

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 SEPTEMBER 27, 2013



PROTEST

FILED
NOV 05 2013
STATE ENGINEER'S OFFICE

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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STATE ENGINEERS OFFICE

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

775-465-0024
Phone Number

b25jbob@smith-valley.com
E-mail

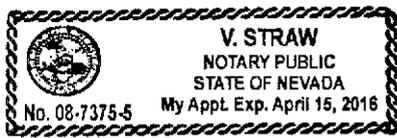
State of Nevada

County of Douglas

Subscribed and sworn to before me on November 4, 2013

by Robert A Lumbard

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. 83123

APPLICATION NO. 83123

VLOT REVOCABLE TRUST

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

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 0.0067 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 1,825.21 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 expired, 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 subsequent depletion of the aquifer, with no certainty that the aquifer will be recharged any time soon, if at all.

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