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December 21, 2012

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Via U.S. Mail

Ms. Breanne Potter  
Assistant Commission Secretary  
Public Utilities Commission of Nevada  
1150 E. William Street  
Carson City, NV 89701

Re: Initial Application of Toquop Power Holdings, LLC for a Permit to Construct a Natural Gas-Fired Power Generation Plant Under the Provisions of the Utility Environmental Protection Act

Dear Ms. Potter:

Enclosed for filing, please find the Initial Application of Toquop Power Holdings, LLC ("Toquop") for a Permit to Construct a Natural Gas-Fired Power Generation Plant Under the Provisions of the Utility Environmental Protection Act. The documents comprising the application are:

1. UEPA Application for a Permit to Construct a Natural Gas-Fired Power Generation Plant under the Utility Environmental Protection Act;
2. Exhibits A through H (*see* Table of Contents, listing each Exhibit), including the required Public Notice and Proof of Publication (Exhibit G) and Proof of Service (Exhibit H); and
3. Check payable to the Public Utilities Commission of Nevada ("Commission") in the amount of \$200 to cover the necessary filing fee.

Toquop respectfully requests that the Commission accept this Initial Application under UEPA as complying with the statutory and regulatory requirements listed in the application. Toquop will submit an Amended Application after the U.S. Bureau of Land Management completes its determination of NEPA adequacy, and any environmental review that may be required as the result of that determination.

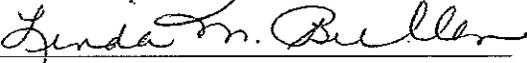
LIONEL SAWYER & COLLINS  
ATTORNEYS AT LAW

Ms. Breanne Potter  
December 21, 2012  
Page 2

If you have any questions about this filing, please do not hesitate to contact me directly at (702) 383-8970.

Best Regards,

Toquop Power Holdings, LLC

By:   
Linda M. Bullen  
Lionel Sawyer & Collins  
Attorneys for Toquop Power Holdings, LLC

Enclosures: Initial UEPA Application, with Exhibits  
\$200 Application Fee - check #114933

LIONEL SAWYER & COLLINS

114933

PUBLIC UTILITIES COMMISSION                      Date                      12/18/2012                      Amount \$                      \$200.00

Inv. Date	Inv. No:	Invoice Description	Amount
12-18-2012	12/18/2012B	Application fee #23059-1	200.00

#	114933	Total Paid \$	\$200.00
			114933

ORIGINAL CHECK IS PRINTED ON CHEMICAL REACTIVE PAPER WHICH CONTAINS A WATERMARK

LIONEL SAWYER & COLLINS

ATTORNEYS AT LAW

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BANK OF NEVADA  
2700 WEST SAHARA AVENUE  
LAS VEGAS, NV 89102

114933

94-377  
1224

Two Hundred and No/100 Dollars

DATE  
12/18/2012

AMOUNT  
\$200.00

PAY  
TO THE PUBLIC UTILITIES COMMISSION  
ORDER OF NEVADA  
OF:  
1150 E. WILLIAM STREET  
CARSON CITY, NV 89710

LIONEL SAWYER & COLLINS  
ATTORNEY AT LAW  
VOID AFTER 90 DAYS

*Handwritten signature/initials*

⑈ 114933 ⑈ ⑆ 122401778 ⑆ 7501193959 ⑈

UEPA Application  
Toquop Power Holdings, LLC  
Natural Gas-Fired Power Generation Plant

LIST OF ENCLOSURES

**UEPA Application for a Permit to Construct  
Toquop Power Holdings, LLC  
Natural Gas-Fired Power Generation Plant  
Lincoln County, Nevada  
December 21, 2012**

This application includes the following:

- A) \$200 Filing Fee - attached;
- B) Public Utilities Commission of Nevada Draft Notice;
- C) UEPA Initial Application, comprised of the following:
  - 1) Table of Contents
  - 2) List of Exhibits
  - 3) Introduction
  - 4) Legal Background
  - 5) Factual Background
  - 6) Information Regarding the Applicant
  - 7) Responses to Required Disclosures
  - 8) General Description of the Location of the Proposed Facility
  - 9) Alternative Locations for Proposed Facility
  - 10) Reasons for Site Suitability
  - 11) General Description of the Proposed Facility
  - 12) Size and Nature of Proposed Facility
  - 13) Natural Resources to be used in Construction and Operation
  - 14) Summary of Anticipated Environmental Impact Studies
  - 15) Proof of Public Notice
  - 16) Proof of Service
  - 17) Conclusion and Request for Relief
  - 18) Exhibits A - H

**PUBLIC UTILITIES COMMISSION OF NEVADA  
DRAFT NOTICE  
(Applications, Tariff Filings, Complaints, and Petitions)**

Pursuant to Nevada Administrative Code ("NAC") 703.162, the Commission requires that a draft notice be included with all applications, tariff filings, complaints and petitions. Please complete and include **ONE COPY** of this form with your filing. (Completion of this form may require the use of more than one page.)

A title that generally describes the relief requested (see NAC 703.160(4)(a)):

**Pursuant to the Utility Environmental Protection Act ("UEPA"), and the provisions set forth in Chapter 704 of the Nevada Revised Statutes, and Chapter 703 of the Nevada Administrative Code, Toquop Power Holdings, LLC is filing an Initial Application with the Public Utilities Commission of Nevada for a permit to construct a natural gas-fired power generation plant, to be located in Lincoln County, Nevada, approximately 12 miles north-northwest of Mesquite, Nevada (the "Project").**

The name of the applicant, complainant, petitioner or the name of the agent for the applicant, complainant or petitioner (see NAC 703.160(4)(b)):

**The applicant is Toquop Power Holdings, LLC ("Toquop Power").  
Linda M. Bullen at Lionel Sawyer & Collins is legal counsel for the applicant.**

A brief description of the purpose of the filing or proceeding, including, without limitation, a clear and concise introductory statement that summarizes the relief requested or the type of proceeding scheduled **AND** the effect of the relief or proceeding upon consumers (see NAC 703.160(5)(c)):

**Based on the Initial Application, and any amendment thereto, Toquop Power respectfully requests that the Public Utilities Commission of Nevada grant to Toquop Power a permit to construct the Project. Toquop Power is developing the Project to produce clean, reliable electrical power to meet the growing demand for such power in Nevada and the Western U.S.**

**Toquop Power will supplement the Application as necessary pursuant to the requests and orders of the Commission**

A statement indicating whether a consumer session is required to be held pursuant to Nevada Revised Statute ("NRS") 704.069(1)<sup>1</sup>: **A consumer session is not required.**

---

<sup>1</sup> NRS 704.069 states in pertinent part:

1. The Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110 inclusive, in which:
  - (a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale or an application to clear its deferred accounts; and
  - (b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed \$50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

If the draft notice pertains to a tariff filing, please include the tariff number AND the section number(s) or schedule number(s) being revised.

**The draft notice does not pertain to a tariff filing.**

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**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

**IN THE MATTER OF:**

Initial Application of Toquop Power Holdings, LLC ) Docket No. 12-\_\_\_\_  
Permit to Construct A Natural Gas-Fired Power Generation )  
Plant Under the Utility Environmental Protection Act) )  
\_\_\_\_\_)

**INITIAL APPLICATION OF TOQUOP POWER HOLDINGS, LLC FOR A PERMIT  
TO CONSTRUCT A NATURAL GAS-FIRED POWER GENERATION PLANT UNDER  
THE UTILITY ENVIRONMENTAL PROTECTION ACT**

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**LIST OF EXHIBITS**

- A. Site Location Map
- B. Regional Map
- C. Legal Description of Proposed Facility
- D. Federal Action and Environmental Studies (Final Environmental Impact Statement)
- E. Right-of-Way Grants
- F. Public Notice
- G. Proof of Publication
- H. Proof of Service to Clark County Clerk, Nevada State Clearinghouse and Other Agencies

1 **BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**

2  
3 **IN THE MATTER OF:**

4 Initial Application of Toquop Power Holdings, LLC ) Docket No. 12-\_\_\_\_\_  
5 Permit to Construct A Natural Gas-Fired Power Generation )  
6 Plant Under the Utility Environmental Protection Act )  
\_\_\_\_\_ )

7 **INITIAL APPLICATION OF TOQUOP POWER HOLDINGS, LLC FOR A PERMIT**  
8 **TO CONSTRUCT A NATURAL GAS-FIRED POWER GENERATION PLANT UNDER**  
9 **THE UTILITY ENVIRONMENTAL PROTECTION ACT**

10 **A. INTRODUCTION**

11 Applicant Toquop Power Holdings, LLC ("Toquop Power" or the "Company") through  
12 the undersigned counsel, and in accordance with NRS 704.870(2), hereby files with the Public  
13 Utilities Commission of Nevada ("Commission") an Initial Application ("Initial Application")  
14 for a Permit to Construct the "Proposed Facility", as described below, pursuant to the Utility  
15 Environmental Protection Act ("UEPA") (NRS 704.820 to 704.900, and NAC 703.415 to  
16 703.427, specifically, NAC 703.421).

17 Toquop Power provides the following information in support of the Initial Application:

18 **B. LEGAL BACKGROUND**

19 The Proposed Facility is a 1,100 megawatt ("MW") natural gas-fired power generation  
20 plant and ancillary facilities located in Lincoln and Clark Counties approximately 12 miles  
21 north-northwest of Mesquite, Nevada. The environmental conditions associated with a  
22 predecessor of the Proposed Facility are being analyzed pursuant to the National Environmental  
23 Policy Act ("NEPA"), 42 U.S.C. § 4321 et seq. in a review process lead by the U.S. Bureau of  
24 Land Management ("BLM") in consultation with other federal and state agencies. An  
25 environmental impact statement ("EIS") was prepared pursuant to NEPA and finalized in 2003,  
26 while the project was being developed by a predecessor independent power producer.

27 UEPA establishes a two-step application procedure for facilities subject to federal  
28 permitting and environmental review. Pursuant to NRS 704.870.2(a), if a federal agency is

1 required to conduct an environmental analysis of a proposed utility facility, the project proponent  
2 is also required to file an application with the Commission that provides notice of the federal  
3 filing. The UEPA Initial Application must provide a general description of the proposed facility  
4 and a summary of any studies that the Company anticipates will be made of the environmental  
5 impact of the facility as required by NRS 704.870.2(a)(1) and (2). Subsequently, the applicant is  
6 required to file an Amended UEPA Application with the Commission pursuant to NRS  
7 704.870.2(b).

8 Consistent with this legal framework, this Initial Application, together with the Proposed  
9 Facility description and Exhibits A (Site Location Map), B (Regional Map), C (Legal  
10 Description), D (Federal Action and Environmental Studies), E (Right-of-Way Grant) F (Public  
11 Notice), G (Proof of Publication), and H (Proof of Service to Clark County Clerk, Nevada State  
12 Clearinghouse and Other Agencies), all attached and incorporated herein by reference, contain  
13 all of the information required to be filed at this time. Additional information will be provided  
14 through an Amended Application. Accordingly, Toquop Power requests that the Commission  
15 accept this Initial Application under UEPA as complying with the statutory and regulatory  
16 requirements set forth above.

### 17 C. FACTUAL BACKGROUND

18 The Proposed Facility will be located on approximately 250 acres of federal land  
19 managed by the BLM in Lincoln County, approximately 12 miles north-northwest of Mesquite,  
20 Nevada. *See* Exhibit A, Site Location Map. Toquop Power is developing the Proposed Facility  
21 to produce clean, renewable electrical power to meet the growing demand for such power in the  
22 Western United States and to satisfy state renewable portfolio standards.

### 23 D. INFORMATION REGARDING THE APPLICANT

24 1. Toquop Power Holdings, LLC is a wholly owned subsidiary of EWP Renewables  
25 Corporation.  
26  
27  
28



1 (b) Any alternative locations for the proposed utility facility.

2 After the EIS was completed in 2003, (*see* Exhibit D) the BLM issued a grant of right-of-  
3 way ("ROW") for the project. This grant was recently extended by BLM and is valid through  
4 January 2014. The grant of ROW is presented in Exhibit E, and contains a description of the site.  
5 The 2003 FEIS examined alternative sites for the project. Some alternative layouts included  
6 different locations for equipment within the 640-acre site (Section 36). The major alternative was  
7 to locate the power plant on a different site in the Tule Desert which would be proximate to the  
8 water supply wells. This alternative was rejected because it would require significant linear  
9 facilities for both the transmission interconnection and the natural gas supply. The preferred site  
10 is located adjacent to the existing utility corridor that contains the transmission and natural gas  
11 lines.  
12

13  
14 (c) The reasons why the location identified in paragraph (a) is best suited for the  
15 proposed utility facility.

16 The location for the Proposed Facility was selected as the preferred alternative based on  
17 its proximity to the existing utility corridor and an evaluation of its environmental attributes,  
18 which determined that the location of the Proposed Facility had the least environmental impact.

19 **2. General Description of the Proposed Facility. (NAC 703.421 (2))**

20 (a) The size and nature of the proposed utility facility.

21 The proposed facility is a nominal 1100 MW, natural-gas fired electrical generation  
22 station and associated natural gas and transmission interconnection lines. Water is being supplied  
23 by a water supply pipeline being constructed by Toquop Power. The main equipment and  
24 structures will consist of:  
25

- 26 • Combustion turbines (2-4 depending upon final configuration);
- 27 • Heat Recovery Steam Generators (2-4 depending upon final configuration);
- 28 • Condensers using a hybrid wet/dry-cooling system to minimize water use;

- Exhaust stacks (2-4 depending upon final configuration);
- Auxiliary boilers (1-2 depending upon final configuration); and
- Control room, warehouse and support buildings.

It is envisioned that the plant equipment and structures will occupy approximately 250 acres of the 640 acre site.

(b) The natural resources that will be used during the construction and operation of the proposed utility facility.

The Company anticipates minimal uses of natural resources during construction and operation. Water will be utilized for dust control. The only other natural resources the Company anticipates using are those natural resources incorporated into construction materials (e.g., steel and concrete). The generation facility will be fired with natural gas to be supplied from an existing natural gas line located within the overall site area (*See* FEIS, Section 36). Water will be used for dust control during construction and for cooling during operation. During construction, water use is estimated to be 150 AFY; operational water will not exceed 5,000 AFY.

The following permits will be required for the Proposed Facility:

Permit Required	Issuing Agency
Federal	
Right-of-Way Grant	U.S. Bureau of Land Management
Record of Decision	U.S. Bureau of Land Management
Amendment of the Caliente Management Framework Plan and Planning Document	U.S. Bureau of Land Management
Endangered Species Act Section 7 Consultation and Biological Opinion/Incidental Take Permit	U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers, Section 404/Section 10 Permit	U.S. Army Corps of Engineers
Acid Rain (Title IV CAA) Permit	U.S. Environmental Protection Agency
U.S. Environmental Protection Agency, Region IX, Title V (CAA) Operating Permit	U.S. Environmental Protection Agency

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Section 402 National Pollutant Discharge Elimination System Notification for Stormwater Management during Construction	U.S. Environmental Protection Agency
<b>State of Nevada Permits and Approvals</b>	
Nevada State Historic Preservation Office, Section 106 Concurrence	State Historic Preservation Office
Scientific Collection Permit	Nevada Department of Wildlife
Industrial Artificial Pond Permit	Nevada Department of Wildlife
Temporary Discharge Permit	Nevada Division of Environmental Protection
Utility Environmental Protection Act Permit	Public Utility Commission of Nevada
Native Cacti and Yucca Commercial Salvaging and Transportation Permit	Nevada Division of Forestry
Section 401 Water Quality Certification	Nevada Division of Environmental Protection
Water Right Permit Modification	State Engineer- Nevada Department of Water Resources
Prevention of Significant Deterioration Program Major Source Air Permit	Nevada Division of Environmental Protection
Dust Control Permit	Nevada Division of Environmental Protection
Approval for interconnection with the Navajo-McCullough Electric Transmission Line	Public Utility Commission of Nevada
Approval for interconnection with the Red Butte-Harry Allen Electric Transmission Line	Public Utility Commission of Nevada
<b>Lincoln County and Clark County Permits and Approvals</b>	
Lincoln County Master Plan Amendment, Zone Change, and Special Use Permit	Lincoln County
Grading Permit	Lincoln County
Grading Permit	Clark County
Clark County Multiple Species Habitat Conservation Plan	Clark County
Southeast Lincoln County Multiple Species Habitat Conservation Plan	Lincoln County
Dust Control Permit	Clark County



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3. Grants such deviations from the Commission's regulations as may be in the public interest; and

4. Grants Toquop Power such other and further relief as the Commission may find reasonable and appropriate under the circumstances.

Respectfully submitted this 21st day of December, 2012.

Toquop Power Holdings, LLC

By: Linda M. Bullen

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Lionel Sawyer & Collins  
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300 S. Fourth Street  
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Attorneys for Toquop Power Holdings, LLC

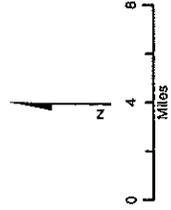
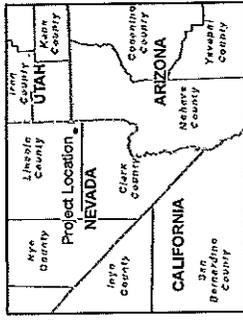
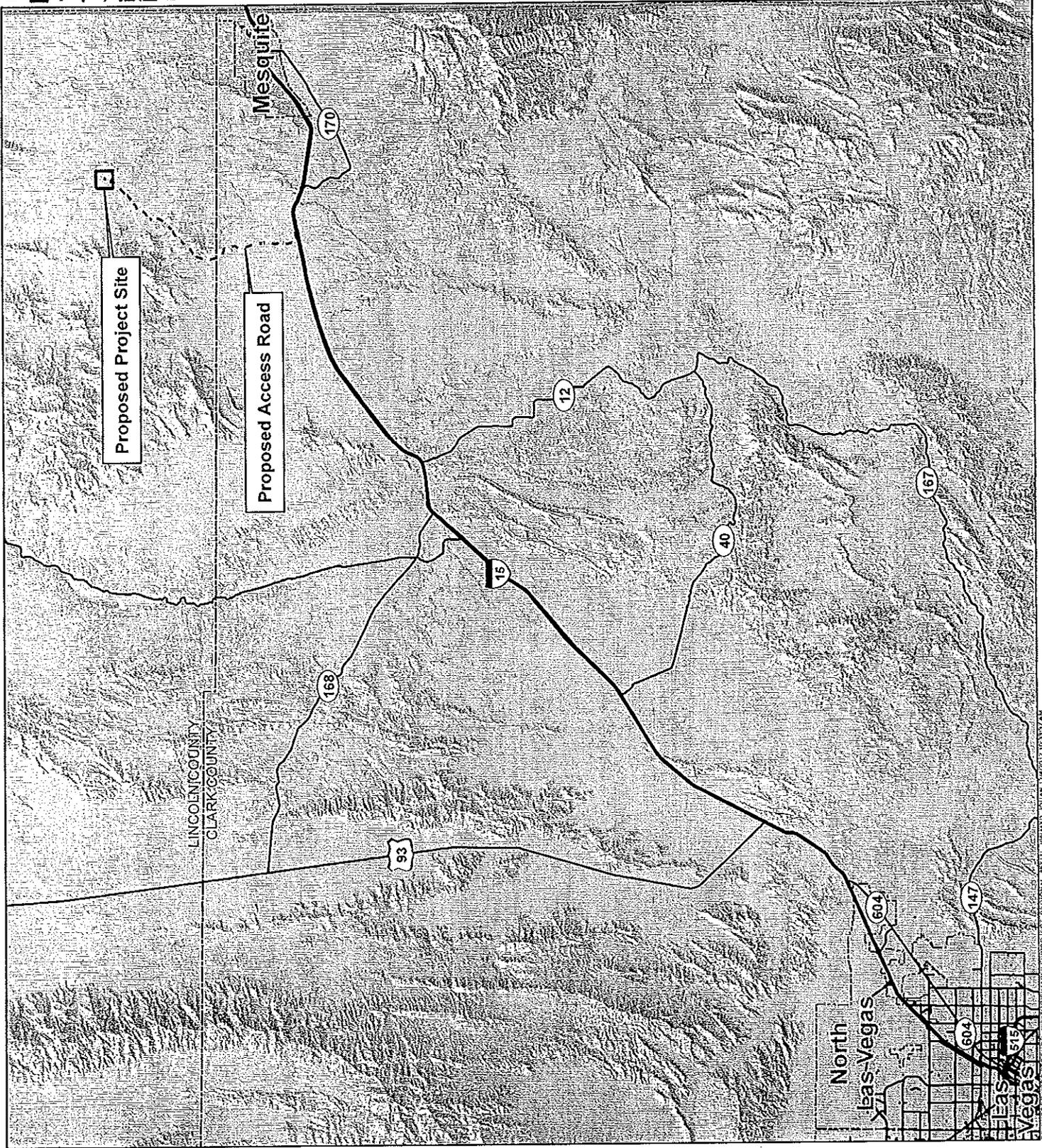
**EXHIBIT A**  
**SITE LOCATION MAP**



**EXHIBIT B**  
**REGIONAL MAP**

**Legend**

-  Project Project
-  Proposed Access Road
-  Interstate
-  US/State Highway
-  Municipal Area
-  County Boundary
-  State Boundary



**Proposed Toquop Energy  
Project Regional Map  
Lincoln and Clark  
Counties, NV**

DATE: 12/15/2011 10:33:57 AM

**EXHIBIT C**

**LEGAL DESCRIPTION OF PROPOSED FACILITY**

**Toquop Power I, LLC**  
**Legal Description**  
**N -77484**

**Power Plant, Natural Gas Pipeline, Transmission Line and Access Road**

T. 11 S., R. 69 E.

Sec. 36, S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

**Toquop Power I, LLC**  
**Legal Description**  
**N -77485**

**Access Road:**

T. 13 S., R. 69 E.

Sec. 4, W  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

Sec. 5, Lot 3, S  $\frac{1}{2}$  NE  $\frac{1}{4}$ , E  $\frac{1}{2}$  E  $\frac{1}{2}$  NW  $\frac{1}{4}$  E  $\frac{1}{2}$  E  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;

Sec. 8, E  $\frac{1}{2}$  E  $\frac{1}{2}$  NE  $\frac{1}{4}$ ;

Sec. 9, W  $\frac{1}{2}$  NW  $\frac{1}{4}$  W  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec 16, W  $\frac{1}{2}$  NW  $\frac{1}{4}$  E  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec 21, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SW  $\frac{1}{4}$ , E  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec 28, Lots 3, 4, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ .

T. 12 S., R. 69 E.

Sec. 1, NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ;

Sec. 2, SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 10, SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 11, NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ;

Sec. 15, W  $\frac{1}{2}$  E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

Sec. 20, SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 21, NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 22, NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ;

Sec. 29, NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$

SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

Sec. 31. E  $\frac{1}{2}$  E  $\frac{1}{2}$ ;

Sec. 32, NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ .

T. 11 S., R. 69 E.

Sec. 36, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

**Toquop Electric Holdings, LLC**  
**Legal Description**  
**N -77486**

**Underground Water Pipeline and Electric Line**

T. 11 S., R. 69 E.

Sec. 4, W  $\frac{1}{2}$  NE  $\frac{1}{4}$ , E  $\frac{1}{2}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , E  $\frac{1}{2}$  NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 9, NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ;

Sec. 10, W  $\frac{1}{2}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

Sec. 15, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ , E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 22, E  $\frac{1}{2}$  NE  $\frac{1}{4}$ ;

Sec. 23, W  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec. 26, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;

Sec. 35, NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ; SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ ;

Sec. 36, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ .

T.10 S., R. 69 E.

Sec. 4, SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , W  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec. 5, SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 8, E  $\frac{1}{2}$  NE  $\frac{1}{4}$ , W  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , E  $\frac{1}{2}$  SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;

Sec. 17, W  $\frac{1}{2}$  NE  $\frac{1}{4}$ , E  $\frac{1}{2}$  E  $\frac{1}{2}$  SW  $\frac{1}{4}$ , W  $\frac{1}{2}$  NW  $\frac{1}{4}$  SE;

Sec. 20, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , E  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec. 29, E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , E  $\frac{1}{2}$  SW  $\frac{1}{4}$ ;

Sec. 32, E  $\frac{1}{2}$  E  $\frac{1}{2}$  NW  $\frac{1}{4}$ , N  $\frac{1}{2}$  SE  $\frac{1}{4}$ ;

Sec. 33, SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , S  $\frac{1}{2}$  NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;

**EXHIBIT D**

**FEDERAL ACTION AND ENVIRONMENTAL  
STUDIES**

**(See Final Environmental Impact Statement for the  
Toquop Energy Project enclosed separately)**

**EXHIBIT E**  
**RIGHT-OF-WAY GRANTS**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Schell Field Office  
HC33 Box 33500 (702 N. Industrial Way)  
Ely, Nevada 89301-9408  
[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)



In Reply Refer to:  
2850 (NV-042)  
N-77484

JAN 08 2009

CERTIFIED MAIL NO. 7008 1300 0001 1886 6500 - RETURN RECEIPT REQUESTED

DECISION

Vidler Water Company	:	FLPMA TITLE V
Attn: Don A. Pattalock	:	Power Plant Site
3480 GS Richards Blvd., Ste. 101	:	5-Year Extension
Carson City, NV 89703	:	

RIGHT-OF-WAY  
5-YEAR EXTENSION

This letter is in response to your letter dated December 29, 2008, requesting the BLM allow Toquop Energy, Inc., a 5-year extension to commence construction of the Toquop Energy Project.

We have reviewed your letter and agree that although the power plant hasn't been built, a requested amendment to the existing right-of-way (ROW) has been received by the Bureau of Land Management. The amendment is being processed through the Toquop Energy Power Plant Environmental Impact Statement to change the power plant from a natural gas to a coal fired plant. We are also aware of the well field development, monitoring and mitigation activities associated with the project.

Accordingly, it is our position that you are in compliance with 43 CFR 2807.17 (3) (a), and that you have met the intent of item 40 of Exhibit <sup>B</sup>(A) attached to your ROW grant. Therefore, ROW N-77484 is being given a 5-year extension for development of the project.

If you have any questions, please contact Brenda Linnell at (775) 289-1808, or e-mail to [Brenda\\_Linnell@nv.blm.gov](mailto:Brenda_Linnell@nv.blm.gov).

*EXPRESS 1/8/2014*

*Mary D'Aversa*  
Mary D'Aversa  
Field Manager  
Schell Field Office

cc: Dorothy A. Timian-Palmer  
Thomas Johns, Sithe Global

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER N-77484, N-77484-01, N-77484-02, N-77484-03

---

1. A (right-of-way) is hereby granted pursuant to:
  - a.  Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761); and
  - b.  Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);

2. Nature of Interest:

- a. By this instrument, the holder, Toquop Energy, Inc., 704 West Nye Lane, Suite 201, Carson City, NV 89703, receives a right to construct, maintain, operate, and terminate an 1,100-MW natural gas fired electric power generating plant and ancillary facilities (N-77484) as shown on public lands described in Exhibit A, attached. A map showing the location of the right-of-way is also attached.

By this instrument, the holder, Toquop Energy, Inc., 704 West Nye Lane, Suite 201, Carson City, NV 89703, receives a right to construct, maintain, operate, and terminate a permanent access road (N-77484-01) providing access from the main access road to the power plant site as described in Exhibit A, attached. A map showing the location of the road is also attached.

By this instrument, the holder, Toquop Energy, Inc., 704 West Nye Lane, Suite 201, Carson City, NV 89703, receives a right to construct, maintain, operate, and terminate an overhead transmission line (N-77484-02) running from the existing Navajo-McCullough Electric Transmission Line to the power plant site as described in Exhibit A, attached. A map showing the location of the transmission line is also attached.

By this instrument, the holder, Toquop Energy, Inc., 704 West Nye Lane, Suite 201, Carson City, NV 89703, receives a right to construct, maintain, operate, and terminate an underground 20 inch gas pipeline (N-77484-03) running from the existing Kern River Pipeline to the power plant site as described in Exhibit A, attached. A map showing the location of the gas pipeline is also attached.

- b. The permanent right-of-way grant area for the power plant would be 80 acres. The permanent right-of-way corridor for the over head power line, natural gas pipeline, and access road, interconnecting with the power plant is 400 feet wide and 2178 feet long and contains 20 acres, more or less.
- c. This instrument shall terminate 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.

- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A and B, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

*David A. Juman*  
 Signature of Holder)

*Jeffrey A. Walsh*  
 (Signature of Authorized Officer)

*Chief Operating Officer*  
 (Title)

*AFM - NRR*  
 (Title)

*11/03/03*  
 (Date)

*12-2-03*  
 (Effective Date of Grant)

**Toquop Energy Incorporated**  
**Legal Description**  
**N-77484**  
**Exhibit A**

**Power Plant, Natural Gas Pipeline, Transmission Line, and Access Road**

**T. 11 S., R. 69 E.**

**Sec. 36, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .**

## EXHIBIT B

### Grant Stipulations

#### Toquop Energy Inc., Power Plant Project

N-77484, N-77484-01, N-77484-02, N-77484-03

N-77485, N-77486, N-77486-01

1. Hereinafter, holder means any party granted this right-of-way and/or temporary use permit, its agents, contractors, representatives, or other persons directed by holder to construct, maintain, repair, restore, relinquish, abandon, modify, rehabilitate, or terminate this right-of-way, and holder's successors, or assigns.
2. In case of change of address, the holder shall immediately notify the Ely Field Manager, herein referred to as the authorized officer.
3. This grant is subject to all valid rights existing on the effective date of this grant.
4. The Holder shall submit a plan of development (POD) that describes in detail the construction, operation, and maintenance for the right-of-ways and its associated improvements and facilities. The POD will detail specific stipulations to implement mitigation goals identified in the FEIS/ROD. The POD, in its entirety, will be included by reference and made part of the right-of-way grants issued to the holder. The POD will be approved by the authorized officer prior to the issuance of any Notices to Proceed (NTP).
5. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written NTP issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
6. The Authorized Officer (in writing) may suspend or terminate in whole or in part any NTP which has been issued, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
7. The holder shall contact the authorized officer at least 10 days prior to the anticipated start of construction and/or any surface disturbing activities. The Holder shall schedule a preconstruction conference(s) prior to Holder's commencing construction and/or surface disturbing activities on the right-of-way of specific construction spread on the right-of-way. Holder and/or his representative shall attend this conference. Holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also

attend this conference to review the stipulations of the grant including the Plan of Development, as applicable.

8. Holder shall construct, operate and maintain the facilities, improvements and structures within this right-of-way(s) in strict conformity with the Plan of Development (POD). Any relocation, additional construction, or use that is not in accordance with the approved plan(s), shall not be initiated without the prior written approval. A copy of the complete right-of-way grant(s), including all stipulations and approved POD, shall be made available on the right-of-way area during construction, operation and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety of the environment.
9. During construction, the holder shall mark the centerline, project facilities, disturbance limits, project access roads and sensitive resource areas as described in the approved POD. The holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
10. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized road used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.
11. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized office to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
12. The holder shall provide for the safety of the public entering the right-of-way. This may include, but is not limited to, barricades for open trenches, and attended gates for blasting operations.
13. Holder shall be in compliance with the Cultural Resources Programmatic Agreement and Treatment Plans.
14. Holder shall be in compliance with the Biological Opinion for listed and proposed species associated with this project.
15. Holder shall comply with the Desert Tortoise compensation addressed in the Biological Opinion.

16. Fair Market rental will be charged in accordance with 43 CFR 2803.1-2 and shall be amended as dictated by BLM policy and regulation.
17. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d *et seq.*) and the regulations of the Secretary of Interior issued pursuant thereto.
18. There is reserved to the authorized officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
19. Under the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711) it is unlawful to take, kill, or possess migratory birds. Executive Order 13186 issued January 11, 2001 further defines the responsibilities of Federal Agencies to protect migratory birds; a list of those protected birds can be found in 50 C.F.R. 10.13. Issuance of a right-of-way grant for this project requires holder to comply with the Migratory Bird Treaty Act and avoid potential impacts to listed birds. Refer to the Instruction Memorandum dated 5/23/01, Ely District Policy, Management Actions for the Conservation of Migratory Birds for more specific information. The following describes the most effective measures to avoid impacts:
  - Schedule construction activities outside of breeding season, which generally occurs May 1 – July 15.
  - If construction during breeding season cannot be avoided, the BLM Wildlife Team will conduct surveys to identify if migratory bird breeding or nesting is occurring in the area.
  - If active nests are found, the area must be avoided until young birds fledge.
20. Holder shall comply with the applicable Federal and State laws and regulations concerning use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations authorized under this grant. The Authorized Officer shall approve a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect and fungus to be controlled; the method of application; the location of or storage and disposal of pesticide containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1989, deadline for a fiscal year 1991 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary

has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

21. Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the area authorized by this right-of-way.
22. Holder of this right-of-way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on this ROW (unless the release or threatened release is wholly unrelated to Holder's activity in this ROW). This agreement applies without regard to whether a release is caused by the Holder, their agent, or unrelated third parties.
23. Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
24. The holder agrees to indemnify the United States against any liability arising from the release or threatened release of any toxic substances on the right-of-way or resulting from activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
25. The holder shall provide a bond, the amount to be determined, to be maintained until restoration of disturbed areas and other requirements relative to the construction phase for the project have been accepted by the authorized officer. Upon completion, or partial completion of these construction-related requirements, the authorized officer may reduce the amount of the bond. The bond must be maintained in effect until removal of improvements and restoration of the permanent right-of-way has been accepted by the authorized officer.

26. Should the bond delivered under this grant become unsatisfactory to the authorized officer, the holder, shall, within 30 days of demand, furnish a new bond.
27. The Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the right-of-way, within 90 days of construction completion. Acceptable data format is: (1) Corrected Trimble Global Positioning System files with sub-meter accuracy or better, in NAD 83. Data may be submitted in any of the following formats: (1) ARCInfo export file; (2) On a 3.5 inch floppy disk in compressed or uncompressed format. Compressed or ZIPed data must include a copy of the UNZIP.EXE file on the disk; (3) Or ARCInfo export files on a CD ROM. All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Questions should be directed to Ely BLM POC for GIS, Mathew Wilkin at (775) 289-1824.
28. Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
29. The Holder shall provide notice of any spills, accidents, or incidents involving release of a hazardous substance. In addition, the Holder shall immediately notify, the National Response Center (NRC) Duty Officer at 1-800-424-8802, and also within (4) four hours, notify the Bureau of Land Management, Ely Field Office at 1-775-289-1800, and the Nevada Division of Emergency Management, Nevada Department of Environmental Protection at 1-775-885-4670.
30. If a release requiring response of emergency personnel and/or containment/clean-up crews occurs, the Holder is responsible to pay the costs associated with those activities. This does not preclude the Holder to attempt recovery of those costs civilly.

31. Any relocation, additional construction, or use that is not in accord with the right-of-way grant, shall not be initiated without prior written approval of the authorized officer.
32. The holder shall conduct all activities directly or indirectly associated with the construction, maintenance, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
33. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in the excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment. Construction activities can resume outside of the wet area.
34. The holder shall perform the necessary transportation studies and recommend a road standard to meet the purpose of the road. This standard and the topography, soils, and geologic hazards of the lands crossed will define the level of survey and design necessary. Accepted standards for road design, including the BLM Manual Section may be used.
35. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
36. Holder will notify the authorized officer in writing within 30 days of completion of construction of right-of-way facilities.
37. The holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the holder.
38. The holder shall be fully liable for injuries or damages to third parties resulting from activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred. The holder shall fully indemnify the United States for liability, damage, or claims arising in connection with the holder's use and occupancy of the right-of-way area.

39. No less than 60 days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree to an acceptable termination (and rehabilitation) plan. The authorized officer must approve the plan in writing prior to the holder commencing any termination activities.
40. In accordance with 43 CFR 2803.4 (c), failure of the right-of-way holder to use the right-of-way for the purpose for which the authorization was issued for any continuous five-year period shall constitute a presumption of abandonment. If the holder fails to prove to the satisfaction of the authorized officer that his failure to use the right-of-way was due to circumstances not within his control, the right-of-way may be cancelled.

On behalf of Toquop Energy, Inc., I have reviewed these stipulations for the Toquop Energy Project and agree with them.

*Dwight. Moran*  
Toquop Energy

11/03/03  
Date



## United States Department of the Interior



### BUREAU OF LAND MANAGEMENT

Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)

JUN 20 2012

In Reply Refer To:

2850 (NVL0300)

NVN77485 and NVN77486

CERTIFIED MAIL 7011 3500 0000 7782 6276 - RETRUN RECEIPT REQUESTED

### DECISION

Vidler Water Company	:	FLPMA TITLE V
Attn: David Buhlig	:	Power Plant Ancillary Resources
3480 GS Richards Blvd., Ste. 101	:	Five (5) year Extension
Carson City, Nevada 89703	:	

### RIGHT-OF-WAY EXTENSION

This letter is in response to your letter dated December 29, 2008, requesting the BLM allow Toquop Energy, Inc., a five (5) year extension to commence construction of the Toquop Energy Project.

We have reviewed your letter requesting an extension to Rights-Of-Way granted under NVN77484, NVN 77485, and NVN77486 and agree that although the power plant hasn't been built, a requested amendment to the existing Right-Of-Way NV74486 has been received by the Bureau of Land Management. The amendment is being process through the Toquop Energy Power Plant Environmental Impact Statement to change the configuration of the well field development, monitoring and mitigation activities associated with this project.

In a letter dated January 8, 2009, we granted a 5-year extension to NVN77484. At that time we inadvertently did not address the codependent grants NV77485 and NV74486. Accordingly, it is our position that you are in compliance with 43 CFR 2807.17(3) (a), and that you have met the intent of item 40 of Exhibit B attached to your Right-Of-Way grant. Therefore, Rights-Of-Way NVN77485 and ROW NVN77486 are being given extensions to expire concurrently with the extension anniversary of NV77484 (January 8, 2014).

If you have any questions, please contact Ty Chamberlain at (775) 726-8108 or email [tchamberlain@blm.gov](mailto:tchamberlain@blm.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Barr".

Victoria Barr  
Field Manager  
Caliente Field Office

Attachment

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER N-77485

---

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Toquop Energy, Inc.  
704 West Nye Lane, Suite 201  
Carson City, NV 89703

receives a right to construct, maintain, operate, and terminate an access road running from Highway I-15 to the Toquop Energy Power Plant Site (N-77485), as shown on public lands described in Exhibit A, attached. A map showing the location of the right-of-way is also attached.

b. The permanent right-of-way grant area granted herein is 50 feet wide, 76,032 feet long and contains 87 acres, more or less.

The Temporary Use Permit is 40 feet wide, 20 feet on each side of the permanent right-of-way, in addition to the width and the full length of the permanent right-of-way grant, includes two 10-acre storage sites, and contains 90 acres, more or less.

c. This instrument shall terminate 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation

d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A, B, and C, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Dee-Ann Arman

(Signature of Holder)

Chief operating officer

(Title)

11/3/03

(Date)

Jeffrey B. Weber

(Signature of Authorized Officer)

ATTN - NRR

(Title)

12-2-03

(Effective Date of Grant)

**Toquop Energy Incorporated**  
**Legal Description**  
**N-77485**  
**Exhibit A**

**Access Road:**

T. 13 S., R. 69 E.

- Sec. 4, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 5, Lot 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 8, E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 21, E $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 28, Lots 3, 4, E $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 12 S., R. 69 E.

- Sec. 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ ;
- Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 11, NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 15, W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 20, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 21, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 22, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Sec. 29, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 31, E $\frac{1}{2}$ E $\frac{1}{2}$ ;
- Sec. 32, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

T. 11 S., R. 69 E.

- Sec. 36, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

## **EXHIBIT B**

### **Grant Stipulations**

#### **Toquop Energy Inc., Power Plant Project**

N-77484, N-77484-01, N-77484-02, N-77484-03

N-77485, N-77486, N-77486-01

1. Hereinafter, holder means any party granted this right-of-way and/or temporary use permit, its agents, contractors, representatives, or other persons directed by holder to construct, maintain, repair, restore, relinquish, abandon, modify, rehabilitate, or terminate this right-of-way, and holder's successors, or assigns.
2. In case of change of address, the holder shall immediately notify the Ely Field Manager, herein referred to as the authorized officer.
3. This grant is subject to all valid rights existing on the effective date of this grant.
4. The Holder shall submit a plan of development (POD) that describes in detail the construction, operation, and maintenance for the right-of-ways and its associated improvements and facilities. The POD will detail specific stipulations to implement mitigation goals identified in the FEIS/ROD. The POD, in its entirety, will be included by reference and made part of the right-of-way grants issued to the holder. The POD will be approved by the authorized officer prior to the issuance of any Notices to Proceed (NTP).
5. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written NTP issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated an only for the particular location or use therein described.
6. The Authorized Officer (in writing) may suspend or terminate in whole or in part any NTP which has been issued, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
7. The holder shall contact the authorized officer at least 10 days prior to the anticipated start of construction and/or any surface disturbing activities. The Holder shall schedule a preconstruction conference(s) prior to Holder's commencing construction and/or surface disturbing activities on the right-of-way of specific construction spread on the right-of-way. Holder and/or his representative shall attend this conference. Holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also

attend this conference to review the stipulations of the grant including the Plan of Development, as applicable.

8. Holder shall construct, operate and maintain the facilities, improvements and structures within this right-of-way(s) in strict conformity with the Plan of Development (POD). Any relocation, additional construction, or use that is not in accordance with the approved plan(s), shall not be initiated without the prior written approval. A copy of the complete right-of-way grant(s), including all stipulations and approved POD, shall be made available on the right-of-way area during construction, operation and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety of the environment.
9. During construction, the holder shall mark the centerline, project facilities, disturbance limits, project access roads and sensitive resource areas as described in the approved POD. The holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
10. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized road used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.
11. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized office to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
12. The holder shall provide for the safety of the public entering the right-of-way. This may include, but is not limited to, barricades for open trenches, and attended gates for blasting operations.
13. Holder shall be in compliance with the Cultural Resources Programmatic Agreement and Treatment Plans.
14. Holder shall be in compliance with the Biological Opinion for listed and proposed species associated with this project.
15. Holder shall comply with the Desert Tortoise compensation addressed in the Biological Opinion.

16. Fair Market rental will be charged in accordance with 43 CFR 2803.1-2 and shall be amended as dictated by BLM policy and regulation.
17. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d *et seq.*) and the regulations of the Secretary of Interior issued pursuant thereto.
18. There is reserved to the authorized officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
19. Under the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711) it is unlawful to take, kill, or possess migratory birds. Executive Order 13186 issued January 11, 2001 further defines the responsibilities of Federal Agencies to protect migratory birds; a list of those protected birds can be found in 50 C.F.R. 10.13. Issuance of a right-of-way grant for this project requires holder to comply with the Migratory Bird Treaty Act and avoid potential impacts to listed birds. Refer to the Instruction Memorandum dated 5/23/01, Ely District Policy, Management Actions for the Conservation of Migratory Birds for more specific information. The following describes the most effective measures to avoid impacts:
  - Schedule construction activities outside of breeding season, which generally occurs May 1 – July 15.
  - If construction during breeding season cannot be avoided, the BLM Wildlife Team will conduct surveys to identify if migratory bird breeding or nesting is occurring in the area.
  - If active nests are found, the area must be avoided until young birds fledge.
20. Holder shall comply with the applicable Federal and State laws and regulations concerning use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations authorized under this grant. The Authorized Officer shall approve a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect and fungus to be controlled; the method of application; the location of or storage and disposal of pesticide containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1989, deadline for a fiscal year 1991 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary

has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

21. Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the area authorized by this right-of-way.
22. Holder of this right-of-way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on this ROW (unless the release or threatened release is wholly unrelated to Holder's activity in this ROW). This agreement applies without regard to whether a release is caused by the Holder, their agent, or unrelated third parties.
23. Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
24. The holder agrees to indemnify the United States against any liability arising from the release or threatened release of any toxic substances on the right-of-way or resulting from activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
25. The holder shall provide a bond, the amount to be determined, to be maintained until restoration of disturbed areas and other requirements relative to the construction phase for the project have been accepted by the authorized officer. Upon completion, or partial completion of these construction-related requirements, the authorized officer may reduce the amount of the bond. The bond must be maintained in effect until removal of improvements and restoration of the permanent right-of-way has been accepted by the authorized officer.

26. Should the bond delivered under this grant become unsatisfactory to the authorized officer, the holder, shall, within 30 days of demand, furnish a new bond.
27. The Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the right-of-way, within 90 days of construction completion. Acceptable data format is: (1) Corrected Trimble Global Positioning System files with sub-meter accuracy or better, in NAD 83. Data may be submitted in any of the following formats: (1) ARCInfo export file; (2) On a 3.5 inch floppy disk in compressed or uncompressed format. Compressed or ZIPed data must include a copy of the UNZIP.EXE file on the disk; (3) Or ARCInfo export files on a CD ROM. All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Questions should be directed to Ely BLM POC for GIS, Mathew Wilkin at (775) 289-1824.
28. Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
29. The Holder shall provide notice of any spills, accidents, or incidents involving release of a hazardous substance. In addition, the Holder shall immediately notify, the National Response Center (NRC) Duty Officer at 1-800-424-8802, and also within (4) four hours, notify the Bureau of Land Management, Ely Field Office at 1-775-289-1800, and the Nevada Division of Emergency Management, Nevada Department of Environmental Protection at 1-775-885-4670.
30. If a release requiring response of emergency personnel and/or containment/clean-up crews occurs, the Holder is responsible to pay the costs associated with those activities. This does not preclude the Holder to attempt recovery of those costs civilly.

31. Any relocation, additional construction, or use that is not in accord with the right-of-way grant, shall not be initiated without prior written approval of the authorized officer.
32. The holder shall conduct all activities directly or indirectly associated with the construction, maintenance, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
33. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in the excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment. Construction activities can resume outside of the wet area.
34. The holder shall perform the necessary transportation studies and recommend a road standard to meet the purpose of the road. This standard and the topography, soils, and geologic hazards of the lands crossed will define the level of survey and design necessary. Accepted standards for road design, including the BLM Manual Section may be used.
35. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
36. Holder will notify the authorized officer in writing within 30 days of completion of construction of right-of-way facilities.
37. The holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the holder.
38. The holder shall be fully liable for injuries or damages to third parties resulting from activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred. The holder shall fully indemnify the United States for liability, damage, or claims arising in connection with the holder's use and occupancy of the right-of-way area.

39. No less than 60 days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree to an acceptable termination (and rehabilitation) plan. The authorized officer must approve the plan in writing prior to the holder commencing any termination activities.
40. In accordance with 43 CFR 2803.4 (c), failure of the right-of-way holder to use the right-of-way for the purpose for which the authorization was issued for any continuous five-year period shall constitute a presumption of abandonment. If the holder fails to prove to the satisfaction of the authorized officer that his failure to use the right-of-way was due to circumstances not within his control, the right-of-way may be cancelled.

On behalf of Toquop Energy, Inc., I have reviewed these stipulations for the Toquop Energy Project and agree with them.

*David A. Immanuel*  
Toquop Energy

11/03/03  
Date



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Caliente Field Office

P.O. Box 237 (1400 South Front St.)  
Caliente, Nevada 89008-0237

[http://www.blm.gov/nv/st/en/fo/ely\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/ely_field_office.html)

JUN 20 2012

In Reply Refer To:  
2850 (NVL0300)  
NVN77485 and NVN77486

CERTIFIED MAIL 7011 3500 0000 7782 6276 – RETRUN RECEIPT REQUESTED

### DECISION

Vidler Water Company	:	FLPMA TITLE V
Attn: David Buhlig	:	Power Plant Ancillary Resources
3480 GS Richards Blvd., Ste. 101	:	Five (5) year Extension
Carson City, Nevada 89703	:	

### RIGHT-OF-WAY EXTENSION

This letter is in response to your letter dated December 29, 2008, requesting the BLM allow Toquop Energy, Inc., a five (5) year extension to commence construction of the Toquop Energy Project.

We have reviewed your letter requesting an extension to Rights-Of-Way granted under NVN77484, NVN 77485, and NVN77486 and agree that although the power plant hasn't been built, a requested amendment to the existing Right-Of-Way NV74486 has been received by the Bureau of Land Management. The amendment is being process through the Toquop Energy Power Plant Environmental Impact Statement to change the configuration of the well field development, monitoring and mitigation activities associated with this project.

In a letter dated January 8, 2009, we granted a 5-year extension to NVN77484. At that time we inadvertently did not address the codependent grants NV77485 and NV74486. Accordingly, it is our position that you are in compliance with 43 CFR 2807.17(3) (a), and that you have met the intent of item 40 of Exhibit B attached to your Right-Of-Way grant. Therefore, Rights-Of-Way NVN77485 and ROW NVN77486 are being given extensions to expire concurrently with the extension anniversary of NV77484 (January 8, 2014).

If you have any questions, please contact Ty Chamberlain at (775) 726-8108 or email [tchamberlain@blm.gov](mailto:tchamberlain@blm.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Barr".

Victoria Barr  
Field Manager  
Caliente Field Office

Attachment

FORM 2800-14  
(August 1985)

Issuing Office  
Ely Field Office

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER N-77486, N-77486-01

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1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder, Toquop Energy, Inc., 704 West Nye Lane, Suite 201, Carson City, NV 89703, receives a right to construct, maintain, operate, and terminate an underground electric power line (N-77486), running from the power plant site to the well field area, as described in Exhibit A. A map showing the location of the right-of-way is also attached.

By this instrument, the holder, Toquop Energy, Inc., 704 West Nye Lane, Suite 201, Carson City, NV 89703, receives a right to construct, maintain, operate, and terminate a buried 24 inch water pipeline that will supply water from the well field to the power plant (N-77486-01), as described in Exhibit A. A map showing the location of the right-of-way is also attached.

b. The permanent right-of-way grant area granted herein is 30 feet wide, 66,000 feet long and contains 45 acres, more or less.

The Temporary Use Permit is 30 feet wide, 15 feet on each side of the permanent right-of-way, in addition to the width and the full length of the permanent right-of-way area, includes two 3-acre storage sites and contains 51 acres, more or less. The underground power line and the underground water line would both be located in the same permanent right-of-way location.

c. This instrument shall terminate 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

- d. This instrument may be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits A, B and C, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.

- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

D. J. J. J. J.  
(Signature of Holder)

John A. Wilson  
(Signature of Authorized Officer)

Chief Operating Officer  
(Title)

AFM - NRR  
(Title)

11/03/03  
(Date)

12-2-03  
(Effective Date of Grant)

**Toquop Energy Incorporated**  
**Legal Description**  
**N-77486**  
**Exhibit A**

**Underground Water Pipeline and Electric Line**

T. 11 S., R. 69 E.

- Sec. 4,  $W\frac{1}{2}NE\frac{1}{4}, E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ ;
- Sec. 9,  $NE\frac{1}{4}NE\frac{1}{4}, NE\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$ ;
- Sec. 10,  $W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}, W\frac{1}{2}SW\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}$ ;
- Sec. 15,  $SW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}, E\frac{1}{2}NW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}, SW\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ ;
- Sec. 22,  $E\frac{1}{2}NE\frac{1}{4}$ ;
- Sec. 23,  $W\frac{1}{2}SW\frac{1}{4}$ ;
- Sec. 26,  $E\frac{1}{2}NW\frac{1}{4}, NE\frac{1}{4}, NE\frac{1}{4}SW\frac{1}{4}, W\frac{1}{2}SE\frac{1}{4}$ ;
- Sec. 35,  $NE\frac{1}{4}NE\frac{1}{4}, NE\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}, SE\frac{1}{4}NE\frac{1}{4}$ ;
- Sec. 36,  $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}, NW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ .

T. 10 S., R. 69 E.

- Sec. 4,  $SW\frac{1}{4}NW\frac{1}{4}, W\frac{1}{2}SW\frac{1}{4}$ ;
- Sec. 5,  $SE\frac{1}{4}SE\frac{1}{4}SE\frac{1}{4}$ ;
- Sec. 8,  $E\frac{1}{2}NE\frac{1}{4}, W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}, E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ;
- Sec. 17,  $W\frac{1}{2}NE\frac{1}{4}, E\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}, W\frac{1}{2}NW\frac{1}{4}SE$ ;
- Sec. 20,  $E\frac{1}{2}NW\frac{1}{4}, E\frac{1}{2}SW\frac{1}{4}$ ;
- Sec. 29,  $E\frac{1}{2}NW\frac{1}{4}, E\frac{1}{2}SW\frac{1}{4}$ ;
- Sec. 32,  $E\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}SE\frac{1}{4}$ ;
- Sec. 33,  $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}, S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}, SE\frac{1}{4}SW\frac{1}{4}$ ;

## **EXHIBIT B**

### **Grant Stipulations**

#### **Toquop Energy Inc., Power Plant Project**

N-77484, N-77484-01, N-77484-02, N-77484-03

N-77485, N-77486, N-77486-01

1. Hereinafter, holder means any party granted this right-of-way and/or temporary use permit, its agents, contractors, representatives, or other persons directed by holder to construct, maintain, repair, restore, relinquish, abandon, modify, rehabilitate, or terminate this right-of-way, and holder's successors, or assigns.
2. In case of change of address, the holder shall immediately notify the Ely Field Manager, herein referred to as the authorized officer.
3. This grant is subject to all valid rights existing on the effective date of this grant.
4. The Holder shall submit a plan of development (POD) that describes in detail the construction, operation, and maintenance for the right-of-ways and its associated improvements and facilities. The POD will detail specific stipulations to implement mitigation goals identified in the FEIS/ROD. The POD, in its entirety, will be included by reference and made part of the right-of-way grants issued to the holder. The POD will be approved by the authorized officer prior to the issuance of any Notices to Proceed (NTP).
5. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be a written NTP issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
6. The Authorized Officer (in writing) may suspend or terminate in whole or in part any NTP which has been issued, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
7. The holder shall contact the authorized officer at least 10 days prior to the anticipated start of construction and/or any surface disturbing activities. The Holder shall schedule a preconstruction conference(s) prior to Holder's commencing construction and/or surface disturbing activities on the right-of-way of specific construction spread on the right-of-way. Holder and/or his representative shall attend this conference. Holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also

attend this conference to review the stipulations of the grant including the Plan of Development, as applicable.

8. Holder shall construct, operate and maintain the facilities, improvements and structures within this right-of-way(s) in strict conformity with the Plan of Development (POD). Any relocation, additional construction, or use that is not in accordance with the approved plan(s), shall not be initiated without the prior written approval. A copy of the complete right-of-way grant(s), including all stipulations and approved POD, shall be made available on the right-of-way area during construction, operation and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety of the environment.
9. During construction, the holder shall mark the centerline, project facilities, disturbance limits, project access roads and sensitive resource areas as described in the approved POD. The holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
10. Construction-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized road used by the holder shall be rehabilitated or maintained when construction activities are complete as approved by the authorized officer.
11. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized office to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.
12. The holder shall provide for the safety of the public entering the right-of-way. This may include, but is not limited to, barricades for open trenches, and attended gates for blasting operations.
13. Holder shall be in compliance with the Cultural Resources Programmatic Agreement and Treatment Plans.
14. Holder shall be in compliance with the Biological Opinion for listed and proposed species associated with this project.
15. Holder shall comply with the Desert Tortoise compensation addressed in the Biological Opinion.

16. Fair Market rental will be charged in accordance with 43 CFR 2803.1-2 and shall be amended as dictated by BLM policy and regulation.
17. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d *et seq.*) and the regulations of the Secretary of Interior issued pursuant thereto.
18. There is reserved to the authorized officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
19. Under the Migratory Bird Treaty Act of 1918 and subsequent amendments (16 U.S.C. 703-711) it is unlawful to take, kill, or possess migratory birds. Executive Order 13186 issued January 11, 2001 further defines the responsibilities of Federal Agencies to protect migratory birds; a list of those protected birds can be found in 50 C.F.R. 10.13. Issuance of a right-of-way grant for this project requires holder to comply with the Migratory Bird Treaty Act and avoid potential impacts to listed birds. Refer to the Instruction Memorandum dated 5/23/01, Ely District Policy, Management Actions for the Conservation of Migratory Birds for more specific information. The following describes the most effective measures to avoid impacts:
  - Schedule construction activities outside of breeding season, which generally occurs May 1 – July 15.
  - If construction during breeding season cannot be avoided, the BLM Wildlife Team will conduct surveys to identify if migratory bird breeding or nesting is occurring in the area.
  - If active nests are found, the area must be avoided until young birds fledge.
20. Holder shall comply with the applicable Federal and State laws and regulations concerning use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations authorized under this grant. The Authorized Officer shall approve a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect and fungus to be controlled; the method of application; the location of or storage and disposal of pesticide containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1989, deadline for a fiscal year 1991 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary

has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

21. Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the area authorized by this right-of-way.
22. Holder of this right-of-way agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on this ROW (unless the release or threatened release is wholly unrelated to Holder's activity in this ROW). This agreement applies without regard to whether a release is caused by the Holder, their agent, or unrelated third parties.
23. Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
24. The holder agrees to indemnify the United States against any liability arising from the release or threatened release of any toxic substances on the right-of-way or resulting from activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
25. The holder shall provide a bond, the amount to be determined, to be maintained until restoration of disturbed areas and other requirements relative to the construction phase for the project have been accepted by the authorized officer. Upon completion, or partial completion of these construction-related requirements, the authorized officer may reduce the amount of the bond. The bond must be maintained in effect until removal of improvements and restoration of the permanent right-of-way has been accepted by the authorized officer.

26. Should the bond delivered under this grant become unsatisfactory to the authorized officer, the holder, shall, within 30 days of demand, furnish a new bond.
27. The Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the right-of-way, within 90 days of construction completion. Acceptable data format is: (1) Corrected Trimble Global Positioning System files with sub-meter accuracy or better, in NAD 83. Data may be submitted in any of the following formats: (1) ARCInfo export file; (2) On a 3.5 inch floppy disk in compressed or uncompressed format. Compressed or ZIPed data must include a copy of the UNZIP.EXE file on the disk; (3) Or ARCInfo export files on a CD ROM. All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Questions should be directed to Ely BLM POC for GIS, Mathew Wilkin at (775) 289-1824.
28. Holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
29. The Holder shall provide notice of any spills, accidents, or incidents involving release of a hazardous substance. In addition, the Holder shall immediately notify, the National Response Center (NRC) Duty Officer at 1-800-424-8802, and also within (4) four hours, notify the Bureau of Land Management, Ely Field Office at 1-775-289-1800, and the Nevada Division of Emergency Management, Nevada Department of Environmental Protection at 1-775-885-4670.
30. If a release requiring response of emergency personnel and/or containment/clean-up crews occurs, the Holder is responsible to pay the costs associated with those activities. This does not preclude the Holder to attempt recovery of those costs civilly.

31. Any relocation, additional construction, or use that is not in accord with the right-of-way grant, shall not be initiated without prior written approval of the authorized officer.
32. The holder shall conduct all activities directly or indirectly associated with the construction, maintenance, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
33. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in the excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment. Construction activities can resume outside of the wet area.
34. The holder shall perform the necessary transportation studies and recommend a road standard to meet the purpose of the road. This standard and the topography, soils, and geologic hazards of the lands crossed will define the level of survey and design necessary. Accepted standards for road design, including the BLM Manual Section may be used.
35. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
36. Holder will notify the authorized officer in writing within 30 days of completion of construction of right-of-way facilities.
37. The holder shall be fully liable to the United States for any damage or injury incurred by the United States in connection with the use and occupancy of the right-of-way area by the holder.
38. The holder shall be fully liable for injuries or damages to third parties resulting from activities or facilities on lands under Federal jurisdiction in which the damage or injury occurred. The holder shall fully indemnify the United States for liability, damage, or claims arising in connection with the holder's use and occupancy of the right-of-way area.

39. No less than 60 days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. The inspection will be held to agree to an acceptable termination (and rehabilitation) plan. The authorized officer must approve the plan in writing prior to the holder commencing any termination activities.
40. In accordance with 43 CFR 2803.4 (c), failure of the right-of-way holder to use the right-of-way for the purpose for which the authorization was issued for any continuous five-year period shall constitute a presumption of abandonment. If the holder fails to prove to the satisfaction of the authorized officer that his failure to use the right-of-way was due to circumstances not within his control, the right-of-way may be cancelled.

On behalf of Toquop Energy, Inc., I have reviewed these stipulations for the Toquop Energy Project and agree with them.

Dustin M. ...  
Toquop Energy

11 / 03 / 03  
Date

**EXHIBIT F**  
**PUBLIC NOTICE**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA  
NOTICE OF INITIAL APPLICATION FOR A PERMIT TO CONSTRUCT A  
NATURAL GAS-FIRED POWER GENERATION PLANT UNDER THE  
UTILITY ENVIRONMENTAL PROTECTION ACT**

Toquop Power Holdings, LLC (the "Company") is submitting, pursuant to the Nevada Utility Environmental Protection Act ("UEPA"), an initial application (the "Application") to the Public Utilities Commission of Nevada (the "Commission") for authority and a permit to construct a natural gas-fired power generation plant ("Proposed Facility") under Nevada Revised Statutes, Chapter 704, Sections .820 to .900, and Nevada Administrative Code, Chapter 703, Section 415 to 427. The Proposed Facility will be located in Lincoln and Clark Counties, approximately 12 miles north-northwest of Mesquite, Nevada on approximately 250 acres of land managed by the U.S. Bureau of Land Management ("BLM"), Ely and Southern Nevada District Offices, under a right of way grant issued by the BLM.

This Proposed Facility is being undertaken to nominally generate up to 1,100 Megawatts ("MW") of new electric power to provide reliable electric power. The Proposed Facility will include: two to four combustion turbines, two to four heat recovery steam generators, condensers using a wet/dry-cooling system to minimize water use, two to four exhaust stacks, and one or two auxiliary boilers.

The contents of the Initial UEPA Application will include, but are not limited to:

1. A general description of the location of the Proposed Facility, including (a) a regional map that identifies the location of the Proposed Facility, (b) any alternative locations for the Proposed Facility, and (c) the reasons why the location is best suited for the Proposed Facility;
2. A general description of the Proposed Facility, including, (a) the size and nature of the Proposed Facility, and (b) the natural resources that will be used during the construction and operation of the Proposed Facility;
3. A summary of any studies which have or the applicant anticipates will be made of the environmental impact of the Proposed Facility, including a copy of all corresponding studies filed with appropriate federal agencies; and
4. A description of how the Proposed Facility and ancillary facilities will aid in providing customers with reliable service and will serve the public interest.

A copy of the application will be available on the Commission's website following the Company's filing of the application. Additional information about the UEPA process and a person's right to participate in that process can be found in Nevada Revised Statutes and Nevada Administrative Code Chapters 703 and 704.

**EXHIBIT G**  
**PROOF OF PUBLICATION**

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LIONEL SAWYER & COLLINS 3838888LIO 8262038

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 12/13/2012 to 12/13/2012, on the following days:

12/13/2012

 LINDA ESPINOZA  
Notary Public State of Nevada  
No. 00-64106-1  
My Appl. Exp. July 17, 2016

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE  
13<sup>th</sup> day of December 2012.

Linda Espinoza  
Notary Public

BEFORE THE PUBLIC UTILITIES  
COMMISSION OF NEVADA

NOTICE OF INITIAL  
APPLICATION FOR A PERMIT TO  
CONSTRUCT A NATURAL  
GAS-FIRED POWER GENERATION  
PLANT UNDER THE  
UTILITY ENVIRONMENTAL  
PROTECTION ACT

Tonopah Power Holdings, LLC  
(the "Company") is submitting,  
pursuant to the Nevada Utility  
Environmental Protection Act  
(NUEPA), an initial application  
(the "Application") to the  
Public Utilities Commission of  
Nevada (the "Commission") for  
authority and a permit to  
construct a natural gas-fired  
power generation plant  
(the "Proposed Facility") under  
Nevada Revised Statutes,  
Chapter 704, Sections 820 to  
900, and Nevada  
Administrative Code, chapter  
703, Section 415 to 427. The  
Proposed Facility will be  
located in Lincoln and Clark  
Counties, approximately 12  
miles north-northwest of  
Mesquite, Nevada, on  
approximately 250 acres of  
land managed by the U.S.  
Bureau of Land Management  
("BLM"), Ely and Southern  
Nevada District Offices, under a  
right-of-way grant issued by  
the BLM.

This Proposed Facility is being  
undertaken to nominally  
generate up to 1,100  
Megawatts ("MW") of new  
electric power to provide  
reliable electric power. The  
Proposed Facility will include  
two to four combustion  
turbines, two to four heat  
recovery steam generators,  
condensers using  
wet/dry cooling system, to  
minimize water use, two to  
four exhaust stacks, and one or  
two auxiliary boilers.

The contents of the initial NEPA  
Application will include, but are  
not limited to:

1. A general description of the  
location of the Proposed  
Facility, including (a) a regional  
map that identifies the location  
of the Proposed Facility; (b)  
any alternative locations for  
the Proposed Facility; and (c)  
the reasons why the location is  
best suited for the Proposed  
Facility;

2. A general description of the  
Proposed Facility, including (a)  
the size and nature of the  
Proposed Facility; and (b) the  
natural resources that will be  
used during the construction  
and operation of the Proposed  
Facility;

3. A summary of any studies  
which have or the applicant  
anticipates will be made of the  
environmental impact of the  
Proposed Facility, including a  
copy of all corresponding  
studies filed with appropriate  
federal agencies; and

4. A description of how the  
Proposed Facility and ancillary  
facilities will aid in providing  
customers with reliable service  
and will serve the public  
interest.

A copy of the application will  
be available on the  
Commission's website  
following the Company's filing  
of the application. Additional  
information about the NEPA  
process and a person's right to  
participate in that process can  
be found in Nevada Revised  
Statutes and Nevada  
Administrative Code chapters  
703 and 704.

pub: December 13, 2012  
LV Review Journal

**Proof Of Publication**

I *Erin Mosher*  
Sign

Erin Mosher  
Print

Hereby certify that the attached Notice(s) has/have been published  
in

**The Desert Valley Times on the following dates:**

**December 14, 2012**

THE STATE OF NEVADA

CLARK COUNTY

DATE 12/17/12

Subscribed and sworn that Erin Mosher signed before me.

*Mishell Johnson*  
Sign



Affix Seal

My commission

Expires Aug 16 2014

**4875 - YARD/GARAGE SALES**

**CALAIS MOVING SALE**  
Saturday 10am-5pm  
Large mahogany desk, credenza, filing cabinet, five book cases, glass coffee and end tables, framed art work and pictures, outdoor dining table with palm wrought iron chairs, Jennafra grill, black granite bench, and much more, everything must go.  
1060 Falcon Nest Court  
Calais gate code #8085

**FRIDAY/ SATURDAY**  
8am-1pm  
202 Hermosa Way Electronics, Computer, Kitchen and Stuff prices to go accessories.

Dreaming about a new career?



Be Your Dream, Let Us Help!  
**careerbuilder**  
Phone: 435-674-6260  
www.thejobspectrum.com

**4875 - YARD/GARAGE SALES**

**GARAGE SALE**  
41 Arrowhead  
7am-1:30pm  
Friday and Saturday  
December 14th & 15th  
Bikes, Indian dolls, Christmas Trees, bar stools, Viking mixer, house wares, car tops, Kindles, Telescopes, Ily Expresso machine and more.

**GARAGE SALE**  
Christmas, & household items and much more 8am-3pm Friday & Saturday 613 Ironwood, Beaver Dam

**INSIDE AND OUTSIDE MOVING SALE**  
Household items, Misc., White love seat, coffee table, jewelry cabinet, big shelves, big Computer desk, big TV, King size bedroom set, bar with 3 chairs, small freezer, BBQ, wall pictures, small dining table with six chairs.  
725 Valley View Drive, Corner of Bulldog and Valley View by high school  
7am?

**Desert Valley Times**  
Phone: (702) 346-7495  
www.dvtonline.com

**4900 - LEGAL NOTICES**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA**  
**NOTICE OF INITIAL APPLICATION FOR A PERMIT TO CONSTRUCT A NATURAL GAS-FIRED POWER GENERATION PLANT UNDER THE ENVIRONMENTAL PROTECTION ACT**  
Toquop Power Holdings, LLC (the "Company") is submitting, pursuant to the Nevada Utility Environmental Protection Act ("UEPA"), an initial application (the "Application") to the Public Utilities Commission of Nevada (the "Commission") for authority and a permit to construct a natural gas-fired power generation plant ("Proposed Facility") under Nevada Revised Statutes, Chapter 704,

**4900 - LEGAL NOTICES**

Sections 820 to 1900, and Nevada Administrative Code, Chapter 703, Section 415 to 427. The Proposed Facility will be located in Lincoln and Clark Counties, approximately 12 miles north-northwest of Mesquite, Nevada on approximately 250 acres of land managed by the U.S. Bureau of Land Management ("BLM"), Bly and Southern Nevada District Offices, under a right of way grant issued by the BLM.  
This Proposed Facility is being undertaken to nominally generate up to 1,100 Megawatts ("MW") of new electric power to provide reliable electric power. The Proposed Facility will include two to four combustion turbines, two to four heat recovery steam generators, condensers using a wet/dry cooling system to

**CLASIFICADOS**

**4286 - MOTORCYCLES**



Se vende  
Motocicleta 2000 BMW RT1100 con 16500 millas. Esta moto es una 1085cc 2 cilindros, 4 cambios con transmisión de cinco velocidades tiene lo siguiente:  
Control de crucero, luces de noche, protector de luces de enfrente y asiento corbin con respaldo opcional.  
La motocicleta nunca se ha dañado en nada. Siempre se ha conservado en garaje y tiene estuche para guardar cosas al lado y atrás. Si usted está interesado llame al (702)346-2882 para fijar cita para ver.  
Precio es de \$4,500 fijos

**4375 - HOMES FOR SALE**

Se vende por propietario, 3 recámaras, 2 baños, garaje para 2 autos. En excelente condición, amueblado por dentro y por.  
Fuera: \$130,000  
113 Plute Street  
Llame al (702)806-4875

**4500 - HOMES FOR RENT**

Casa de 2 pisos; 3 recámaras, 1 sala, 2.5 baños, 1 cocina, garaje para 2 autos, doble balcón, bodega  
871 Jackrabbit St.  
Comunidad de Joshua Ridge  
(702)224-4819, Elnia

Se renta  
4 recámaras con Casita llamo al 805-704-6122

**4500 - HOMES FOR RENT**

Se renta o se vende por propietario  
3 recámaras, 2 baños, garaje, doble celca de tierra BLM \$750 al mes, \$750 de depósito. 976 Alamó, Beaver Dam, AZ. Llame a Ron (714)240-5980.

**4525 - APART/DUPLEXES FOR RENT**

Nueva  
3 recámaras, 2 baños, garaje para 1 auto, pajo cercado, piso principal, cable gratis.  
\$800 al mes  
\$500 de depósito 346-1090



**4550 - CONDOS/TOWNHOMES FOR RENT**

Se renta condominio en Rock Springs 2 U 2 recámaras, 2 baños, 850 pies cuadrados todos los electrodomesticos \$760 al mes, sin muebles o \$1,000 al mes amueblado. Llame al 970-260-0543

**4708 - APPLIANCES**

SEGADORA DE PÓPULO Eléctrica en excelente condición \$200 (702)346-9557

**4780 - MUSICAL INSTRUMENTS**

SE VENDE PIANO de media cola 1930's Krehel & Bach tamaño de tobillo teclas originales \$3,000.00 Llame al (702) 346-9271 (En Mesquite, NV)

DESERT VALLEY TIMES  
**Regional Classifieds**



**0025 - PERSONALS**      **0200 - AUTOS**      **0200 - AUTOS**      **0200 - AUTOS**

2012 JAGUAR XJL SUPER      2011 FORD FOCUS S WHITE      2011 FORD FOCUS S WHITE      2011 FORD FOCUS S WHITE



# LINCOLN COUNTY RECORD

SERVING LINCOLN COUNTY SINCE 1920

P.O. Box 750, Callente, NV 89008  
Phone: (775) 726-3333 Fax: (775) 726-3331  
Email: admin@lincolncountyrecord.com

### AFFIDAVIT OF PUBLICATION

I, Rachel Williford, of the Lincoln County Record, published weekly each Friday, at Callente, Lincoln County, Nevada, do solemnly swear that a copy of the above notice as per clipping attached was published each week in the regular and entire issue of said newspaper 1 consecutive issue(s) commencing with the issue dated December 14, 2012 and ending with the issue dated December 14, 2012.

Lionel Sawyer

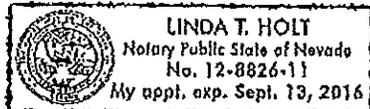
Before the Public Utilities Commission



Rachel Williford

State of Nevada  
County of Lincoln

Subscribed and sworn to before me on December 18, 2012 by Rachel Williford.



  
Notary Public

# CLASSIFIEDS

## FOR RENT

For Rent, Remodeled, A frame House, Main Street Picheo, 1400 sq. ft., 2 bed, 1 bath, washer/dryer, Call 726-676-6133, or email: fmvnc@comcast.net. \$175/mo. 1 year lease

Uplown Picheo, 3 bdrm 2 bath, walk downstairs to Main St. Great views of downtown and valley. Call 662-5584

TYPED OF HOTEL RATES? Try this, half price. One bedroom suite, great cozy & private. Small fenced yard. Small pet okay. Furnished. \$50/mo. Utilities paid with cable. 7 miles north of California. Call 10 am to 9 pm. 776-726-9450

Cute 1 bdrm apartment in Panaca, washed dryer, newly remodeled. Call 728-4432 for more details.

FOR RENT: Commercial building on Clover St., downtown Caliente. Formerly Sunshine Creations. Display area, walk-in cooler, bathrooms, storage & office. Commercial space with 1 bdrm apartment living quarters. Call Bud, 776-726-3194 or 726-3828

## HELP WANTED

Math/Reading Science Tutors  
Lincoln County Youth Career Program is looking for the tutors in Caliente, Panaca, Picheo, and Alamo. This will be part-time, hourly work, pay will be based on experience.

Job Requirements: 1. Good character, honest, reliable, punctual and organized. 2. Ability to communicate EFFECTIVELY with students. 3. Can instruct students to learn. 4. Understand the current proficiency exams and how to excel in them. 5. Dedicate to helping students succeed in their schoolwork. 6. College graduate or college trained preferred but not required.

Obtain applications at the Cooperative Extension office, 380 Lincoln St., Caliente, or you can call Jennifer Sabot 776-726-3109 for more information.

## HELP WANTED

DRIVER - \$0.03 ENHANCED QUARTERLY BONUS. Get paid for any position you qualify for: easy production, 100% OTR, 3 months current OTR exp. 800-414-9369 www.drvrlyght.com (NVCAN)

WANTED: LIFE AGENTS: Earn \$500 a Day. Great Agent Benefits: Commissions Paid Daily. Liberal Underwriting. Leads, Leads, Leads! Life Insurance. License Required. Call 1-888-713-6020. (NVCAN)

HRING OTR CLASS A CDL DRIVERS, late model equipment, scheduled home time, no east coast. Insurance available. Excellent miles. Call Chuck to qualify at 800-845-3748. (NVCAN)

## HOMES FOR SALE & REAL ESTATE

Picheo, Elk View Ranch  
2.5 acre lot!! w/ Pwr, Wtr, Hts, \$19,600, 702-876-5733, fmvnc@comcast.net

Custom built, 2,358 sq ft Phillips construction home, 2 car attached garage, on half acre lot, with fenced yard. \$200,000. Call 776-662-6922

1987 Fleetwood mobile home, 28'x66' 4 bdrm, 2 ba, living room & family room, central AC. Books for \$28,000. Asking \$23,000 cba. Call Tessa, 702-278-8591.

House For Sale by owner in Picheo, 1,728 sq ft, 4 bedroom or 3 bedroom/1 office, 2 full baths, large kitchen, deck with view, carpet, partial landscaping on 2 1/2 acres. For more info, call 776-662-5238 or 962-1153. Asking \$195,000.

\$19,900 BRAND NEW MOBILE HOMES WITH WARRANTY! Wholesale Division. Open to the Public. Floorplans, Pictures, Prices at www.TheHomeOutlet.com or call for Free Brochure. 1-800-887-9359. (NVCAN)

## HOMES FOR SALE & REAL ESTATE

FISH LAKE VALLEY LAKE: 10 Acres, \$39,900, 600 Ft. Creek Frontage. Gorgeous property with spectacular mountain views located in the heart of the White Mountains of quality country. Unimproved road with electric. Financing Available. 888-823-1164. (NVCAN)

LENDER ORDERED SALE: Nevada's 3rd largest lake, Lake View parcel, \$14,900, Lake front, \$79,500. No reasonable offer refused. 18 hours south of Lake Tahoe. Lender ordered short sale. Buy at less than bank owned at less than 60% of replacement cost. Special financing from 2.75% fixed. Absolve Foundation. Call 888-993-1493. (NVCAN)

## MISC. FOR SALE

The Lincoln County Power District No. 1 is purchasing the following items: (1) Portable Kohler generator, 3500 watt, 120/240 volt. (2) Stock tank, galvanized steel, 8.6 foot diameter, 2 foot deep. Items are available for inspection. Contact Gary Roberts at 776-5192 to schedule inspection. Sealed bids for either or both items will be accepted thru 3:00 p.m., December 19, 2012 at the Power District's office in Caliente. In addition the Power District has retired transmission line poles available for sale. Pole lengths vary but are approximately 42 feet in average. The no action alternative proposes construction of the existing displaced pole building in the yard in Caliente at \$10 each and will be sold on a first come first serve basis. Loading of poles is not included in the sale price. Painted white, steel pole bases that mount to the Power District's derrick truck are missing. If anyone has information on the whereabouts, please contact the Power District.

## FREE

FREE to good home, TEMPORARY. Black LAB, has all shots, neutered, 1 yr. old. Call 702-423-5265, please.

## SERVICES

CANCER CARES  
www.cancerbenefits.com  
1-800-414-4328

MEDICAL CAREERS begin here - Train Online for Allied Health and Medical Management. Job placement assistance. Computer proficiency. Financial Aid if qualified. SCHOLAR awarded. Call 877-205-2353 www.CenturaOnline.com (NVCAN)

CANADA DRUG CENTER offers safe and affordable medications. Our licensed Canadian pharmacy provides savings up to 80%. Call 1-888-710-0407 get \$10.00 off your first order (free shipping) (NVCAN)

December Deals!  
Get your ads in for  
December.

ONLY 2 WEEKS LEFT!

Up to 10%, 15% and 25% off!

Buy 1 ad, receive 10% off.  
Buy 2 ads, receive 15% off.  
Buy 3 or 4 ads, receive 25% off.

Christmas ads are next week!

Call us for more details,  
776-726-3333

## LEGALS

Case No. J9-005012  
IN THE SEVENTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA  
IN AND FOR LINCOLN COUNTY

In the Matter of the Estate of: JOHN MCBURNEY, Deceased.

NOTICE OF HEARING ON PETITION FOR SALE OF REAL PROPERTY AND PETITION FOR CONFIRMATION NOTICE IS HEREBY GIVEN: DANIEL M. HOOGE, as Ex Officio Lincoln County Public Administrator, having filed in this Court a Return of Sale of Real Property and Petition for Confirmation containing therein prayers for an Order authorizing the following:

1. Authorization to set off of the interest of the decedent's estate in that certain parcel of real property, situated in the County of Lincoln, State of Nevada, more particularly described as follows:  
62 1/4 Purple Sage Avenue, Alamo, Nevada, 89011.  
APN: 001-031-21

2. Confirmation of sale of the foregoing described real property to Edward Stewart, as purchaser, for a total purchase price of \$21,500.00 cash at close of escrow and on the further terms and conditions more particularly described in the Petition of the Petitioner herein.

3. A hearing on the foregoing Petition of Guardian has been fixed by the Court for January 11, 2013, at 10:00 A.M. of said day, at the Lincoln County Courthouse, 181 North Main Street, Picheo, Nevada, 89018, and all persons interested in said estate are referred to the above Return and Petition for further particulars and are further notified to appear at the time and place and show cause, if any they have, why said Petition should not be granted.

4. Pursuant to NRS 159.146, any person desiring to bid on the interest of the ward in the property is notified to appear at the above time and place, and bid an amount of \$1,075.00 or more in excess of the stated purchase price of \$21,500.00 for the estate's interest which is 5% in excess of the stated purchase price pursuant to NRS 148.270.

## LEGALS

DATED this 27th day of November, 2012.  
CARLING LAW OFFICE, PC  
/s/ MATTHEW D. CARLING, ESQ.  
Nevada Bar No.: 007302  
51 East 400 North, Bldg. #1  
Cedar City, Utah 84720  
(435) 865-1900 (Office)  
(702) 448-8365 (Fax)  
Ced@Legal@gmail.com  
Attorneys for Petitioner,  
DANIEL M. HOOGE, ESQ.  
Ex Officio Lincoln County Public Administrator  
Public: November 30, December 7, 14, 2012

NOTICE OF EXPLANATION OF PROJECT LOCATED IN A FLOODPLAIN  
A Notice of Development in a Floodplain of a Project appeared in the Lincoln County Record on September 7, 2012, inviting comments regarding a project proposed by the Caliente City Council, that will use Community Development Block Grant funds from the State of Nevada Governor's Office of Economic Development to replace the current 1960's swimming pool building, ADA improvements, and provide outside access/recreation for the Super Park ball field and parking. The building replacement is located on the east side of Super Park (151 East Street). The project location is identified in the FEMA Flood Insurance Rate Map as being in Zone AE flood zone.

The City completed an evaluation concerning potential impacts on the floodplain and proposed alternative actions. Alternative 1 - Remodel Existing Building: One alternative to constructing a new pool building is to remodel the existing building. Given the state of disrepair of the existing building and the confined building area limiting the ability to accomplish ADA clear zones, the cost of a remodel will likely equal or exceed the cost of a new building. Hence, the remodel alternative is not considered to be a feasible alternative. Alternative 2 - Reconstruct Entire Pool Complex: One alternative to constructing a new pool building at the existing site located in the floodplain is to reconstruct an entirely new pool complex at a site located east of the floodplain. The cost of building an entire

## LEGALS

new complex is obviously much greater than the cost of constructing a building at the present site, next to the existing pool. Hence, the entire complex alternative is not considered to be a feasible alternative. No Action Alternative: The no action alternative proposes continued use of the existing displaced pool building in its current condition. The building is in a state of considerable disrepair and is out of compliance with current building codes and ADA accessibility requirements. Hence, the no action alternative is not considered to be a feasible alternative. The conclusion is there is no practical alternative to locating the project in the flood zone and this project will not adversely impact the floodplain. The purpose of this project is to improve the quality, enhance the safety, and improve the opportunities in the community.

Mitigation measures to be taken to minimize the adverse impacts of the project include the City will ensure that construction services will be required to implement NDEP dust, noise, and erosion control measures to reduce the environmental impact to the site.

Written comments regarding this determination should be received within 7 days of publication of this notice. Comments should be sent to: Stana Hubbard, City of Caliente, P.O. Box 1008, Caliente, NV 89003.  
C. Ashley Moore, Mayor  
City of Caliente  
Public: December 14, 2012

## NOTICE OF INTENTION TO AUTHORIZE A MEDIUM-TERM OBLIGATION

Notice is hereby given that the City of Caliente, State of Nevada, will hold a public hearing at their regular Council meeting on Thursday January 3, 2013 at 7:00PM in the Civic Center, 100 Depot Avenue, Caliente, Nevada to act upon a Resolution Authorizing a Medium-Term Obligation in the amount of \$120,000.00 to enable the Caliente Fire Department to purchase a pumper truck and a mini-pumper rescue vehicle for which the funds will be used. The proposed obligation is to be repaid by the City of Caliente Fire Department. All persons are invited to attend and to be heard regarding the proposed action. Prior to the hearing, written comments may be filed with the City Clerk and will be considered.  
Public: December 14, 2012

## LEGALS

Case No: FR-005012  
IN THE SEVENTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF LINCOLN,  
STATE OF NEVADA, IN THE MATTER  
OF THE ESTATE OF: RAYMOND EARL  
SEELYE, Deceased. NOTICE IS HEREBY GIVEN  
that Co-Petitioner, CAROL KOHLER filed in this Court a Petition For Letters of Administration and Summary Administration, for the Estate  
of RAYMOND EARL SEELYE, and a hearing  
has been set for Friday, the 11th day of January,  
2013, at 11:00 a.m. in the Seventh Judicial  
District Court at the Lincoln County Courthouse  
in Picheo, Nevada.

All persons interested in the estate are notified to appear and show cause, why the petition should not be granted.  
DATED this 4th day of December, 2012.  
ASSETS: CAROL KOHLER, Carol Kohler, DYLAN J. V. FREEMER, ESQ., State Bar #9020, P.O. Box 617, Picheo, Nevada 89043, 4776-952-5533.  
Public: December 7, December 14, December 21, 2012

APPLICATION TO APPROPRIATE WATER NO. 82327  
NOTICE IS HEREBY GIVEN that on the 26th day of November 2012 Robert Seelye, Chad Steele, Tony Stevie of Alamo, Nevada made application to the State Engineer of Nevada for a permit to appropriate 0.0124 cfs. of the public waters of the State of Nevada, Division 1 to be made from an underground source at a point located within the NE1/4 SW1/4 Section 27, T2N, R37E, NDM, or at a point from which the SW corner of Section 36, T31N, R37E, NDM, bears N 18 degrees 02 minutes 23 seconds E, a distance of 55,890.78 feet (approx. 27 miles NE of Picheo, NV). Water will be used for stockwater purposes from January 1st to December 31st of each year.  
Jason King, RE  
State Engineer  
JWV  
Public: December 7, 14, 21, 28, 2012

LINCOLN COUNTY RECORD  
Office Hours  
Monday - Thursday 8:30 to 4:00  
Friday 1:30 to 4:00

## INVITATION TO BID

Sealed bid proposals will be accepted for the leasing of a portion of the Steptoe Valley Wildlife Management Area (SWVMA) in White Pine County, Ely, Nevada for the purpose of cattle grazing. The grazing period will be from July 15 through October 31 of each year and the selected bidder will enter into a five year contractual agreement that will end on October 31, 2017. A total of 709 Animal Unit Months (AUMs) are available annually on state lands for the identified grazing periods.

In addition, the successful bidder of the NDOW lease who meets BLM's mandatory qualifications should make application for grazing use with the Bureau of Land Management (BLM) for the purposes of grazing the Timberline allotment, which lies immediately adjacent to the SWVMA. The season of use on the Timberline allotment is 6/1 to 10/15 and 1,350 AUMs are available.

Bids for grazing the (SWVMA) will be received in the Nevada Department of Wildlife Office (NDOW), 1100 Valley Road, Reno, Nevada 89520 until January 10, 2013 at 2:00 P.M. and then publicly opened.

Applications for bid proposals are available at the following NDOW offices:

Steptoe Valley Wildlife Management Area  
HCR 10 Box 10699  
Ely, Nevada 89301  
(775) 283-1630

NDOW Ely Field Office  
1218 N Alpha St  
Ely, NV 89301  
(775) 283-1649

Date: November 29, 2012  
Marcus Jones  
Wildlife Management Area Supervisor II Eastern Complex  
Nevada Department of Wildlife  
Steptoe Valley Wildlife Management Area  
HCR 10 Box 10699  
Ely, NV 89301  
775-288-1690  
775-238-0210  
Public: December 7, 14, 21, 2012

## BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA NOTICE OF INITIAL APPLICATION FOR A PERMIT TO CONSTRUCT A NATURAL GAS-FIRED POWER GENERATION PLANT UNDER THE UTILITY ENVIRONMENTAL PROTECTION ACT

Tropic Power Holdings, LLC (the "Company") is submitting, pursuant to the Nevada Utility Environmental Protection Act (UEPA), an initial application (the "Application") to the Public Utilities Commission of Nevada (the "Commission") for authority and a permit to construct a natural gas-fired power generation plant (the "Proposed Facility") under Nevada Revised Statutes, Chapter 704, Sections 820 to 820, and Nevada Administrative Code, Chapter 700, Section 415 to 422. The Proposed Facility will be located in Lincoln and Clark Counties, approximately 12 miles north-northwest of Mesquite, Nevada on approximately 250 acres land managed by the U.S. Bureau of Land Management (BLM), Ely and Southern Nevada District Offices, under a right-of-way grant issued by the BLM.

This Proposed Facility is being undertaken to nominally generate up to 1,100 Megawatts (MW) of new electric power to provide reliable electric power. The Proposed Facility will include: two to four combustion turbines, two to four heat recovery steam generators, condensers using a wet-dry-cooling system to minimize water use, two to four exhaust stacks, and one or two auxiliary boilers.

The contents of the initial UEPA Application will include, but are not limited to:  
1. A general description of the location of the Proposed Facility, including (a) a regional map that identifies the location of the Proposed Facility, (b) any alternative locations for the Proposed Facility, and (c) the reasons why the location is best suited for the Proposed Facility.  
2. A general description of the Proposed Facility, including (a) the size and nature of the Proposed Facility, and (b) the natural resources that will be used during the construction and operation of the Proposed Facility.

3. A summary of any studies which have or the applicant anticipates will be made of the environmental impact of the Proposed Facility, including a copy of all corresponding studies filed with appropriate federal agencies; and  
4. A description of how the Proposed Facility and ancillary facilities will aid in providing customers with reliable service and will serve the public interest.

A copy of the application will be available on the Commission's website following the Company's filing of the application. Additionally, the UEPA process and a petition's right to participate in that process can be found in Nevada Revised Statutes and Nevada Administrative Code Chapters 703 and 704.  
Public: December 14, 2012

**EXHIBIT H**

**PROOF OF SERVICE TO CLARK COUNTY  
CLERK, NEVADA STATE CLEARINGHOUSE AND  
OTHER AGENCIES**

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of Lionel Sawyer & Collins and on December 21<sup>st</sup>, 2012,  
3 I caused to be served, a true and correct copy of the Initial Application of Toquop Power  
4 Holdings, LLC for a Permit to Construct a Natural Gas-Fired Power Generation Plant under the  
5 Utility Environmental Protection Act via electronic mail, or U.S. Mail, as indicated below, to the  
6 following parties:

7  
8 Via Electronic Mail to:

9 Nevada State Clearinghouse  
10 Department of Administration  
11 209 E. Musser, Room 200  
12 Carson City, NV 89701  
13 c/o Mr. Skip Canfield  
14 nevadaclearinghouse@lands.nv.gov

15 Nevada Department of Conservation and Natural Resources  
16 901 S. Stewart Street, Suite 5001  
17 Carson City, Nevada 89701  
18 c/o Mr. Skip Canfield  
19 nevadaclearinghouse@lands.nv.gov

20 Nevada Division of Environmental Protection  
21 901 S. Stewart Street, Suite 4001  
22 Carson City, Nevada 89701  
23 c/o Mr. Skip Canfield  
24 nevadaclearinghouse@lands.nv.gov

25 Via U.S. Mail to:

26 Clark County Clerk  
27 Diana Alba  
28 200 Lewis Ave., 5<sup>th</sup> Floor  
P.O. Box 551601  
Las Vegas, NV 89155

Eric Witkowski  
Chief Deputy Attorney General  
Office of the Attorney General  
Bureau of Consumer Protection  
100 North Carson Street  
Carson City, Nevada 89701

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Tammy Cordova  
Public Utilities Commission of Nevada  
Staff Counsel  
9075 West Diablo Drive  
Suite 250  
Las Vegas, NV 89148

Lisa C. Lloyd  
181 North Main Street  
Suite 201  
P.O. Box 90  
Pioche, NV 89043

DATED this 21<sup>st</sup> day of December, 2012.

  
\_\_\_\_\_  
Nancy Hietbrink