

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 83122
FILED BY Vlot Revocable Trust
ON Sep 27, 20 13



PROTEST

Comes now Frank and Linda Ely
Printed or typed name of protestant

whose post office address is 38 Linda Way
Street No. or PO Box, City, State and ZIP Code

whose occupation is Retired and protests the granting

of Application Number 83122, filed on September 27, 20 13

by Vlot Revocable Trust for the

waters of Smith Valley, Nevada situated in Lyon
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

and that an order be entered for such relief as the State Engineer deems just and proper. Denied, issued subject to prior rights, etc., as the case may be

Signed Frank and Linda Ely
Agent or protestant

Printed or typed name, if agent

Address 38 Linda Way
Street No. or PO Box

State of Nevada
County of Douglas

Wellington, Nevada 89444
City, State and ZIP Code

Subscribed and sworn to before me on 11/7/13

775-465-9188
Phone Number

by Linda Ely
Frank Ely

frankcely99@yahoo.com
E-mail

Linda Bratton
Signature of Notary Public Required

LINDA BRATTON
NOTARY PUBLIC
STATE OF NEVADA
No. 94-5174-5 My Appt. Exp. April 15, 2014

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. 83122

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 0.5063 c.f.s., a portion of water heretofore appropriated under Permit 18358, Certificate 5689. 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 SW1/4 SE1/4 of Section 36, T12N, R23E, MDM or at a point from which the SE corner of said Section 36 bears S 88 degrees 33 minutes E, a distance of 1,975.60 feet. Water was used for irrigation purposes from April 1st to November 1st of each year.

APPLICATION NO. 83122

VLOT REVOCABLE TRUST

WELL PERMIT NO. 18368 (CONAN)

PROTEST

Jason King, P.E.
State Engineer

Date of first publication _Oct 16, 2013
Date of last publication _Nov 6, 2013_

No. 17653 Oct 16, 23, 30, Nov 6, 2013

I protest the conversion of this well from irrigation to commercial, because at some point in the neat future Vlot Trust or Smith Valley Farms will seek a permit for many more acre feet annual of water than that well is now permitted to be used for irrigation.

I protest the inclusion of this well in the same aquifer as I am in. This well is located South of the basin boundry, and historically water has not been allowed to be moved across that boundry line, nor can the permitted amount of water be transfered to another basin. That is the rules and regulations of the Nevada Division of Water Resources. The boundry is well documented in the "Water Resources Bulletin NO. 43", which was prepared by The U.S. Dept. of the Interior Geological Survey, 1976, page 30, and the Nevada Division of Water Resources. The Nevada Division of Water Resources has a newer official map of the area with a much more defined boundry line. However, it is not against the law to move the water across a boundry line, and has been done in a few cases, as well as probably can be done again.

I protest the change in the point of diversion to the Vlot Trust property located East of Hunewell Lane, Smith Valley, because the water from the well's location South of the boundry line should not be included in the Northern water basin.

I protest the change in the current period of use, 04 to 11-01, to a period of use from 01-01 to 12-31, because the current non-use of this well during the non growing season is for the aquifer to be recharged from rain, snow melt, and the Walker River. The severe drought in Nevada prevents very much recharging, and the water level in the aquifer continues to drop with the water already being used.

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