

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

Name of applicant: FM FULSTONE INC.  
Source: UNDERGROUND  
Basin: SMITH VALLEY  
Manner of Use: IRRIGATION  
Period of Use: January 1st to December 31st  
Priority Date: 04/07/1961

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**APPROVAL OF STATE ENGINEER**

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change a portion of the place of use of the waters of an underground source as heretofore granted under Permit 19734, Certificate 6434 is issued with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter will be installed on the well discharge. Measurements must be kept of the water used on the place of use of Permit 19734, Certificate 6434 and on the place use of Temporary Permit 76999T. The totalizing meter must be installed before any use of the water begins. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permit 19734, Certificate 6434 and Temporary Permits 76998T and 76999T shall not exceed 2,413.60 acre-feet annually.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Approval of Temporary Permit 76998T is subject to any necessary approvals from the Walker River Irrigation District and appropriate ditch companies. Any water diverted from the well in exchange for water diverted from the West Walker River shall be assessed a 10 percent reduction to account for conveyance loss. Coordination must be made with Walker River Irrigation District as to when the well is pumped and as to the amount.

The total combined diversion rate under Permit 19734, Certificate 6434, Temporary Permits 76998T and 76999T shall not exceed 5.4 second feet.

With the issuance of Temporary Permits 76998T and 76999T the following lands under Permit 19734, Certificate 6434 and Permit 12372, Certificate 3667 shall not be irrigated from those permits: 28.6 acres in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ ; 28.6 acres in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; 20.6 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; 12.2 acres in the NW $\frac{1}{4}$  SE $\frac{1}{4}$ ; 40.0 acres in the NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; 14.0 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; 14.0 acres in the SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; 28.0 acres in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; 2.3 acres in the SE $\frac{1}{4}$  SW $\frac{1}{4}$ ; and 28.3 acres in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  all in Section 35, T.11N., R.23E., M.D.B.&M. Records of the amount of water pumped from this well shall be made at such time the well is pumping and to which location within the proposed place of use this water is being delivered and the amount delivered. This report shall be submitted on a monthly basis no later than 10 days after the end of each month.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on **October 31, 2008** at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.7 cubic feet per second or 433.6 acre-feet annually.

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

N/A

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

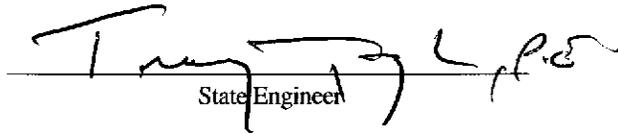
N/A

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

N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 19th day of June, A.D. 2008

  
\_\_\_\_\_  
State Engineer

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TEMPORARY

Serial No. 76999 T

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

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office APR 28 2008

Returned to applicant for correction

Corrected application filed Map filed AUG 15 2002 under 68620-T

The applicant FM Fulstone Inc.

P.O. Box 34 or Smith Street and No. or P.O. Box No. City or Town

NV, 89430 State and Zip Code No. hereby make application for permission to change the

Place of use of a portion

of water heretofore appropriated under Permit 19734 C-6434 Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree

and identify right in Decree.

1. The source of water is Underground well water Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 2.7 cfs 433.60 afa Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

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

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

5. The water is to be diverted at the following point in the SW 1/4 NE 1/4 Section 2, T.10N, R. 23E Describe as being within a 40-acre subdivision of public survey and by course

NDB & M or at a point from which the N 1/4 corner of said Section 2 bears N. 6° 34' W. a distance of 2013.20 feet and distance to a section corner. If on unsurveyed land, it should be stated.

6. The existing point of diversion is located within no change If point of diversion is not changed, do not answer.

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7. Proposed place of use 10.1 ac SW 1/4 NW 1/4, 30.0 ac SW 1/4 NE 1/4, NW 1/4, 39.6<sup>ac</sup> SE 1/4, NW 1/4, Section 6 T. 10N., R. 24E., MDB & M (108.4 ac total)  
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use see schedule A, 68620-T, copy attached to this temporary change and accompanying temporary change will transfer all the acreage in the existing FOU under 68620-T  
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1<sup>st</sup> 2008 to December 31<sup>st</sup> 2008 of each year.  
Month and Day Month and Day

10. Use permitted from January 1<sup>st</sup> to December 31<sup>st</sup> of each year.  
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) existing well drilled under permit 19134 C-6434  
State manner in which water is to be diverted, i.e. diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works complete

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

14. Estimated time required to complete the application of water to beneficial use 1 month

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

Even though the snow pack was 86% of normal, the cool spring has not allowed the reservoirs to fill and they expect about 35-45% fill this year. This shows that an emergency exists. This temporary change is like 75484T. For a map of proposed FOU use 75484T. For a map of existing FOU use file under 68620-T. This underground well will supplement Walker River Decreed Land on FOU map.

F.M. Fulstone, Inc.  
By [Signature]  
Signature, applicant or agent  
P.O. Box 34  
Street and No., or P.O. Box No.  
Smith, NV, 89430  
City, State, Zip Code No.

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

**\$100 FILING FEE MUST ACCOMPANY APPLICATION**

8. EXISTING PLACE OF USE - SCHEDULE A

76999T

ACRES	QTR of QTR	SEC	T-N	R-E	MDB&M
28.6	NE NE	35	11	23	
28.6	SE NE	35	11	23	
20.6	NE SE	35	11	23	
12.2	NW SE	35	11	23	
40.0	NW NW	35	11	23	
14.0	NE NW	35	11	23	
14.0	SW NW	35	11	23	
28.0	SW SW	35	11	23	
2.3	SE SW	35	11	23	
<u>28.3</u>	NW SW	35	11	23	
<b>216.6 TOTAL ACRES</b>					

866.4 AF