



TEMPORARY
THE STATE OF NEVADA

**PERMIT TO CHANGE THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Name of Permittee: VIVIAN D. FULSTONE TRUST
Source: UNDERGROUND
Basin: SMITH VALLEY
Manner of Use: IRRIGATION
Period of Use: ONE YEAR FROM DATE OF ISSUANCE
Priority Date: 10/27/1960

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 the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 73486 is issued subject to the terms and conditions imposed in said Permit 73486 and 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 must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. 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 issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

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

The existing place of use under Permit 73486 is 10.5 acres. In order to not increase the consumptive use of the base right with this temporary change permit, and pursuant to NRS 533.3703, only the net consumptive use amount of the base right, 36.75 acre-feet, can be diverted from this temporary permit. The net consumptive use for alfalfa in this hydrographic basin is estimated at 3.5 acre-feet per acre.

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 0.401 cubic feet per second or 36.75 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:

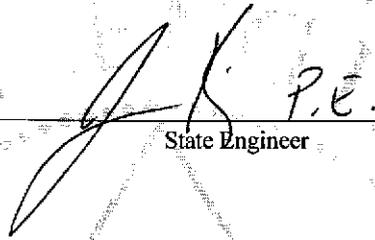
N/A

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

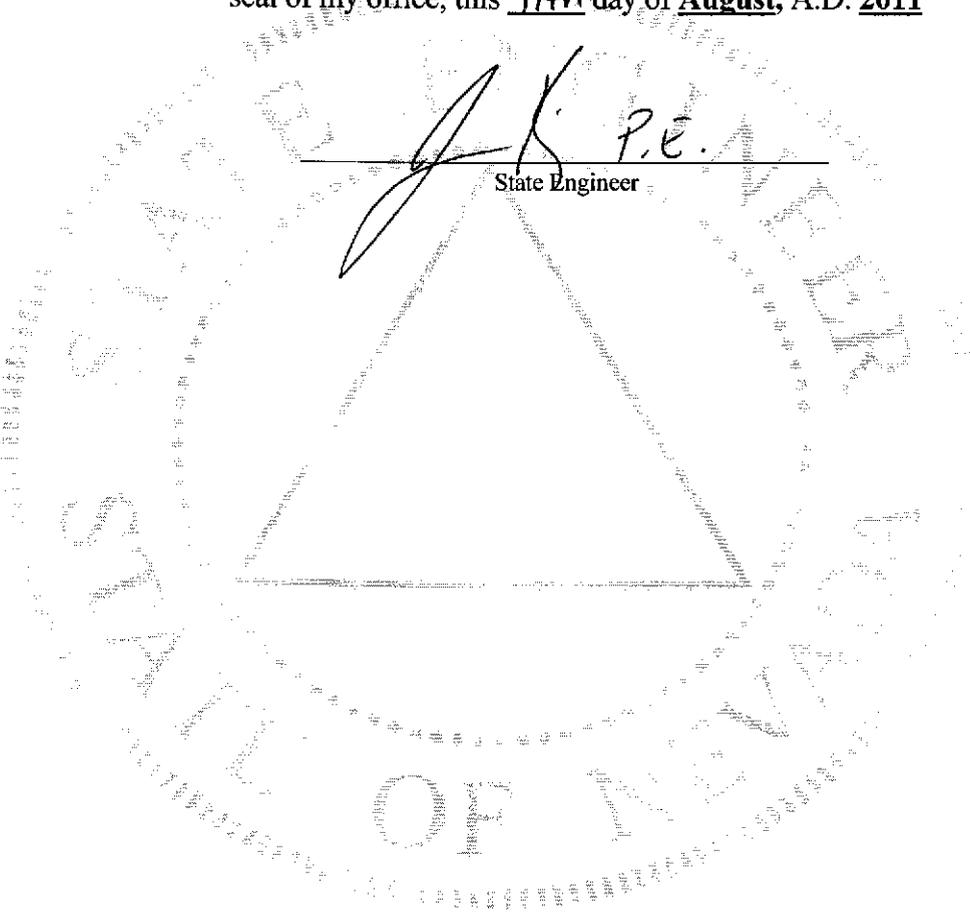
N/A

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 17th day of August, A.D. 2011



State Engineer



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 AUG 10 2010

Returned to applicant for correction _____

Corrected application filed _____ Map filed DEC 08 2004 under 7 1 8 6 4

The applicant Vivian D Fulstone Trust; James H. Fulstone, Trustee
P.O. Box 23 of Wellington
Street Address or PO Box City or Town
NEVADA 89444 hereby make(s) application for permission to change the
State and ZIP Code

Point of diversion Place of use Manner of use of a portion
of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)

Point of Diversion & place of use PERMIT 73486

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

2. The amount of water to be changed 0.401 cfs (42.0 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 (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
SW 1/4, NE 1/4 SECTION 36, T. 11N., R. 23E., MDBEM OR AT A POINT FROM WHICH THE NW CORNER OF SAID SEC. 36 BEARS N. 58° 49' 04" WEST A DISTANCE OF 3231.32 feet

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
SE 1/4 SE 1/4 SECTION 27, T. 11N., R. 23E., MDBEM OR AT A POINT FROM WHICH THE E 1/4 CORNER OF SAID SECTION 27 BEARS N. 27° 29' 25" E A DISTANCE OF 2625.71 feet

SEM
Blister
per
phone
call

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
Portions of S 1/2 NE 1/4, SE 1/4 Sec. 31, T. 11N., R. 23E., MDBEM
(100 Acres when combined with Permit 71864)
See Remarks

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)
Portions of NE 1/4 SE 1/4, SE 1/4 SE 1/4 Section 27 & NE 1/4
NE 1/4 Section 34 All in T. 11N., R. 23E., MDBEM

9. Proposed use will be from 1/1 to 12/31 of each year.
Month and Day Month and Day

10. Existing use permitted from 1/1 to 12/31 of each year.
Month and Day Month and Day

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

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 year

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

For A map of the prop, POD & POU use map on file under
Permit 71864. For a map of the existing POD & POU use map
on file under permit 73486. This water will be used to
Supplement decreed & storage water

16. Miscellaneous remarks:
This Application replaces permit 77239 T

flint1945@yahoo.com
E-mail Address

775-721-3707
Phone No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

James N. Fulstone
Type or print name clearly

James N. Fulstone
Signature, applicant or agent

Vivian Fulstone Trust
Company Name

P.O. Box 23
Street Address or PO Box

Wellington NV 89444
City, State, ZIP Code

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2010 AUG 10 PM 12:04
STATE ENGINEERING OFFICE