EXHIBIT 38

Return completed Report to:



SACRAMENTO, CA 95812-2000



For assistance completing this Report, call: (916) 341-5300 FAX (916) 341-5400

PROGRESS REPORT BY PERMITTEE FOR 2003

Pii 12: 58 OWNER(S) OF RECORD: If the owner information below is wrong or missing, please correct APR - 8G SCOTT FAHEY;

Maria 196-458

APPLICATION NO.: A029977 PERMIT NO.: 020784 CONTACT PHONE NO.: (208)345-5170

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING: **G SCOTT FAHEY** 2787 STONY FORK WAY **BOISE, ID 83706**

PERMIT SUMMARY

NAME(S) OF SOURCES OF WATER (Up to first 4 sources listed)

PARCEL NO

COUNTY LOCATION

Tuolumne Tuolumne

Unnamed Spring (AKA SUGAR PINE SPRING),

DEADWOOD SPRING

MAX DIRECT DIVERSION RATE: .062 CFS [Cubic feet per second (CFS) or Gallons per day(GPD)]

MAX COLLECTION TO STORAGE AMOUNT: [Total reservoir(s) storage volume in acre-feet (AC-FT)] AC-FT

PERMITTED USE(S) OF WATER

ACRES (AC)

DIRECT DIVERSION SEASON (month/day to month/day)

COLLECTION TO STORAGE SEASON

(month/day to month/day)

(First 4 uses displayed below) Industrial

0 AC 01/01 - 12/31

DATE BY WHICH PERMITTEE SHALL COMPLETE THE AUTHORIZED PROJECT, INCLUDING COMPLIANCE WITH ALL PERMIT TERMS AND CONDITIONS, AND MAKE FULL BENEFICIAL USE OF WATER:

COMPLIANCE WITH PERMIT TERMS AND CONDITIONS: This Report is important since it provides a record of your actual water use necessary to establish your water right as well as your compliance with the terms and conditions of your water right permit. The information requested below should be filled out carefully. This Report should be promptly returned to the above address.

1. [4] YES [] NO I have currently reviewed my water right permit.
2. [4] YES [] NO I am complying with all terms and conditions listed in the permit. Identify any noncompliance under "Remarks" on the reverse side.
3. [] YES [] NO I have changed the intake location, type(s) of use, and/or place of use authorized by the permit. If YES, explain under "Remarks" on reverse side. Note: A Change Petition & associated fees may be required for any significant changes to the permitted project.

PERMITTED PROJECT STATUS: California Water Code sections 1396 and 1397 requires a permittee(s) to exercise due diligence in developing an appropriative water right project so that the project is completed within the time period specified in the permit. Time extensions may be authorized for good cause.

CHECK ONE OF THE FOLLOWING CONCERNING YOUR WATER RIGHT PROJECT STATUS: [] REVOCATION - The project has been abandoned and I request revocation of the permit. 4.

- 5. PROJECT COMPLETE -- The project has been completed. I have made full beneficial use of water as to the diversion rate, amount, and season specified in the permit and have complied with all terms and conditions. I am ready for (or have had) a licensing inspection by Division of Water Rights staff and request that a water right license be issued.
- [] PROJECT HAS NOT BEEN COMPLETED 6.

If the project has not been completed, please answer the following:

] YES [] NO Has construction work commenced?

[] NO b. YES Is construction completed?

Have the permitted beneficial uses of water commenced?

c. d. Will the project be completed within the time period specified in the permit?

Explain what work remains to be done: е.

Give the estimated date of completion of the project, including maximizing beneficial use of water: Note: A time extension petition and associated fees may be required if the project is not completed within the time period specified in the

(Continues on reverse)

PROGRESS REPORT BY PERMITTEE - PAGE 1

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[] Heat Control		Acres		• •	∉h.	[]	Power G	eneratio				rden area, etc.
[√ Industrial	BoHled	Acres	green et			11	Becastl	onel	, Ti	istalled ca	pacity in kl	W, MW, or hp
	COLIEX	Specify				•		onai _	В	pating, fish	ning, water	contact sports
[] Stockwatering _	No. 8	type of a	nimals		j.	[]	Other				Specify	
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611,520	608,918	426,229	525,488	499,905	611,520
19,528	-	-	-	-	13,260
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Return completed Report to: STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS P.O. Box 2000 SACRAMENTO, CA 95812-2000 For assistance completing this Report, call: (916) 341-5300 FAX (918) 341-6400



PROGRESS REPORT BY PERMITTEE FOR 2003

OWNER(S) OF RECORD: If the owner information below is wrong or missing, please correct. G SCOTT FAHEY;

APPLICATION NO.: A028977 PERMIT NO.: 020784 CONTACT PHONE NO.: (208)345-5170

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING: **G SCOTT FAHEY** 2787 STONY FORK WAY BOISE, ID 83706

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<u>BE</u> 7.	IFFICIAL USE(S) OF WA	TER: (Note: See reverse side for a commenced, check the appropriate	summary of a	the benefi and expla	cial uses of in how the	water auti yater was	no <i>rized unde</i> used;	ar your pam	nit.)			
a.	[] Infigation			f []	Municipa	4	****		能 源			
b.	[] Frost Protection	Acres		g. []	Domestic		Approximate populátion					
C.	[] Heat Control	Acres		h. []	Power G	eneration	•		rden area, eto.			
d.	[Industrial	Bottled Water		l. []			installed ca	paolty in kV	V, MVV, or hp			
Θ.	[] Stockwatering	Specify		(.			Boating, fish	ing, water	contact sports			
	OUNT OF WATER USED:	No. & type of enimals		, i	00101			Specify				
8. 2011	Amount of water used ea	ch month under this permit in [v] ge	illona or [] a	cre-feet:	See A	Hach	ed					
验	Jan 75 WFob 52 Re Mar	Apk May Jun	7. Jul 25	Aug.	Sep *	All Oct	Nov	Z Dec	**Total Annual			
L			<u> </u>									
<u>810</u> 9.	Complete for long-term sta. [] YES [] NO b. [] YES [] NO	(: (Note: Up to 6 reservoirs may b torage projects only: Did your reservoir(s) spill this year? If No, how many feet below the spill Have you emptied the reservoir(s)? If No, how many feet below the spill this year? If No, how many feet below the spill the control of the cont	way vertically way vertically	y was the y was the I ARE AP	water level (water leve)	s) at maxii (s) at minii TO YOUF	mum storage mum storage	e?				
und	er certain conditions no rec alinated, or poliuted water;	an be reduced or revoked through fit duction or loss of the epproprietive v and/or (c) conjunctive use of groun the amounta will deprive you of the	ve continuous vater right sh dwater and s	s years of all occur o urface wa	nonuse, Ho lue to: (a) v ler. You mu	owever, the vater cons	e California ervalion effo he extent ar	orts: (b) use	of recycled.			
<u>CQ</u> 10.	NSERVATION OF WATER	the period covered by this Report,	were you imp	lementing	any water (conservatio	on efforts?	If YES, plea	ase describe:			
11.		alm credit for the amount of water c I, please show the amount of water			vater use a	uthorized u	under your p	ermit as elf	lowed under			
	(specify the amount in acre-feet or n	nillion gallons) Future a	mendment	s to this cl	aim will not l	be accepted	d.			
<u>WA</u> 12.	I I YES I 1 NO During	TEWATER RECLAMATION: (Wat the period covered by this Report, d ater pollulad by waste to a degree w	lid vou use re	iclaimed w	rater from a	wastewate or for other	er treatment beneficial t	facility, wa 1565?	ter from a			
13.	If YES and you want to o your permit as allowed by	slaim credit for the substitution of this Water Code section 1010, pleases	s reclaimad, o show the amo	desalinate ount of rec	d, or pollute laimed, des	d water in alinated, d	lieu of the s or polluted w	turface wate vater used t	er authorized under below:			
	(specify the amount in acre-feet or n	anolleg nolllir) Future :	amendment	s to this ci	alm will not i	be accepted	d.			
<u>CO</u> 14.	NJUNCTIVE USE OF GRO	DUNDWATER AND SURFACE WA the period covered by this Report,	TER: (Water were you usin	r Code se ng ground	ction 1011. water in lieu	.5) of the sur	face water s	authorized (under your permit?			
15.	if YES and you went to di Code section 1011.5, ple	ialm credit for the groundwater used ase show the amount of groundwate	in lieu of the er used belov	surface v v:	ater author	izod unde	r your parmi	t as allowed	d under Water			
	(apacity the amount in acre-feet or n	nillion gallons) Future :	mendment	s to this cl	alm will not	be accepted	d,			
R	EMARKS: (Identify the Item	n you are explaining; additional page	es may be at	tached.)		- '						
						14						
	¥.	(6)										
	slam under annelle af	upy thet the information in this repor	t le true to the	hest of n	ny knowlask	e and hell	lef:					
	nature:	EE (OR AGENT/OSSIGNEE)		Date: _C	A 2	1 .		208) 3	345-5170			
	LEMMI I	DECORES E	EDODT EV	DEDMITT	== 0.05	2			1000			

MOUNT OF WATER USED:						
APPL. NO. A029977						
PERMIT NO. 020784	*					
	Jan. 03	Feb. 03	Mar. 03	Apr. 03	May. 03	June. 03
Total Gallons	1,262,095	1,309,500	1,167,750	1,167,750	1,086,750	1,404,00
Deadwood Spirng						
Total	631,048	608,918	426,229	525,488	499,905	624,78
Appropriated	611,520	608,918	426,229	525,488	499,905	611,52
Developed	19,528	-	-	-	•	13,26
Sugar Pine Spring						
Total	631,048	700,583	741,521	642,263	586,845	779,22
Appropriated	611,520	611,520	611,520	611,520	586,845	611,52
Developed	19,528	89,063	130,001	30,743	-	167,70
	July. 03	Aug. 03	Sept. 03	Oct. 03	Nev. 03	Dec. 03
Total Gallons	1,478,250	1,269,000	1,201,500	1,228,500	762,750	1,336,50
Deadwood Spirng						
Total	657,821	571,050	534,668	577,395	354,679	621,47
Appropriated	611,520	571,050	534,668	577,395	354,679	611,52
Developed	46,301	-	-	-	- '	9,9
Sugar Pine Spring						
Total	820,429	697,950	666,833	651,105	408,071	715,0
Appropriated	611,520	611,520	611,520	611,520	408,071	611,5
Developed	208,909	86,430	55,313	39,585	-	103,5

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