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

IN THE MATTER OF APPLICATION NUMBER 83123
FILED BY Vlot Revocable Trust
ON Sep 27, 20 13

PROTEST

FILED
NOV 08 2013
STATE ENGINEER'S OFFICE

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 83123, 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
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 Frank Ely Linda Ely
Agent or protestant

Frank and Linda Ely
Printed or typed name, if agent

Address 38 Linda Way
Street No. or PO Box

Wellington, Nevada 89444
City, State and ZIP Code

775-465-9188
Phone Number

frankcely99@yahoo.com
E-mail

State of Nevada
County of Douglas

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

by Linda Ely
Frank Ely

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 NO. 83123

VLOT REVOCABLE TRUST

WELL PERMIT NO. 12305 (SMITH, G.C.)

PROTEST

LEGALS LEGALS

APPLICATION FOR WATER NO. 83123

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 0.0067 c.f.s. of water heretofore appropriated under Permit 12305, Certificate 3679. 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 SW1/4 of Section 36, T12N, R23E, MDM or at a point from which the SW corner of Section 12, T11N, R23E, MDM bears S 00 degrees 33 minutes 20 seconds W, a distance of 11,826.40 feet. Water was used for stockwater and domestic purposes from January 1st to December 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. 17654 Oct 16, 23, 30, Nov 6, 2013

I protest the conversion of this well from stock watering to commercial, because the applicant will then apply for a great deal more acre feet of water than the 4.8 AFA currently permitted from that well in order to provide water for the dairy cows.

I protest the new point of diversion, which will allow Vlot Revocable Trust to use a great many more acre feet of water annually from this well on their property, located to the East of Hunewell Lane, to provide for the dairy herd.

I have been told that this well has not been used for many years. If true, then the permit has expited, and Vlot Revocable Trust would need to apply for a new permit, and increase the permitted water rights to exceed 1,200 AFA. I protest the granting of a new permit based on the drought conditions, and susequent depletion of the aquifer, with no certainty that the aquifer will be recharged any time soon, if at all.

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