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

IN THE MATTER OF APPLICATION NUMBER 71207,
FILED BY Nevada Land & Resource co., LLC.
ON 11th of May, 20 04, TO APPROPRIATE THE
WATERS OF the State of Nevada

PROTEST

FILED
NOV 15 2004
STATE ENGINEER'S OFFICE

Comes now J. Shane Boren
Printed or typed name of protestant

whose post office address is HC 34 Box 34030, Ely, NV 89301
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is Purchasing Agent and protests the granting

of Application Number 71207, filed on 11th day of May, 20 04

by Nevada Land of Carson City to appropriate the

waters of an Underground Source situated in White Pine
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:

Please See Attached

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.

RECEIVED
04 NOV 15 PM 3:49
STATE ENGINEER'S OFFICE

Signed J. Shane Boren
Agent or protestant

J. Shane Boren
Printed or typed name, if agent

Address HC 34 Box 34030
Street No. or P.O. Box No.

Ely, NV 89301
City, State and Zip Code No.

Subscribed and sworn to before me this 10TH day of November 20 04

Jennifer Ashby
Notary Public

State of NEVADA

County of White Pine

JENNIFER ASHBY
Notary Public - State of Nevada
Appointment Recorded in White Pine County
No: 00-60991-17 Expires: January 28, 2008

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

Attachment to Protest of Application No. 71205
Filed May 11, 2004 by Nevada Land & Resource Company, LLC of Carson City, Nevada

In general, where soil is suitable and ground water abundant, we are in favor of additional development of land for agricultural use in the White River Valley hydro-geologic basin. However, we 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 71207) 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 our belief that a reliable database from monitoring should be in place before any significant new development of underground water resources goes forward.

3. As we 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 own 40 acres at this location.

6. There are 48 culinary wells in the Preston area and since these are shallower wells, they would dry up first.

7. The possible negative impact on the Preston Big Springs will adversely affect the output of the Spring which in turn could affect the population of the endangered species of fish, i.e. "White River Spinedace".

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