

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

FILED
JUN 22 2001
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 67399,
FILED BY Bingo G. & Karen T. Wesner,
ON 04/05/01, 19....., TO APPROPRIATE THE
WATERS OF Underground Source

PROTEST

Comes now Pershing County Water Conservation District (PCWCD)
Printed or typed name of protestant

whose post office address is P.O. Box 218, Lovelock, NV 89419
Street No. or P.O. Box, City, State and Zip Code

whose occupation is Irrigation, and protests the granting
of Application Number 67399, filed on April 5, ~~19~~ 2001
by Bingo G. & Karen T. Wesner to appropriate the

waters of Underground Source situated in Pershing
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:

PCWCD protest's application #67399 on the basis of granting of said application could effect the decreed waters of the Humboldt River.

PCWCD however will withdraw their protest to application #67399 as long as #67399 has the same conditions imposed on it as previous application #58006. Application #67399 is a newer application for previous application #58006.

Enclosed you will find a copy of State Engineers ruling on application #58006. Application #58006 was eventually denied because Mr. Wesner did not pay an issuance of permit fee.

Also, PCWCD would request to take part in the monitoring results.

If you have any questions, please contact me.

Sec. 32, Twn. 28N, Rng. 32E

THEREFORE the protestant requests that the application be Denied.

Denied, issued subject to prior rights, etc., as the case may be

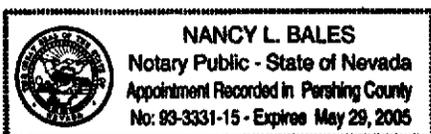
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Bennie B. Hodges
Agent or protestant

Bennie B. Hodges
Printed or typed name, if agent

Address P.O. Box 218
Street No. or P.O. Box No.
Lovelock, NV 89419
City, State and Zip Code No.

Subscribed and sworn to before me this 20th day of June, 19 2001



Nancy L. Bales
Notary Public

State of Nevada
County of Pershing

\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

Capitol Complex
123 W. Nye Lane
Carson City, Nevada 89710
(702) 687-4380

Re: 58006, 58007

March 29, 1996

Pershing County Water
Conservation District
P.O. Box 218
Lovelock, Nevada 89419
Certified Mail No. P 187 505 999

Ladies and Gentlemen:

As you are aware, we issued Ruling No. 4036 on the subject applications filed to appropriate water in Lovelock Valley by Bingo Wesner. In that ruling we had approved the applications with several conditions that had to be met before the permits would be issued. Mr. Wesner then hired a private consultant who drew several cross sections through the valley using various well logs which show a substantial clay thickness underlying the Lovelock Valley. In places, this clay thickness is eighty to one hundred feet thick. There is no evidence that these clay thicknesses are not continuous until you get up on to the benchlands at the edges of the valley. Therefore, with this information we think that it is highly unlikely that a well pumped at the location under 58007 would have any effect on the Humboldt River.

Also, there is an existing well that was drilled for irrigation purposes near the present point of diversion of 58007 which is perforated not only in the shallow water but in the area below the clay beds. I am going to go ahead and issue the permit under Application 58007 with the condition that this nearby irrigation well be plugged back to a depth within the clay layer, therefore, leaving only the perforations in the shallow water. We will then be able to monitor this shallow aquifer periodically through the irrigation season assuming that Mr. Wesner gets a highly productive well at the point of diversion of 58007. This letter constitutes my final ruling on Applications 58006 and 58007 and is appealable under the provisions of NRS 533.450.

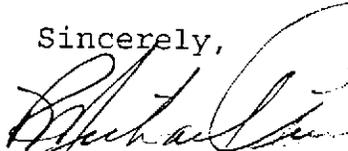
The purpose of this letter is not only to advise you that we are going to go ahead and issue permits under 58006 and 58007, but to advise you of the monitoring and ask if you want to take part in the monitoring or receive the monitoring results.

Pershing County Water
Conservation District
March 29, 1996
Page 2

If you have any questions or if you want to take part in the monitoring program, I would appreciate hearing from you at your convenience.

part in the
you at your

Sincerely,



R. Michael Turner
State Engineer



eed, P.E.

RMT/bk

cc: Bingo Wesner, Cert. Mail No. P 187 506 000