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

FILED
AUG 07 2001
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NO. 67321

FILED BY VIDLER WATER COMPANY, INC.

ON March 12, 2001, TO APPROPRIATE THE PUBLIC WATERS OF SPRING VALLEY BASIN

PROTEST

COMES NOW **WHITE PINE COUNTY,** a political subdivision of the State of Nevada, whose Post Office address is P.O. Box 659, Ely, Nevada, 89301, and protests the granting of Application No. 67321 filed on March 12, 2001 by Vidler Water Company, Inc. to appropriate the public waters of the State of Nevada, which seeks to appropriate underground waters of Spring Valley Basin situated in White Pine County, State of Nevada, for the following reasons and on the following grounds, to wit:

See Attached Exhibit "A"

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
P.O. Box 3498
Reno, Nevada 89505
(775) 827-3100

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

SUBSCRIBED and SWORN to before me this 3rd day of August, 2001

Betty Melarkey
NOTARY PUBLIC

BETTY MELARKEY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 89-0049-2 - Expires March 10, 2002

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Exhibit "A"

1. This application is one of 15 applications filed by Vidler Water Company, Inc. seeking to appropriate some 46,040 acre feet annually of groundwater for irrigation and domestic use. Diversion of such a quantity will, upon information and belief, lower the static water level in the subject basin, adversely affect the quality of remaining groundwater and threaten springs, seeps and phreatophytes, which provide water and habitat critical to the survival of wildlife, livestock and other surface area existing uses.

2. The appropriation of this water, when added to the already approved appropriations, pending senior applications and existing uses in the subject basin, will exceed the annual recharge and safe yield of the basin. Appropriation and use of this magnitude will, upon information and belief, lower the static water level, degrade the quality of water from existing wells and cause negative impacts, including, but not limited to, negative hydraulic gradient influences.

3. This application is one of 15 applications flied by Vidler Water Company seeking a combined appropriation of some 46,000 acre feet annually of groundwater, which the Applicant, upon information and belief, seeks to utilize for municipal use in other basins. Thus, the appropriation of water under this and concurrently filed applications, upon information and belief, is for ultimate export from the subject basin for purposes other than irrigation. Diversion and export of such a quantity of water will deprive the area of the origin of the water needed for its environmental and economic well being and will unnecessarily destroy environmental, ecological, scenic, and recreational values that the state holds in trust for all its citizens.

4. The granting of the subject application in the absence of comprehensive water resource development planning, including, but not limited to, environmental impacts, socioeconomic impacts, and long term impacts on the water resource, threatens to prove detrimental to the public interest.

5. The granting or approval of the subject application will conflict with or tend to impair existing rights in the subject basin.

6. The granting or approval of the subject application would be detrimental to the public interest in that it, individually and collectively with the other applications filed concurrently with the subject application, will interfere with the purpose for which federal lands are managed under federal statutes, including, but not limited to, the Federal Land Use Policy Act of 1976.

7. The subject application should be denied on the grounds that it individually and cumulatively with the other applications filed concurrently with the subject application will exceed the safe yield of the subject basin thereby adversely affecting phreatophytes and creating air contamination and pollution in violation of state and federal statutes, including, but not limited to, the Federal Clean Air Act and Chapter 445 of the Nevada Revised Statutes.

8. The granting or approval of the subject application will be detrimental to the public interest inasmuch as its approval, together with other applications filed concurrently with the subject application, may allow the applicant to "lock-up" vital water resources for eventual uses not contemplated in the subject application.

9. Vidler Water Company, Inc. in public statements and written materials has indicated it seeks to control water resources of portions of this and other states in such a fashion that it will ultimately monopolize the resource. Furtherance of this speculative objective through the granting of the subject application is not in the public interest.