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

FILED
MAR 15 2011
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 54070
FILED BY ***LVVWD / SNWA***
ON **October 17, 1989** TO APPROPRIATE THE
WATERS OF ***UNDERGROUND***

} **PROTEST**

Comes now 2nd Big Spring Irrigation Company

whose post office address is P.O. Box 170 Baker Nv 89311

whose occupation is a Water Distribution, Ranching and protests the granting

of Application Number 54070, filed on ***October 17, 1989*** by ***LVVWD / SNWA*** to appropriate the

waters of ***UNDERGROUND*** situated in White Pine County, State of Nevada, for the following and on the following grounds, to wit: (CHECK ALL THAT APPLY)

- [X] 1. There is insufficient water available in the proposed source of supply.
- [X] 2. The application and proposed use would conflict with existing water rights and protectable interests in domestic and/or ranch production and/or municipal wells
- [X] 3. The appropriation and export of water proposed in this application would be detrimental to the public interest on environmental grounds and would be environmentally unsound as it relates to the proposed export basin: Harm to wildlife and wildlife habitat, degradation of air quality, destruction of recreational anc aesthetic values, degradation of water quality, degradation of cultural resources, harm to state parks and state and federal wildlife refuges and parks.
- [X] 4. The appropriation and export of water proposed in this application would be detrimental to the public interest on economic grounds and would unduly limit futur growth and development in the basin from which the export is proposed: Undue limitation of future economic activity and growth in the basin of origin, undue ecc harm will extend to the economies and communities of downgradient hydrologically connected and downwind basins, loss of public lands grazing and forage.
- [X] 5. The proposed action is not an appropriate long-term use of Nevada's water:
- [X] 6. The Applicant has not justified the need to import water from another basin:
- [X] 7. The Applicant has not implemented a sufficient conservation plan.
- [X] 8. The Applicant has not demonstrated the good faith intent or financial ability and reasonable expectation to actually construct the work and apply the water to th intended beneficial use with reasonable diligence.
- [X] 9. The Applicant has a duplicative application filed in 2010 which may require a duplicative hearing for the same groundwater.
- [X] 10. The appropriation and export of groundwater from Spring Valley will harm existing permitted uses in the hydrologically connected Snake Valley and Great Bas
- [X] 11. The appropriation and export of groundwater from Cave, Dry Lake, and Delamar Valleys will harm hydrologically connected areas including Pahranagat and N NWRs and White River Valley and Lake Mead NRA.
- [X] 12. Protestant reserves the right to amend this protest to include issues as they develop and incorporates other protests to SNWA's applications by reference.

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.

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STATE ENGINEERS OFFICE

Signed Thomas D. Baker

Thomas D. Baker
Printed or Typed name, if agent

Address P.O. Box 170
Baker Nv 89311
Address, City, State, Zip

Phone Number (775) 234-7119

Subscribed and sworn to before me this 10th day of March, 2011

ANITA H. HANSEN
Notary Public - State of Utah
Commission No. 575511
My Commission Expires on October 01, 2012
230 Old Farm Road, Garrison, Utah 84728

Anita H. Hansen
Notary Public
State of Utah
County of Millard