

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

1136

O R D E R

R. N. Fulstone Co.
P.O. Box 61
Smith, Nevada 89430
Certified Mail No. P 251 335 633

WHEREAS, the records of the Lyon County Assessor's Office show that R. N. Fulstone Co. is the owner of parcels of land described by the Lyon County Assessor as Parcel Numbers 10-591-06, 10-591-07, 10-591-08, 10-591-09, and 10-591-10 (formerly Parcel No. 10-591-04) within the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 30, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T.11N., R.24E., M.D.B.&M., in Smith Valley;

WHEREAS, a field inspection conducted by staff of the Nevada Division of Water Resources on February 14, 1994, found that a well in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T.11N., R.24E., M.D.B.&M., was believed to be used to supply water to a feed lot located on the above described parcels;

WHEREAS, subsequent field inspections were conducted March 2, 1995, August 6, 1996, September 12, 1996, March 5, 1997, and November 10, 1997;

WHEREAS, letters dated February 22, 1994, and March 3, 1995, were sent to you regarding cattle in the feed lot and inquiring about water rights to support the operation of the feed lot;

WHEREAS, an inspection on November 10, 1997, found that 200 to 300 cattle were in the feed lot and that feeding operations were being conducted at that time;

WHEREAS, Nevada Revised Statutes (NRS) 534.020, Section 1 states, "All underground waters within the boundaries of the state belong to the public, and, subject to all existing rights to the use thereof, are subject to appropriation for beneficial use only under the laws of this state relating to the appropriation and use of water, AND NOT OTHERWISE." (Emphasis added);

WHEREAS, the records of the Nevada Division of Water Resources show no groundwater right, as appropriated under Nevada Revised Statutes, Chapters 533 and 534, has been issued on said parcels for any purpose;