No. 74965

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office **OCT 26 2006**

Returned to applicant for correction

Corrected application filed

Map filed **OCT 26 2006 under 74957**

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The applicant **Aqua Trac, LLC** hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. **Aqua Trac, LLC (Limited Liability Company as of 3/11/2005, in Reno, Nevada)**

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1. The source of the proposed appropriation is **Underground**

2. The amount of water applied for is **10.0 CFS** second-feet

   (a) If stored in reservoir give number of acre-feet

3. The water to be used for **Quasi-Municipal**

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated

   (b) Stockwater, state number and kinds of animals to be watered

   (c) Other use (describe fully under No. 12. "Remarks") **See Remarks**

   (d) Power:
      (1) Horsepower developed

      (2) Point of return of water to stream

5. The water is to be diverted from its source at the following point **within the SE¼ SE¼ Section 28, T26N, R27E, MDM, or at a point from which the NE corner of Section 10, T25N, R27E, MDM, bears S 26°10'01" E, a distance of 13,560.0 feet. Refer to supporting map filed with Application. (Basin #78).**

6. Place of Use **within Basins 73 & 73A through 96 inclusive; and Basins 99 through 108 inclusive as determined by the Nevada State Engineer's records.**

7. Use will begin about **January 1st** and end about **December 31st** of each year.

8. Description of proposed works **Drilled and cased well with pump & motor.**

9. Estimated cost of works **One Million Dollars +**

10. Estimated time required to construct works **Five (5) Years**

11. Estimated time required to complete the application of water to beneficial use **Ten (10) Years**

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12. Remarks: **The combined production of water for quasi-municipal use filed by Aqua Trac, LLC, shall not exceed 130,000 acre feet annually for all Aqua Trac applications filed to date for Basin 78.**

s/ Suzan L. Ferguson
By **Suzan L. Ferguson - Agent**
5405 Mae Anne Avenue
Reno, Nevada 89509

Compared **mt/bk**

Protested **11/21/06 by Pershing County, 12/21/06 by Churchill County, 12/27/06 by ATI Systems International and C-punch Ranch**

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DENIAL OF STATE ENGINEER

This application is hereby denied on the grounds that:

1. There is insufficient water in the proposed source to support the applications.
2. No contracts with those who would place the water to beneficial use were demonstrated nor was any agency relationship with a municipality or other entity was demonstrated; therefore, the Applicant did not satisfy the requirements for demonstrating a need for the water under NRS §533.370(6).
3. No demonstration was made of the actual project to be constructed; therefore, no specific beneficial use of the water was identified.
4. No evidence was provided as to the amount of water reasonably required for any specific project.
5. To grant the applications under these conditions would thereby threaten to prove detrimental to the public interest.

IN TESTIMONY WHEREOF, I, **TRACY TAYLOR, P.E.**,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 17th day of September, A.D. 2007

Tracy Taylor, P.E.
State Engineer