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

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| IN THE MATTER OF APPLICATION NO. 71173<br>FILED BY SOUTHERN NEVADA WATER AUTHORITY<br>ON May 6, 2004, TO APPROPRIATE THE PUBLIC WATERS OF INDIAN SPRINGS VALLEY | **PROTEST** |

FILED
AUG 20 2004
STATE ENGINEER'S OFFICE

COMES NOW Nye County, whose Post Office address is P.O. Box 153, Tonopah, Nevada 89049, whose occupation is a political subdivision of the State of Nevada, and protests the granting of Application No. 71173, filed on May 6, 2004, by Southern Nevada Water Authority, to appropriate the public waters of the State of Nevada, Indian Springs Valley, situated in Nye 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
9432 Double R Blvd., Suite B
Reno, Nevada 89523
(775) 827-3100

STATE OF NEVADA )
) ss.
COUNTY OF WASHOE )

SUBSCRIBED and SWORN to before me this 19th day of August, 2004.

BETTY MELARKEY
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 89-0049-2 - Expires March 10, 2006

_____
NOTARY PUBLIC

Exhibit "A"

1. There is no unappropriated water in the proposed source.

2. Approval of the subject Application will adversely impact existing rights of the Protestant and other Nye County residents and could further adversely impact the potable water source for Nye County residents in and around the Indian Springs Valley and Amargosa Desert Basins.

3. The granting of the subject Application, particularly when considered together with other applications filed in conjunction with this Application by this Applicant, will result in the drying up of springs, seeps and other areas historically and presently receiving water from subsurface sources.

4. Approval and granting of the subject Application will adversely affect Protestants' and other Nye County residents' existing rights and is not in the public interest in that it will result in the mining of the resource and unreasonable lowering of the static water level.

5. The source of resource from which the Applicant seeks to appropriate water under the subject Application is regional in character and the granting of the subject Application, particularly when considered with other applications filed in conjunction with this Application by this Applicant, will adversely impact existing rights, including, but not limited to, those of the Protestant.

6. Geologic conditions in the immediate area including faults and impervious lenses are such that increased pumping under the subject Application will have a direct adverse impact on existing rights of Nye County residents and those of the Protestant.

7. Approval of the subject Application is not in the public interest in that it will lead to the dewatering of the subject basin resulting in dust and environmental hazards and adverse impacts on wildlife including species listed under the Federal Endangered Species Act. .

8. Approval of the subject Application is not in the public interest in that it will lead to regional concentrations of diversion related impacts.

9. On information and belief, approval of the subject Application, particularly when considered together with other applications filed in conjunction with this Application by this Applicant, will result in the drying up of domestic and stock water wells with no alternative source.

10. Approval of the subject Application, particularly when considered together with other Applications filed in conjunction with this Application by this Applicant, will result in adverse economic effects on the County of origin.