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

IN THE MATTER OF APPLICATION NUMBER 71-207,
FILED BY NEVADA LAND AND RESOURCE CO. L.L.C. OF CARSON CITY, NV
ON MAY 11, 2004, TO APPROPRIATE THE
WATERS OF STATE OF NEVADA UNDERGROUND WHITE PINE COUNTY

PROTEST

FILED
NOV 18 2004
STATE ENGINEER'S OFFICE

Comes now ROBERT D. FRANCIS
Printed or typed name of protestant

whose post office address is 13431 WILLAMETTE DR. WESTMINSTER CA 92683
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is GEOLOGY PROFESSOR and protests the granting

of Application Number 71-207, filed on MAY 11, 20 04

by NEVADA LAND AND RESOURCE CO. L.L.C. to appropriate the

waters of UNDERGROUND WHITE RIVER VALLEY 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:

I HAVE A DOMESTIC WELL AT 900 N 45E, LUND, NV, WITHIN 4 MILES OF THE PROPOSED WELLS

— 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 18 PM 1:32 STATE ENGINEER'S OFFICE

Signed [signature]
Agent or protestant

Printed or typed name, if agent

Address 13431 WILLAMETTE DR
Street No. or P.O. Box No.

WESTMINSTER CA 92683
City, State and Zip Code No.

Subscribed and sworn to before me this 17 day of NOVEMBER, 20 04

Cristina Martinez
Notary Public

CRISTINA MARTINEZ
COMM. #1494895
NOTARY PUBLIC - CALIFORNIA
ORANGE COUNTY
My Comm. Expires June 13, 2008

State of California

County of Orange

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

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment for Protest of Robert D. Francis

The well that is being applied for, together with the other two adjoining applications, would produce up to 25.2 cubic feet per second (8.4 cfs for each well) on 400 acres, or about 4,500 acre-feet in a 90 day growing season. This is nearly 3 times the rate of production in existing wells for similar acreage in the agricultural areas of White River Valley.

The Lund-Preston area may already be producing water at greater than the natural recharge rates, especially in the current drought conditions, leading to difficulties not only for agriculture but also for the many residents, all of whom rely on shallow domestic water wells for their needs.

I am in favor of utilizing water for agriculture, but the applied for usage is clearly excessive compared to that currently being used successfully in the Lund-Preston area. The situation is made worse by the fact that the proposed acreage for the new wells is only about 2 miles northeast of Preston, and would thus significantly impact aquifers now being utilized for agriculture.

A proposal of this magnitude should not be granted without extensive water table data covering a large area overlapping the proposed acreage, existing agricultural areas, and a large surrounding portion of White River Valley. A comprehensive, ongoing well monitoring program should have been in place for an extended period of time before a proposal of this type is considered. In the meantime, projects should be restricted to the level of agriculture and water use currently existing in the valley. Any other smaller applications, and any that were filed at earlier dates, should be considered first.

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