

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

IN THE MATTER OF APPLICATION NUMBER 82272
FILED BY Phillip Geertson
ON November 7th, 2012



FILED
JAN 31 2013
STATE ENGINEER'S OFFICE

PROTEST

Comes now John H. Milton III, agent for the Robert W. Pruitt and Greta G. Pruitt Revocable Living Trust

Printed or typed name of protestant

whose post office address is 146 West Second Street, Winnemucca, Nevada, 89445

Street No. or PO Box, City, State and ZIP Code

whose occupation is Professional Land Surveyor / State Water Right Surveyor and protests the granting

of Application Number 82272, filed on November 7th, 2012

by Phillip Geertson for the

waters of Star Creek situated in Pershing

an underground source or name of stream, lake, spring or other source

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

The point of diversion for Appl 82272 is the same diversion structure as used by Proof 01177, which is owned by the Robert W. and Greta G. Pruitt Revocable Living Trust (Pruitt Trust). The applicant previously filed Appl 49260 which was denied and Appl 80206 which was granted for use during the non irrigation season. The Pruitt Trust owns Proof 01177 which dates back to 1862 (claiming 32 cfs of water during the irrigation season) and Appl 81977 for additional water for irrigation from Star Creek. Also a review of the Pershing County Assessor records shows that the N1/2NW1/4 of Section 19, T.31N., R.35 E. (listed as part of the place of use) is owned by the Pruitt Trust and not by the Applicant. Additionally the pipeline that the applicant proposes to use crosses land owned by the Pruitt Trust and the applicant does not have an easement. Therefore the Pruitt Trust would request that appl 82272 be denied because it would adversely affect Proof 01177 and that the applicant does not control the pipeline and all the land listed in the place of use.

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 John H. Milton III Agent or protestant

John H. Milton III Printed or typed name, if agent

Address 146 West Second Street Winnemucca, Nevada, 89445

State of Nevada
County of Nevada

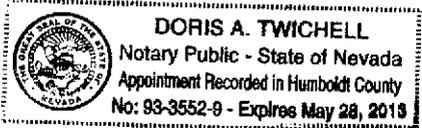
775-623-4414 Phone Number

Subscribed and sworn to before me on January 30th, 2013

by John H. Milton III

dms@winnemucca.net E-mail

Doris A. Twichell
Signature of Notary Public Required



Notary Stamp or Seal Required

STATE ENGINEER'S OFFICE
2013 JAN 31 PM 12:36
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ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.