



TEMPORARY
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: UNDERGROUND
Basin: BRADYS HOT SPRINGS AREA
Manner of Use: INDUSTRIAL
Period of Use: January 1st to December 31st
Priority Date: 10/15/1981

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 is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire 1 year after the approval of the permit at which time all rights herein granted shall revert to the right being changed by this temporary permit.

This temporary geothermal 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 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 temporary geothermal permit and the cooled geothermal fluids 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 appropriation permit allows for a total consumptive use of the geothermal fluid not to exceed 181.0 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 temporary 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.

This temporary 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 these temporary geothermal Permits 76947-T, 76948-T, 76949-T, 76950-T, 76951-T and 76952-T shall not exceed 1,489.62 acre-feet per season.

(Continued on Page 2)

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 5.0 cubic feet per second or 181.0 acre-feet annually.**

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

N/A

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

N/A

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 24th day of October, A.D. 2008

K.D. Hucl P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

**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**

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| THIS SPACE FOR OFFICE USE ONLY | |
| Date of filing in State Engineer's Office | <u>APR 17, 2008</u> |
| Returned to applicant for correction | <u>JUN 02, 2008</u> |
| Corrected application filed | <u>JUN 13 2008</u> Map filed <u>MAR 12 1992</u> under <u>57238</u> |

The applicant ConAgra, Inc.

P.O. Box 769 of Fernley

Street Address of P.O. Box

City or Town

Nevada 89408, hereby make(s) application for permission to change the

State and Zip Code

Point of diversion Place of use Manner of use of a portion

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

Permit 44646

1. The source of water is Underground

Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 5.0 c.f.s., 2,240 g.p.m., 181 AFY consumptive use

Second feet, acre-feet. One second foot equals 448.83 gallons per minute

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

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 Same

If for stock, state number and kind of animals.

5. The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)

of diversion under Permit 57241 as shown on map filed March 12, 1992 under Permit 57238; Production Well 46-1, NW 1/4 of SE 1/4 Section 1, T22N, R26E, M.D.B., &M or at a point from which the S 1/4 corner of said Section 1 bears S 00°07' W, a distance of 1,672.25 feet.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)

the SE 1/4 of the NW 1/4 of said Section 12, T22N, R26E, M.D.B., &M at a point from which the W 1/4 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 (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

same as existing place of use; see map under Permit 44643

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

160 Acres - NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, SW 1/4 of NW 1/4, NE 1/4 of SW 1/4, Section 12, T22n, R26E M.D.B. &M.

9. Proposed use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 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.) (State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Existing well and pump under Permit 64486.

12. Estimated cost of works N/A

13. Estimated time required to construct works N/A
If well completed, describe well.

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

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

Due to the 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 that fluid can be supplied to Applicant during the 2008 onion drying season. k This Application is without prejudice to all of Applicant's contract and other rights.

16. Miscellaneous remarks:

(775) 323-1601
Phone No.

E-mail

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

Robert W. Marshall
Signature, applicant or agent

Company Name

P.O. Box 2790
Street Address or P.O. Box

Reno, NV 89505
City, State, Zip Code

**APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT**

\$150 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION