

TEMPORARY

THE STATE OF NEVADA

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

Name of applicant: 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

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 78082T. 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 78081T and 78082T 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 78082T 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.

(Continued on Page 2)

The total combined diversion rate under Permit 19734, Certificate 6434, Temporary Permits 78081T and 78082T shall not exceed 5.4 second feet.

With the issuance of Temporary Permits 78081T and 78082T 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 NE¼ NE¼; 28.6 acres in the SE¼ NE¼; 20.6 acres in the NE¼ SE¼; 12.2 acres in the NW¼ SE¼; 40.0 acres in the NW¼ NW¼; 14.0 acres in the NE¼ NW¼; 14.0 acres in the SW¼ NW¼; 28.0 acres in the SW¼ SW¼; 2.3 acres in the SE¼ SW¼; and 28.3 acres in the NW¼ SW¼ 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, 2009** 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.

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:

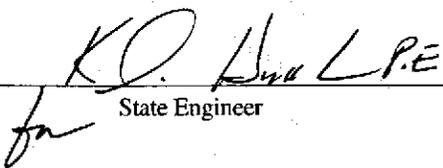
N/A

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 27th day of **April**, A.D. **2009**



State Engineer

TEMPORARY
TEMPORARY

Serial No. 78082 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 MAR 0 2 2009
Returned to applicant for correction
Corrected application filed Map filed JULY 11, 1961 under 19734

The applicant FM Fulstone, Inc.

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

Nevada 89430 hereby make s application for permission to change the
State and Zip Code No.

POD POU MOU 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
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 Within the SW 1/4 NE 1/4 Sec 2 T.10 N., R. 23 E., MDB & M
Describe as being within a 40-acre subdivision of public survey and by course
or at a point from which the N 1/4 corner of said Sec 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.

107-64

7. Proposed place of use.....10.1 ac SW¼ NW¼, 30.0 ac SW¼ NE ¼, 28.7 ac NE¼ NW¼, 39.6 ac SE¼.....
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
..... NW¼, Sec 6 T.10N., R.24E., MDB&M (108.3 ac total).....

3/26/07
75484-T

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

68620-T
SITEN 102
20F
EXIST POU
3/15/02

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

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

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans
and specifications of your diversion or storage works.).....Existing well drilled under permit 19734,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.

.....Reservoir storage is at 32% of normal and the snowpack is at 75% of normal for this date. We have to keep.....
.....our most valuable crops alive. This shows that an emergency exists. This temporary change is like 75484-T.....
.....For a map of proposed POU, use 75484-T. For map of existing POU, use file under 68620-T. This.....
.....underground well will supplement Walker River Decreed Land on POU map.....

.....(775)885-2101.....
Phone No.

By.....R. Michael Turnipseed, P.E.....
Print of true name clearly
R. Michael Turnipseed
Signature, applicant or agent

.....204 North Minnesota Street.....
Street and No., or P.O. Box No.

.....Carson City, Nevada 89703.....
City, State, Zip Code

2009 MAR -2 PM 1:05
STATE ENGINEER'S OFFICE

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

\$100 FILING FEE MUST ACCOMPANY APPLICATION

8. EXISTING PLACE OF USE - SCHEDULE A

78082T

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	
216.6 TOTAL ACRES						

866.4 AF