FILED
JUN 18 1999
STATE ENGINEER'S OFFICE

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

IN THE MATTER OF APPLICATION NO. 64677 FILED BY **LINCOLN COUNTY, et al** ON **December 11, 1998**, TO APPROPRIATE THE WATERS OF GARDEN VALLEY	**PROTEST**

COMES NOW **Virgin Valley Water District**, whose Post Office address is 500 Riverside Drive, Mesquite, Nevada, whose occupation is a political subdivision of the State of Nevada, and protests the granting of Application No. 64677, filed on December 11, 1998 by Lincoln County and Vidler Water Company, Inc., to appropriate underground waters situated in Lincoln County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Exhibit "A" attached hereto

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.

Signed:_____

GEORGE N. BENESCH
Agent for Protestant
1025 Ridgeview Drive, Suite 400
Reno, Nevada 89509
(775) 827-3100

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

SUBSCRIBED and SWORN to before me this 17th day of June, 1999.

BETTY MELARKEY
NOTARY PUBLIC
STATE OF NEVADA
WASHOE COUNTY
89-0048-2 My Appnt. Expires Mar. 10, 2002

Betty Melarkey
NOTARY PUBLIC

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Exhibit "A"

1. The proposed place of use is not suitable for irrigation and the subject application was filed to tie up the resource for speculative purposes. Thus, approval of the subject application is not in the public interest.

2. The Applicant does not own or control the proposed place of use.

3. The granting of the subject application will adversely impact existing rights of the Protestant and could further adversely impact the potable water source for residents of the City of Mesquite, the Town of Bunkerville and others within the service area of the Protestant.

4. Upon information and belief, the granting of the subject applications, particularly when considered with other applications filed concurrently by the Applicants, will adversely impact the quality of water heretofore appropriated by the Protestant.

5. The granting of the subject application, particularly when considered with other applications filed concurrently by the Applicants, will adversely impact existing springs and seeps that provide a source of water for wildlife (including some species listed under the Endangered Species Act).

6. The source of resource the Applicants seek to appropriate is regional in character and the granting of the subject application, particularly when considered with other applications filed concurrently by the Applicant, will adversely impact existing rights, including but not limited to, those of the Protestant.

7. The Applicant, Vidler Water Company, Inc., is barred from appropriating public waters of this State due to deficiencies in its status with the Nevada Secretary of State.