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

FILED
NOV 15 2004
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 71207,
FILED BY Nev. Land & Resource Co. LLC
ON May 11th, 2004, TO APPROPRIATE THE
WATERS OF White Pine County

PROTEST

Comes now Anthony C. Scialabba
Printed or typed name of protestant
whose post office address is Box 104 Lund, NV. 89317
Street No. Or P.O. Box, City, State and Zip Code.
whose occupation is Retired and protests the granting
of Application Number ....., filed on May 11th, 2004
by Nev. Land & Resource Co., LLC of Carson City to appropriate the
waters of State of Nev.
Underground or name of stream, lake, spring or other source
situated in White Pine County
County, State of Nevada, for the following reasons and on the following grounds, to wit:

We have a shallow domestic well. Since the water table is declining, we feel it would be detremental to us and our neighbors.

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 Anthony C Scialabba
Agent or protestant

ANTHONY C SCIALABBA
Printed or typed name, if agent

Address 21 So. Elm Ave.
Street No. or P.O. Box No.

Preston, Nev. 89317
City, State and Zip Code No.

Subscribed and sworn to before me this 12 day of November, 2004

Lori H. Wines
Notary Public

State of Nevada

County of White Pine

LORI H. WINES
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 02-72829-17
MY APPT. EXPIRES SEPT. 26, 2005

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

Attachment to Protest of Application No. 71207
Filed May 11, 2004 by Nevada Land & Resource Company, LLC of Carson City, Nevada

In general, where soil is suitable and ground water abundant, I am in favor of additional development of land for agricultural use in the White River Valley hydro-geologic basin. However, I protest the granting of this application for the following reasons:

1. Indications are that the water table in all or parts of this alluvial basin is declining. If this is true the cause may be weather related or over-pumping or a combination of both. This application, together with the other two adjoining applications (numbers 71206 and 71205) would have significant impacts if the basin is already being over-pumped.

2. White Pine County is in the process of establishing a comprehensive monitoring program of the underground water tables. It is my belief that a reliable database from monitoring should be in place before any significant new development of underground water resources goes forward.

3. As I understand the situation, there are more applications for water permits in this basin than will ever be granted and they pre-date this application. These earlier applications should merit some reservation of available, if any, underground water.

4. This application is in close proximity to the springs used by both the Lund Irrigation and Water Company and the Preston Irrigation Company. A relatively shallow well (300-1000 feet), based on the applicant's resources, could conceivably tap the carbonate aquifer and have significant impact to those springs.

5. According to the latest County Assessor's records, Nevada Land & Resource Co., LLC only owns 400 acres at this location.