

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

FILED
JAN 16 2009
STATE ENGINEER'S OFFICE

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2009 JAN 16 PM 4:30
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 77432,
FILED BY PREPPY VISION LLC,
ON SEPTEMBER 30, 2008, TO APPROPRIATE THE WATERS OF
PERMIT 26883, CERTIFICATE 9280



PROTEST

Comes now SV Development LLC, Ltd. & R.N. Fulstone Co., represented by Steven A. Fulstone
Printed or typed name of protestant

whose post office address is P.O. Box 61, Smith, Nevada 89430
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is farming and ranching..... and protests the granting
of Application Number 77432....., filed on September 30....., 2008.....
by Preppy Vision LLC.....to appropriate the

waters of underground.....situated in Lyon.....
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please see attached page.....
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.....

THEREFORE the Protestant requests that the application be Denied.....
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed *Steven A. Fulstone*
Agent or protestant

Steven A. Fulstone, representing SV Development LLC, Ltd. & R.N. Fulstone Co.
Printed or typed name, if agent

Address P.O. Box 61.....
Street No. or P.O. Box No.
Smith, Nevada 89430.....
City, State and Zip Code No.

CLORIA K. LASH
NOTARY PUBLIC
STATE OF NEVADA
My Comm. Exp. 08/23/2010

Subscribed and sworn to before me this 16 day of January, 2009.....
Cloria K. Lash *ex*

January 14, 2009

To the State of Nevada, State Engineer:

Regarding my Protest to Application #77432

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For the following reasons and on the following grounds:

The application as filed with supporting map is confusing and difficult to follow. The engineering permit and state records indicate that 26883 permit will co-mingle with other permits which are supplemental to the Walker River decree claim #173. The applicant requests moving 139.13 acres to 179.46 acres, therefore this will be an expansion of acres irrigated for permit 26883. This expansion is not in the public interest nor is there adequate existing availability of water for an expansion of use. This could also affect other existing water rights in the area. Last year there was no evidence that Walker River decree water was put on land permitted by 26883. 26883 will co-mingle water with other permits as stated in its Application for a Permit on file in the State Engineers office. No movement of this permit should be allowed until there is evidence that surface water is being applied to the existing place of use of permit 26883.

The confusion extends to applications 77430, 77431 and 77433. The map does not show where Walker River decree is currently used or will be applied, with a maximum acreage irrigated of 453.91 acres from all sources of water. Permit, 20014, 26883 and 18435 are supplemental to the surface decree as stated by the original applications and engineering files. These permits are all within the description of the decree. Through historical time there seems to have been a change in how these permits have been used. There is a need to comply with the original intent of the permits. If these permits were used in this fashion, I would have no problem accepting current and future change applications that meet those restrictions.

Ground water in local areas around the applicant are lower. There has been a greater than normal decline in static water levels in recent years. At least two domestic wells in close proximity to the applicant had to be re-drilled because they went dry. One of the applicants wells' (26883) static water level was as high as 107 feet in 1988 and as low as 247 feet in 2005. The lowering of the static level is an issue that all permit owners should address.