

IN THE MATTER OF APPLICATION)
27675 FILED FOR THE WATERS OF)
AN UNDERGROUND SOURCE IN SMITH)
VALLEY, LYON COUNTY, NEVADA)

R U L I N G

107

GENERAL:

Application 27675 was filed on August 8, 1973, by Fred Fulstone, Jr. to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T.10N., R.24E., M.D.B.&M. and to be used for the irrigation of 260 acres of land within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 18, T.10N., R.24E. and the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, T.10N., R.23E., M.D.B.&M. and domestic purposes.

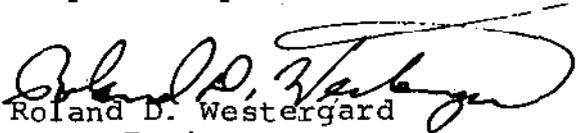
This application was protested on September 20, 1973, by Mina Albright. A field investigation in the matter of this application was made on April 16, 1974. Mr. Fulstone agreed to file an application to change to move the location of the proposed point of diversion at least $\frac{1}{2}$ mile from Mrs. Albright's well.

On April 25, 1974, Fred Fulstone, Jr. did file Application 28293 to change the point of diversion of Application 27675 which places the proposed point of diversion in excess of $\frac{1}{2}$ mile from the Albright well. No protest was filed against Application 28293.

RULING:

The protest to the granting of Application 27675 is hereby overruled and a permit will be issued under Application 27675 solely for the purpose of being able to take favorable action on Application to Change 28293. The amount of water to be granted shall be limited to 4.3 c.f.s. but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Respectfully submitted,


Roland D. Westergard
State Engineer

RDW:TJS:cm

Dated this 13th day
of August, 1974.