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

FILED
OCT 06 2003
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER.....69880.....,

FILED BY..... BEVERLY JOAN JACOB.....,

ON.....APRIL 18.....,..., 20...03..., TO APPROPRIATE THE

WATERS OF ....UNDERGROUND.....

} PROTEST

Comes now.....Lincoln County Water District and Vidler Water Company, Inc.....
Printed or typed name of protestant

whose post office address is.....704 W. Nye Lane, Suite 201 Carson City, NV 89703.....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is ..... and protests the granting

of Application Number .....69880....., filed on .....April 18....., 20.....03.....

by .....Beverly Joan Jacob.....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:

.....See Attached Sheet.....

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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 .....April L. Burchett.....
Agent or protestant

.....~~Jennifer Morgan~~ April L. Burchett.....
Printed or typed name, if agent

Address.....704 W. Nye Lane, Suite 201.....
Street No. or P.O. Box No.

.....Carson City, NV 89703.....
City, State and Zip Code No.

Subscribed and sworn to before me this .....7.....day of.....Oct....., 20.03...

.....
Notary Public

NYNALEA S. REW
NOTARY PUBLIC - NEVADA
Appt. Recorded in CARSON CITY
No.94-4323-3 My Appt. Exp. July 7, 2006

State of.....NV.....

County of .....Carson.....

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN <u>ORIGINAL</u> SIGNATURE.

aJ

Protest Grounds

The proposed cost of works of this application exceeds one billion dollars. The State Engineer must consider whether the applicant has the financial capability to place the water to beneficial use.

Similar applications to appropriate 27, 627 cfs from the Spencer River were denied by the State Engineer's Office (ruling 4692) because the applicant failed to provide sufficient information to guard the public interest or prove that there were sufficient funds to place the water to beneficial use. The same grounds exist to deny Application 69880.

There is no water available to appropriate from the requested source and granting the appropriation requested by this application would interfere with existing rights, and the development of the resource would be detrimental to the public interest. Lincoln County and Southern Nevada Water Authority entered into an agreement on file at the State Engineer's Office for the development of water resources in the basins from which the applicant has requested water. The applications described in the agreement have seniority over the applicant's.