



THE STATE OF NEVADA

PERMIT TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of applicant: CONAGRA, INC.
 Source: GEOTHERMAL
 Basin: BRADYS HOT SPRINGS AREA
 Manner of Use: INDUSTRIAL
 Period of Use: May 10th to December 10th
 Priority Date: 06/30/1975

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 manner of use of the waters of an underground geothermal source as heretofore granted under Permit 29511, Certificate 10559, is issued subject to the terms and conditions imposed in said Permit 29511, Certificate 10559. 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 fluid above or below the surface. The producing well discharge shall be closely monitored and recorded.

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 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.

This geothermal appropriation permit allows for a total consumptive use of the geothermal fluid not to exceed 473.31 acre-feet per season. 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 geothermal permit is issued subject to the terms and conditions imposed by State Engineer Ruling Number 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.

(Continued on Page 2)

This geothermal 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.

The total combined withdrawal and consumptive use of geothermal fluid under geothermal Permits 76197 and 76198 shall not exceed 473.31 acre-feet per season.

The total combined withdrawal and consumptive use of geothermal fluid under geothermal Permits 44643, 44646, 44647, 76197 and 76198 shall not exceed 1,016.31 acre-feet per season.

The point of diversion and place of use are as described on the submitted application to support this 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 1.56 cubic feet per second or 473.31 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

September 1, 2010

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

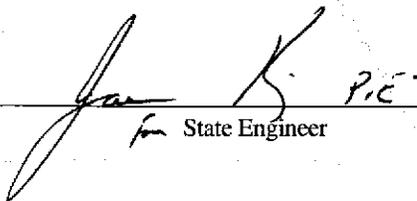
September 1, 2012

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

N/A

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 1st day of September, A.D. 2009



for State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office August 23, 2007

Returned to applicant for correction August 30, 2007

Corrected application filed SEP 10 2007 Map filed JUL. 02, 1975 under 29506

The applicant ConAgra, Inc.

P.O. Box 769 of Fernley
Street and No. Or P.O. Box No. City or Town

Nevada, 89408, hereby makes application for permission to change the
State and Zip Code No.

Manner of use

of water heretofore appropriated under Permit 29511 (Certificate 10559)
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

1. The source of water is - Geothermal
Underground Brady No. 5 well
Name of stream, lake, underground, spring or other sources.

2. The amount of diversion to be changed 1.56 c.f.s
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for industrial and domestic
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.

4. The water heretofore used for industrial and domestic
If for stock state number and kind of animals.

5. The water is to be diverted at the following point existing (no change)
Describe as being within a 40-acre subdivision of public survey and by course

and distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing point of diversion is located within The SE 1/4 of the NW 1/4 of Section 12, T22N, R26E.
If point of diversion is not changed, do not answer.

M.D.B. & M. or at a point from which the W 1/4 corner of said Section 12 bears S 75° 39' 28" W

a distance of 2719.68 feet.

AKB per 9/11/07 fax

7. Proposed place of use existing
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use ~~160 acres - NE 1/4 of the NW 1/4 and the SE 1/4 of the NW 1/4 and the SW 1/4 of the NW 1/4 and the NE 1/4 of the SW 1/4 of Section 11, T22N, R26E, M.D.B. & M.~~
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

*ME
Per
4/11/07
fax*

9. Use will be from May 10 to December 10 of each year.
Month and Day Month and Day

10. Use permitted from June 1 to October 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Well, pump, piping to onion drying plant (works completed and existing).
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works Completed

13. Estimated time required to construct works Completed
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use Completed

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This Change Application is to extend the period of use from May 10 to December 10 each year rather than June 1 to October 31 as presently permitted, while at the same time lowering the diversion rate from 1.56 c.f.s. to 1.11534 c.f.s. so that the total amount of water appropriated will remain the same.

775-425-1161
Phone No.

By Robert W. Marshall, Agent
Print or type name clearly

Robert Marshall
Signature, applicant or agent

175 Stags Leap Circle
Street and No., or P.O. Box No.

Sparks, Nevada 89441
City, State, Zip Code

APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

STATE ENGINEERS OFFICE
2007 SEP 10 PM 1:29

\$150 FILING FEE MUST ACCOMPANY APPLICATION