

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

FILED
NOV 08 2013
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 83121
FILED BY VLOT REVOCABLE TRUST
ON Sept. 27, 2013

PROTEST

Comes now Gerald K. Simmons
Printed or typed name of protestant

whose post office address is 90 Jessor Rd. Wellington, NV. 89444
Street No. or PO Box, City, State and ZIP Code

whose occupation is Retired and protests the granting

of Application Number 83121, filed on Sept. 27, 2013

by VLOT REVOCABLE TRUST for the

waters of Smith Valley, NV situated in Hyam
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:

See attached.

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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 Gerald K. Simmons
Agent or protestant

Printed or typed name, if agent

Address 90 Jessor Rd.
Street No. or PO Box

State of Nevada
County of DOUGLAS

Wellington, NV. 89444
City, State and ZIP Code

Subscribed and sworn to before me on 11/8/2013

775-465-2098
Phone Number

by Gerald K Simmons

zagloranch@smith-valley.com
E-mail

Signature of Notary Public Required

V. STRAW
NOTARY PUBLIC
STATE OF NEVADA
No. 08-7375-5 My Appt. Exp. April 15, 2018

Notary Stamp or Seal Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

APPLICATION FOR WATER NO. 83121

APPLICATION NO. 83121

VLOT REVOCABLE TRUST

WELL PERMIT NO. 16628 (Smith Ranch)

PROTEST

NOTICE IS HEREBY GIVEN, that on the 27th day of September 2013 2008 Vlot Revocable Trust of Chowchilla, California made application to the State Engineer of Nevada for permission to change the point of diversion, place and manner of use of 0.4859 c.f.s., a portion of water heretofore appropriated under Permit 16628, Certificate 5317. Water will be diverted from an underground source at a point located within the SW1/4 NW1/4, Section 26, T12N, R23E, MDM or at a point from which the W1/4 corner of said Section 26 bears S 46 degrees 19 minutes 25 seconds W, a distance of 1,625.21 feet (approx. 3 miles E of Simpson, NV). Water will be used for commercial purposes from January 1st to December 31st of each year. The existing point of diversion was located within the SE1/4 NW1/4 of Section 36, T12N, R23E, MDM or at a point from which the NW corner of said Section 36 bears N 49 degrees 24 minutes W, a distance of 2,489.2 feet. Water was used for irrigation purposes from April 1st to October 31st of each year.

Jason King, P.E.
State Engineer

Date of first publication Oct 16, 2013
Date of last publication Nov 6, 2013

No. 17652 Oct 16, 23, 30, Nov 6, 2013

I protest the conversion of this well from irrigation to commercial. The Nevada Division of Water Resources considers Smith Valley Dairy Farms to be a commercial business, and the amount of water from that well will be in excess of 1,200 AFA to supply only about one third of the water required to maintain a herd of 6,400 cows. Pumping that much more water from that well will adversely affect the aquifer, due in part by the severe drought in Nevada.

I protest the change in period of use from 04-1031 to 0101-1231, because the the period of non use is to allow the aquifer to be recharged. If the period of use is changed to annual, then the aquifer will be seriously depleted. This depletion of the aquifer will probably affect my domestic well, and may cause it to go dry.

I protest the change in the point of diversion to the Vlot Trust property located East of Hunewell Lane in Smith Valley, because the only way to get water to that property is to run a pipe line or drill a new well. I understand there is a moratorium on drilling a new Ag well or a commercial well in Nevada.

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