

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

FILED
NOV 05 2013
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 83122
FILED BY VLOT REVOCABLE TRUST
ON SEPTEMBER 27, 2013



PROTEST

Comes now ROBERT A LUMBARD

Printed or typed name of protestant
whose post office address is 265 BURKE DRIVE 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 SEPTEMBER 27, 2013

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 ATTACHMENT

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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 Robert A Lumbard
Agent or protestant

ROBERT A LUMBARD
Printed or typed name, if agent

Address 265 BURKE DR.
Street No. or PO Box

WELLINGTON, NV 89444
City, State and ZIP Code

State of Nevada

County of Douglas

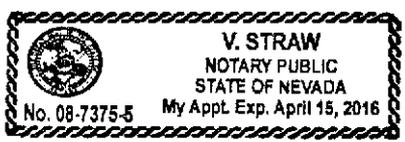
Subscribed and sworn to before me on November 4, 2013

775 465 0024
Phone Number

by Robert A Lumbard

b25jbob@smith-valley.com
E-mail

Signature of Notary Public Required



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 18368, 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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