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

FILED
MAY 21 1999
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 64687,
FILED BY Lincoln County and Vidler Water Company, Inc.,
ON December 11, 19 98, TO APPROPRIATE THE
WATERS OF the State of Nevada

PROTEST

Comes now Wayne and Ruby Lister
Printed or typed name of protestant

whose post office address is P O Box 402, Pioche, NV 89043
Street No. or P.O. Box, City, State and Zip Code

whose occupation is farming and ranching, and protests the granting

of Application Number 64687, filed on December 11, 19 98

by Lincoln County and Vidler Water Company, Inc. to appropriate the

waters of underground situated in Lincoln
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

1. Lincoln County Commissioners have voted to withdraw this application (minutes attached).
2. Neither Lincoln County or Vidler owns nor have they applied for the land listed in the application (BLM contact on May 12, 1999.)
3. Vidler Water Company is in default status with the State (see attached)
4. 10 c.f.s. of water per application transported out of the Patterson Wash basin will have an adverse effect on agriculture and local communities.
5. Vidler's stated mission is the sale of water, taking from agriculture to sell to industrial and municipal use. (see Memo of Understanding)

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 Wayne Lister / Ruby Lister
Agent or protestant

Printed or typed name, if agent

Address P. O. Box 402
Street No. or P.O. Box No.

Pioche, NV 89043
City, State and Zip Code No.

Subscribed and sworn to before me this 17th day of May, 19 99.

Judy A. Etchart
Notary Public

State of Nevada

County of Lincoln

Notary Public-State Of Nevada
County Of Lincoln
JUDY A. ETCHART
My Appointment Expires
January 21, 2002
No: 94-0698-11

$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

4-5-99

#20-CORRESPONDENCE

a)BLM re: Pioche to Hamilton Stage Route. Bevan Lister is present for this item and had a map of the area. The letter that the Board got from the BLM, stated that we are maintaining an existing access road of LC #80, the Pioche to Hamilton Stage Route, which is an RS2477 road, which crosses the Lister land. He advised that after doing some investigation, the Pioche to Hamilton Stage Route is not the one that crosses the Lister property. There is a road that crosses the Lister property and also Bill Brown's property. Bevan advised that they plan to close the road off and part of it has already been closed by Bill about 3 years ago. Bill's deed contains no easements or right of ways and that is why he closed the road off. Bevan stated that the BLM was stubborn and insisted that the road was where they have indicated and also insisted on maintaining an easement to the County. Bevan states that this is a "one ended road" and asked the Board to relinquish any interest in the road that the BLM placed on his deed. Rey stated that he had Steve go look at the road as he doesn't want to give up any RS2477 rights that we may have. Phil reported that what we could do is a resolution to abandon the road having found that it is not a RS2477 road. A motion is made by Dan that we make a resolution that the Commission has found that this is not a RS2477 road nor a part of the Pioche to Hamilton Stage Route and relinquish any rights that the County may have; seconded by Paul D. Rey suggested that the motion be amended to read that the Pioche to Hamilton Stage Route road was found not to be the road identified in the BLM letter. All agree to this amendment. The vote is called for with all voting in favor. b)TGFT Productions re: Rachel "X Rides". A motion is made by Dan to support this event; seconded by Paul D. All voted in favor. c)National Safety Council re: New Mexico's Waste Isolation Pilot Plant (WIPP). This is just information and no action is needed. d)Wayne & Ruby Lister re: Protest on Water Filings. Bevan Lister is present and Rey asked him where the permits are in relation to his parents property? Bevan commented that if he had hired the engineer that did the filings, he would have fired him. The filings did not contain a specific location so he cannot tell the Board where they filings are located. Bevan is concerned that these filings will tie up the water and he won't have the water available to continue farming. Paul D. asked Bevan if the County withdraws their application, is Bevan going to file on it immediately or what is going to stop someone else from filing on it, such as LVVWD? Bevan stated that LVVWD already filed in this valley and due to protests, withdrew those applications. Paul D. stated that the County filed to protect the water for LC's residents, not to hinder the residents. Bevan voiced his displeasure with Vidler and asked who he would need to work with to purchase the water, LC or Vidler? Rey stated that we are not trying to cause problems for anyone in LC and he feels that Bevan is being critical of Vidler without knowing much about them. He stated that if the County filing on this water is not in the best interests of the residents of LC, that he is not opposed to withdrawing these applications. Bevan stated that he believes that Vidler is in this to make money and the way that they can make money is to transport water out of the county. Lorraine Freeland commented that she is familiar with Nevada Water law and she would like to see the water diverted into the closed basins in the county instead of going out of the county. A motion is made by Dan that we withdraw from these two water filings; seconded by Paul D. Paul C. voiced concern that if we withdraw, it opens this up and anyone can file on the water. Paul C. abstains from the vote and the other 3 vote in favor. Bevan commented that Vidler has made no formal action to obtain the ground and that concerns him. e)LCHS Rodeo Club re: Use of the LC Fairgrounds. Phil asked if they have liability to use this as a campground? The Board thinks that the rodeo club has obtained coverage. Rey spoke with the Fair Board on this and they have no problem with it but asked that in the future the rodeo club comes to the Fair Board first. Paul C. asked that we make sure that they have the liability coverage and then makes a motion to approve if they get the proper insurance coverage for their activity with the County named as an additional insured and that in the future they go to the Fair Board first; seconded by Paul D. All voted in favor. f)Robert Werner re: Pioche Park Locomotive. Phil met with Mr. Werner and explained to him that we had looked at the options of asbestos removal and also advised him that there was no sand blasting done. Mr. Werner is a railroad buff and would like to assist with restoring the engine. The asbestos has all been removed and the engine is ready to be painted.. Paul D. commented that he spoke with someone and they also advised not to sandblast as we would do harm to the engine. Bechtel Engineering offered a lot of assistance with the asbestos removal problem at no charge. Paul D. asked if we could send a letter of thanks to Bechtel. The Board agrees to send a letter.

#17-LEGISLATIVE ITEMS

Rey reported that SB108, the interbasin water transfer bill, looks like it will be approved without any problems. We are supposed to have a memorandum of understanding between LC/White Pine County/Nye County/Las Vegas Valley Water District on joint management of water filings. This will be on the agenda 4-20 and Steve Bradhurst will be here for that matter. Rey testified on a bill regarding the gathering of wild horses. There are hearings this week on a couple of bills that concern Rey. Shelley stated that there are some planning bills which will make it impossible for LC to stay in compliance. Rey reported that the unfunded mandates bill is still in committee. It looks like the PILT resolution will be approved also.

#14-GRANTS

Clementine Sahleen is not present by the Clerk is taking care of this matter. a)There have been some pictures of the drop box facilities taken. b)Sign CDBG Annual Participation Documents. These are the documents that we sign each year. A motion is made by Paul D. to sign the CDBG Annual Participation documents; seconded by Paul C. All voted in favor. c)Sign Notice of CSBG Award. This grant is for low income households and is in the amount of $6,669. A motion is made by Paul D. to sign the notice and accept this grant; seconded by Paul C. All voted in favor.

#24-COPY MACHINE-DISTRICT ATTORNEY

The DA, Phil Dunleavy advised that he had 3 estimates and the copy machine he would like to get will cost $6,913. He has money in his budget. The copy machine has a maintenance agreement and includes all supplies except paper, for $50. a month. If he goes over 2500 copies a month, there is a 2 cent surcharge for each page. A motion is made by Paul C. to approve purchase of the copy machine as proposed; seconded by Paul D. All voted in favor.

#28-NOTICE OF INTENT TO AUGMENT BUDGET

The Recorder/Auditor, Leslie Boucher, submitted two notices of intent to augment budget. One is to the Panaca Town General Fund in the amount of $37,517. This is money which the PVFD earned fighting fires and they would like to be able to use this money on their new fire station. The other notice is for $38,875. to the Road Dept. This is from equipment that they sold and they would like to put this money towards a new equipment purchase. A motion is made by Paul D. to approve the two Notices of Intention to Act on a Resolution to Augment Budget; seconded by Paul C. All voted

This document to which this certificate is attached is a full, true and correct copy of the original, on file and of record in the County Clerks Office, Pioche Nevada.

In witness whereof, I have hereunto set my hand and affixed the Seal of the Seventh Judicial District Court in and for the County of Lincoln, State of Nevada, this 3rd day of May 19 99.

Corine Hogan
Clerk

Deputy Clerk

RECEIVED
99 MAY 21 PM 2:59
STATE ENGINEERS OFFICE