

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

FILED
NOV 08 2004
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER.....71207.....
FILED BY Nevada Land & Resource Company, LLC
ON.....11th of May....., 2004....., TO APPROPRIATE THE
WATERS OF the State of Nevada

} PROTEST

Comes now Preston Irrigation Company

Printed or typed name of protestant

whose post office address is HC34 Box 34130, Ely, NV 89301

Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is an Irrigation Company

and protests the granting

of Application Number 71207, filed on 11th day of May, 2004

by Nevada Land & Resource Company, LLC

to appropriate the

waters of 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.

Signed *Norris B. Hendrix*

Agent or protestant

Norris B. Hendrix, President

Printed or typed name, if agent

Address HC34 Box 34130

Street No. or P.O. Box No.

Ely, NV 89301

City, State and Zip Code No.

Subscribed and sworn to before me this 4th day of November, 2004

JUSTICE OF THE PEACE
LUND TOWNSHIP # 2
LUND, NEVADA 89317

Russel W. Penock

Notary Public

State of Nevada

County of White Pine

FILED

NOV 04 2004

LUND JUSTICE COURT

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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OCT 11 - 8 AM 11:31
STATE ENGINEER'S OFFICE

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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, 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 71205 and 71206) 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 240 acres at this location.