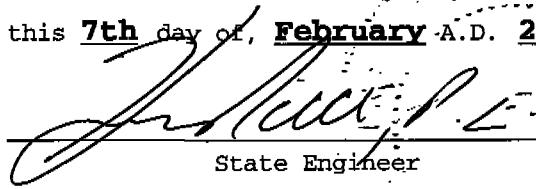
Map in support of proof of beneficial use shall be filed on or before:

N/A - 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 7th day of, February A.D. 2006



State Engineer

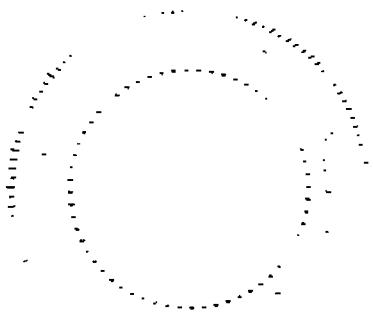


EXHIBIT "A"

The following describes the multiple points of diversion for Truckee Meadows Water Authority Water Treatment Plants, which are shown on the map accompanying Application No. 71606 on file with the State of Nevada, Division of Water Resources, more particularly described as follows:

STEAMBOAT CANAL (HUNTER CREEK RESERVOIR):

The existing point of diversion is situate within the Northeast one-quarter of the Southwest one-quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 31, T.19N., R.18E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 31 bears South 62°04' East, a distance of 3,195.00 feet.

HIGHLAND DITCH (HIGHLAND RESERVOIR):

The existing point of diversion is situate within the Southwest one-quarter of the Southeast one-quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 9, T.19N., R.18E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 9 bears South 75°16' East, a distance of 1,650.00 feet.

IDLEWILD TREATMENT PLANT:

The existing point of diversion is situate within the Southeast one-quarter of the Southeast one-quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 10, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Southeast corner of said Section 10 bears South 69°57'58" East, a distance of 842.34 feet.

NORTH TRUCKEE DITCH (GLENDALE TREATMENT PLANT):

The existing point of diversion is situate within the Southwest one-quarter of the Northeast one-quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 7, T.19N., R.20E., M.D.B.&M., Washoe County, Nevada, from said point of diversion, the Northeast corner of said Section 7 bears North 39°28' East, a distance of 3,015.00 feet.

ORR DITCH PUMP STATION (CHALK BLUFF TREATMENT PLANT):

The point of diversion is situate within the Northeast one-quarter of the Southeast one-quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada, from said point of diversion the Northeast corner of said Section 17 bears North 15°39'36" East, a distance of 3,264.77 feet.

ORR DITCH (CHALK BLUFF TREATMENT PLANT):

The point of diversion is situate within the Northeast one-quarter of the Southwest one-quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 17, T.19N., R.19E., M.D.B.&M., Washoe County, Nevada, from said point of diversion the Southwest corner of said Section 17 bears South 44°40' West, a distance of 3,211.00 feet.

EXHIBIT "B"
PROPOSED PLACE OF USE

<u>DIVISION</u>	<u>SECTION</u>	<u>T-N</u>	<u>R-E</u>	
ALL	1-5	18	18	M.D.B.&M.
E½	6&7	18	18	M.D.B.&M.
ALL	8-17	18	18	M.D.B.&M.
E½	18&19	18	18	M.D.B.&M.
ALL	20-29	18	18	M.D.B.&M.
E½	30&31	18	18	M.D.B.&M.
ALL	32-36	18	18	M.D.B.&M.
ALL	1-5	19	18	M.D.B.&M.
E½	6&7	19	18	M.D.B.&M.
ALL	8-17	19	18	M.D.B.&M.
E½	18&19	19	18	M.D.B.&M.
ALL	20-29	19	18	M.D.B.&M.
E½	30&31	19	18	M.D.B.&M.
ALL	32-36	19	18	M.D.B.&M.
ALL	1-5	20	18	M.D.B.&M.
E½	6&7	20	18	M.D.B.&M.
ALL	8-17	20	18	M.D.B.&M.
E½	18&19	20	18	M.D.B.&M.
ALL	20-29	20	18	M.D.B.&M.
E½	30&31	20	18	M.D.B.&M.
ALL	32-36	20	18	M.D.B.&M.
ALL	1-5	21	18	M.D.B.&M.
E½	6&7	21	18	M.D.B.&M.
ALL	8-17	21	18	M.D.B.&M.
E½	18&19	21	18	M.D.B.&M.
ALL	20-29	21	18	M.D.B.&M.
E½	30&31	21	18	M.D.B.&M.
ALL	32-36	21	18	M.D.B.&M.
ALL	1-36	18	19	M.D.B.&M.
ALL	1-36	19	19	M.D.B.&M.
ALL	1-36	20	19	M.D.B.&M.
ALL	1-36	21	19	M.D.B.&M.
ALL	2-35	18	20	M.D.B.&M.
W½	36	18	20	M.D.B.&M.
ALL	1-12	19	20	M.D.B.&M.
ALL	14-23	19	20	M.D.B.&M.
ALL	26-35	19	20	M.D.B.&M.
ALL	1-36	20	20	M.D.B.&M.
ALL	1-36	21	20	M.D.B.&M.
ALL	1-36	20	21	M.D.B.&M.
ALL	1-36	21	21	M.D.B.&M.

SEE SUPPORTING MAP ON FILE WITH APPLICATION NO. 71606